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**ON THE TRANSLATION OF SCHOLARSHIP TO PEDAGOGY:
THE CASE OF TALMUD**

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of the requirements for
the degree of Doctor of Philosophy
in Jewish Education

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ABSTRACT
ON THE TRANSLATION OF SCHOLARSHIP TO PEDAGOGY:
THE CASE OF TALMUD
BEVERLY GRIBETZ

It is argued from the perspective of the pedagogical theory that derives from Joseph Schwab and finds expression in the work of such Jewish and general educators as Seymour Fox, Joseph Lukinsky, and Lee Shulman that a strong familiarity with the diverse types of advanced Talmudic scholarship is valuable, if not essential, for the competent teacher of Talmud, even at the beginning level. From a general theoretical point of view, to know a discipline entails knowing not only the data of a subject matter but also, and just as critically, the methods by which the data are classified, connected, and interpreted. On a more practical level, the types of difficulties even beginning students will encounter can be satisfactorily handled by the teacher only by recourse to diverse scholarly sources.

The theoretical argument, the background of and basis for which is laid in the Introduction to the present study (Chapter One), is made by means of a practical demonstration, through a series of three chapters. In each of the chapters a lesson of Talmud, utilizing a passage taken from those passages that are commonly taught to beginning students, is developed. In each lesson attention is divided between the steps a teacher must take in preparing the text for understanding it and assessing its educational potential, and the steps a teacher must take in adapting the text and the materials that are pertinent to interpreting it for the purposes of pedagogical presentation. The lessons are constructed to demonstrate, in addition, that handling difficulties that might at first seem to involve only technical matters can be made into the foundation for a meaningful, conceptual class discussion.

Chapter Two treats a passage from the Babylonian Talmud, Tractate Yoma, dealing with the confession of the high priest on the Day of Atonement. The confession includes two textual deviations from the classical rabbinic sources in the familiar High Holy Day prayerbook. To handle the one textual dissonance, we turned to the Brisker commentary on the Tosefta by Yehezkel Abramsky, the Hazon Yehezkel; to handle the other, we turned to the Tosefta commentary by Saul Lieberman.

Chapter Three treats a passage in Tractate Megilla concerning the question of whether or not to recite the Hallel liturgy on the festival of Purim. Certain difficulties in following the argument were resolved by the source critical research of David Weiss Halivni.

Chapter Four deals with two types of problems in the chapter of Tractate Pesahim that enumerates the questions a child is expected to recite at the Passover meal, the seder. The first difficulty is textual, involving differences among the early rabbinic sources concerning the content and language of the child's questions. The second, related, difficulty is historical--what historical changes have occasioned the textual changes that are evident even to a beginning student? The comments of the standard rabbinic commentators as well as the more sophisticated historical scholarship of Gedaliah Alon lead to highly plausible solutions to the difficulties.

The Conclusions (Chapter Five) reflect on certain pedagogical tendencies that emerge in the development of lessons by the present writer and underscore the implications of the present study for the training of teachers, both in general and in the subject matter of Talmud.

TABLE OF CONTENTS

| | |
|--|------------|
| Acknowledgements | iv |
| Chapter 1 — Introduction | 1 |
| ■ Why Jewish Education? | 3 |
| ■ Why Jewish Texts? | 6 |
| ■ Why the Babylonian Talmud | 11 |
| ■ The Matter of Skills | 14 |
| ■ The Nature of the Talmud Text | 18 |
| ■ Methods of Talmudic Study | 20 |
| ■ The Selection of a Method | 23 |
| ■ Toward a Model of Teaching Talmud to Beginners | 25 |
| ■ The Role of the Teacher | 34 |
| ■ Shulman's Model of Teacher Preparation | 39 |
| ■ On the Intuitive in a Teacher's Preparation | 48 |
| ■ The Purpose and Plan of the Present Study | 53 |
| Chapter 2 — Versions of the Confession: Yoma 36b | 57 |
| ■ How a Teacher Prepares the Text | 59 |
| ■ How the Teacher Digests the Text | 87 |
| ■ Preparing to Deal with Students' Difficulties | 90 |
| a. The Formulation of the Confessional | 91 |
| b. The Invocation of God's Name | 101 |
| ■ Summary | 106 |
| Chapter 3 — The Question of Hallel on Purim: Megilla 14a | 108 |
| ■ How a Teacher Plans a Lesson: Identifying a Textual Difficulty | 110 |
| ■ Examination of a Parallel Sugya | 120 |
| ■ Halivni's Analysis | 126 |
| ■ Reconstructing the Sugyot | 131 |
| ■ Educational Implications | 133 |
| ■ Appendix A | 139 |
| ■ Appendix B | 140 |
| ■ Appendix C | 141 |

| | |
|---|------------|
| Chapter 4 — History in the Sugya: Pesahim 116a | 142 |
| ■The Teacher's Preparation: Identifying the Problems | 143 |
| ■The Teacher's Search for Answers | 148 |
| ■The Teacher's Transformation of the Subject Matter into Curriculum | 158 |
| ■Teaching the Historical Issue | 163 |
| ■Teaching the Textual Issue | 166 |
| Chapter 5 — Summary and Conclusions | 169 |
| ■The Thesis and Its Demonstration | 169 |
| ■The Anticipated Audience of this Presentation | 172 |
| ■A Summary of the Cases in Point | 174 |
| ■Issues for Further Study | 181 |
| Selected Bibliography | 190 |

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The experience as an educator that informs this dissertation pervasively was acquired at Cejwin Camps, at the Pardes Institute and the David Yellin Teachers' College in Jerusalem, at the Seminary's Prozdor High School, and at the Pelech Religious Experimental High School for Girls, where I tried and tested much of the material that comprises the substantive chapters of this work. My more recent work at Ramaz has enabled me to refine my own vision of an educational institution where this type of work may someday contribute.

My philosophy of Jewish education was developed and nurtured during my years of training teachers and writing curriculum in the collegial atmosphere of the Melton Centre for Jewish Education in the Diaspora at the Hebrew University in Jerusalem. The influence of Professors Michael Rosenak and Seymour Fox on my work is substantial. For their support and stimulation I thank the Centre's (then) director, Mr. Alan Hoffmann, as well as Dr. Howard Deitcher, Dr. Jonathan Cohen, and the other members of the Jewish Values Project.

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Chapter One

Introduction

[E]very science is thought to be capable of being taught, and its object of being learned. And all teaching starts from what is already known, as we maintain in the Analytics also; for it proceeds sometimes through induction and sometimes by deduction. Now induction is of first principles and of the universal and deduction proceeds from universals. There are therefore principles from which deduction proceeds, which are not reached by deduction; it is therefore by induction that they are acquired.¹

The topic of the present thesis--on the translation of Talmudic scholarship into the teaching of Talmud--may be understood to follow from the distinction that has found concise expression in the excerpt from Aristotle cited above. Most teachers of Talmud will not be in a position to determine the "first principles" involved in their enterprise, but they will, in most cases, have a good deal to say about Aristotle's "deduction," or the application of those principles in the teaching situation. Let me explain.

Talmud is studied in a variety of settings, from the secular university, to the seminary or yeshiva, to the secular and religious Jewish school. The study of Talmud entails a set of "first principles," which are, for all intents and purposes, largely

¹. Aristotle, Nicomachean Ethics, Book VI, p. 1799, lines 1139b19-1139b35.

predetermined by the specific setting in which the study takes place. The purposes of Talmud study in the secular university, for example, will stress the historical meanings of the literature while the purposes of yeshiva study will emphasize the Talmud's relevance to the current concerns of Jewish religion, ethics, and practice.

The teaching of Talmud to beginners, which is the focus of my study, involves a given set of principles, beliefs, values, and notions that are not deducible from prior, demonstrable propositions, but are adopted at the outset in accordance with the teacher's present educational situation. A teacher of Talmud begins with an array of assumptions and concepts concerning both the subject matter and how best to teach it. What follows in good teaching is that the teacher builds deductively, not only on the agenda of what the present institutional setting prescribes, but--and this is critical--on what students already know and are in the process of learning. In order to best actualize the various intellectual and practical goals of teaching, that is, to perform the deductive task that, I maintain, is the Talmud teacher's primary responsibility, good teachers will not only increase their students' capabilities to derive knowledge more and more on their own, but will expand their own horizons of knowledge and insight by adapting the research of others.

It will be my contention that the teacher's use of research in the discipline of Talmudic studies can, and perhaps should, be applied at all levels of Talmud teaching, not only at the advanced. In the introduction to the present work I shall describe a rationale for pedagogical training that calls for the teacher to become acquainted with a variety of scholastic models of text analysis; and in the three chapters that follow I shall demonstrate some of the ways that a teacher can make use of Talmudic scholarship in dealing with problems or questions that are apt to arise even in introductory classes in Talmud. It may not be possible to prescribe a formula for translating

scholarship into curriculum, but in keeping with recent developments in educational "best practice", I shall attempt to model some processes by which such adaptation can take place.

Before addressing the central subject of the present study, it is important to acknowledge that I, like all of those who are involved in Talmud education, operate within a certain set of first principles. It will be useful to set out some of the assumptions concerning Jewish education and the role of classical text study within it that will underlie my discussion.

Why Jewish Education?

One of the central tasks of Jewish education is to lead students, on all levels, to an appreciation of and a (variously defined) commitment to the Jewish intellectual, cultural, and spiritual tradition that all Jews share. Another goal is to capture an understanding of the society or societies in which Jews have participated throughout the ages, and which have contributed to what Judaism is today. Both of the above require a conception of a Jewish liberal education in the classical sense, that is, a conception of what makes for and has traditionally made for virtue and good citizenship within a Jewish framework. In essence, the question that needs to be asked is a Jewish paraphrase of the question that American educators have been asking for decades: What constitutes a Jewish general education?² This question, and the conception of Jewish education that underlies it, forms the background of the present study.

2. See e.g., Daniel Bell, The Reforming of General Education, New York: Columbia University Press, 1966; Joseph Schwab, College Curriculum and Student Protest, Chicago: University of Chicago Press, 1969; Joseph Schwab, Science, Curriculum and Liberal Education, Chicago: University of Chicago Press, 1978; Allan Bloom, The Closing of the American Mind, New York: Touchstone Books, 1988; E.D. Hirsch, Jr. Cultural Literacy. New York: Houghton Mifflin, 1987; E.D.

Much has been written recently concerning the goals of a Jewish education. The epigraph to the Report of the Commission on Jewish Education in North America, A Time to Act, gives elegant expression to my own positive view:

Our goal should be...for every Jewish person, child or adult, to be exposed to the mystery and romance of Jewish history, to the enthralling insights and special sensitivities of Jewish thought, to the sanctity and symbolism of Jewish existence, and to the power and profundity of Jewish faith....Education, in its broadest sense, will enable young people to confront the secret of Jewish tenacity and existence, the quality of Torah teaching which fascinates and attracts irresistibly. They will then be able, even eager, to find their place in a creative and constructive Jewish community.³

Although much of the renewed interest in Jewish education is fueled by a concern for "Jewish continuity," and views Jewish education as a response to a "crisis of major proportions,"⁴ I prefer to place myself among those who see Jewish education as a proactive mission and commandment that has value in and of itself, rather than a reaction to an urgent situation.⁵ For me, in fact, the need for Jewish education is assumed

Hirsch, Jr, Ed. The Core Knowledge Series: Resource Books for Grades One Through Six (What Your First Grader Needs to Know, etc.) New York: Doubleday, 1991.

³. Isadore Twersky, from a presentation at the June 12, 1990 meeting of the Commission on Jewish Education in North America, cited in A Time to Act: The Report of the Commission on Jewish Education in North America. Lanham, MD: University Press of North America, 1991. P. 19.

⁴. A Time to Act, p. 15.

⁵. See ibid.,

The Jewish community of North America is facing a crisis of major proportions. Large numbers of Jews have lost interest in Jewish values, ideals, and behavior, and there are many who no longer believe that Judaism has a role to play in their search for personal commitment and community. This has grave implications, not only for the richness of Jewish life, but for the very continuity of a large segment of the Jewish people...(p. 15).

[T]he system of Jewish education is plagued by many problems, and because of its inadequacies it is failing to engage the minds of a critical segment of the Jewish population who have no other way of experi-

ideologically--it follows from the belief that Judaism is "commanded"--and does not have to be justified sociologically. Education in the Jewish tradition is, in my world view, part and parcel of what "general education" should include (along with all its secular aspects) for Jewish people.

Nevertheless, since in our generation most Jews are not inspired to accept a life based on Jewish values as a given, I also share the view that I have characterized as a reaction to crisis, according to which "Jewish education must be compelling--emotionally, intellectually, and spiritually--so that Jews, young and old, will say to themselves: 'I have decided to remain engaged, to continue to investigate and grapple with these ideas, and to choose an appropriate Jewish way of life.'"⁶ In sum, I

encing the beauty and richness of Jewish life (p.16).

Throughout history Jews have faced dangers from without with courage and steadfastness; now a new kind of commitment is required. The Jews of North America live in an open society that presents an unprecedented range of opportunities and choices. This extraordinary environment confronts us with what is proving to be an historic dilemma: while we cherish our freedom as individuals to explore new horizons, we recognize that this very freedom poses a dramatic challenge to the future of the Jewish way of life. The Jewish community must meet the challenge at a time when young people are not sure of their roots in the past or of their identity in the future. There is an urgent need to explore all possible ways to ensure that Jews maintain and strengthen the commitments that are central to Judaism (pp. 25-26).

The above quotations reflect what I would term the "argument from urgency." It would be interesting to study the effects of excellent teaching of Talmud on the problems outlined here. Does Talmud as a subject matter have a place in meeting the challenge that the North American Commission on Jewish Education has set out for Jewish education? The present study does not deal with this question, although it begins to consider issues involved in creating a Talmud curriculum, were it to be decided that this subject is essential for ameliorating the situation described in the above citations.

⁶. *Ibid.*, p. 26.

understand Jewish education to serve the dual purposes of: a) guiding Jews in leading Jewish lives, and b) inspiring Jews to choose to live as Jews.

Why Jewish Texts?

The essence of what I have quoted above as the "compelling" in Jewish education is, in my view, the study of the classical Jewish texts, what the great historian Gerson D. Cohen has called, "the pervasive force" that has shaped Jewish civilization in its "great[est] periods of...creativity."⁷ The classical texts, as Cohen indicates, have not only been a source of traditional knowledge, but have served, through their continued interpretation, to express Jews' responses to and constructions of modernity.

The study of classical Jewish texts can serve the contemporary needs of all Jews, both religious and secular. First, as the philosopher of Jewish education Michael Rosenak explains, education in general involves both the transmission of received and commonly held knowlege--tradition, the "normative"--and the cultivation of the individual's sensibilities and thought processes--the subjective, the "deliberative."⁸ Any competent study of the classical Jewish texts will entail both the sharing of received tradition and the cultivation of the individual's sensibilities and intellect.

Second, even though the classical Jewish texts are religious in character--in their worldview, Jews are obligated to fulfill the will of God--the study of these sources is appropriate to, or, one might say, serves the needs of, both religious and secular

⁷. Gerson D. Cohen, "Preface", to From the Scholar to the Classroom, Seymour Fox and Geraldine Rosenfield, eds. New York: Melton Research Center for Jewish Education of JTS, 1977. Pp. ix-x.

⁸. Michael Rosenak, Commandments and Concerns: Jewish Religious Education in Secular Society. Philadelphia: Jewish Publication Society, 1987. P. 10.

Jewish educators. From the religious perspective, the study of the classical texts introduces the student into the life of observing mitzvot, from a traditionalist orientation; or it triggers religious experiences of the divine and holy, from a more existentialist orientation; or it engenders further commitment to the national revival of the Jewish people, whose civilization has been largely defined by Jewish religion, from a more Zionist orientation. Or it achieves a combination of these goals.⁹

From the secular perspective, the classical Jewish texts are, religious or not, the common cultural heritage of the Jewish people. Jewish identity entails knowing the historically significant sources of that identity. Rosenak adds an additional reason that secular Jewish educators have an interest in teaching students the Jewish religious tradition. Even if Jewish religion is rejected for theological or other reasons, it is understood that no other religion could possibly serve the national or cultural concerns of Jews. That is, Jewish religion may be rejected in favor of Jewish secularism, but is in no way to be superseded by another form of religious expression. Thus, "the Jewish educator must either deny the significance of 'religion' in principle or must seek a way to cultivate spiritual and religious values that can be justified as a reshaping and a partial rediscovery of the Jewish religious tradition."¹⁰

From my own religious and nationalist standpoint, the study of Jewish texts serves a variety of important educational functions.

a) It is primarily through the study of classical Jewish texts that contemporary Jews share in the classical Jewish tradition. Texts provide the distinctively Jewish

⁹. See Rosenak, Commandments and Concerns, p. 4.

¹⁰. Ibid., p. 7.

aspect of learning or education and serve as the primary sources for a knowledge of Jewish life throughout the ages. Jewish texts formed the common vocabulary of the Jewish people in its various and scattered communities. "In the absence of nationhood the text, as George Steiner has put it, became our homeland."¹¹ "One studies to become part of the Jewish people itself."¹² As Rosenak has put it, texts embody "the language of Jewish knowledge and learning."

It is desirable to be knowledgeable in the literature and immersed in the wisdom of the Jewish people. The Bible, Talmud, and Midrash, as well as the philosophy and poetry of the Jewish heritage, are as worthy of intensive devotion as any literature in the world, but for the Jew they are more than that. They are the sources which fashioned the soul of our people. To speak the language of Judaism is to be at home in that literature and in communion with its spirit. Torah, in this large literary sense, furnishes the Jew with culture and calls upon him to continue it creatively.¹³

b) The study of Jewish texts can lead to the inculcating of moral values and behavior based on them. This has since ancient times been one of the historical functions of textual study among Jews.¹⁴ Dorff has usefully enumerated the following fea-

¹¹. Barry W. Holtz, "Introduction: On Reading Jewish Texts," in idem, ed., Back to the Sources. New York: Summit Books, 1984. P. 16.

¹². Ibid., p. 18.

¹³. Michael Rosenak, Teaching Jewish Values: A Conceptual Guide. Jerusalem: Melton Centre for Jewish Education in the Diaspora. 1986. P. 72. For the problems inherent in building a Jewish curriculum around Jewish texts in a society that does not "mandate an empathy for the norms, the world view, or the commitment to holiness which made the study of Torah a mitzvah rather than a general humanistic pursuit" (loc. cit.), see also Rosenak, Commandments and Concerns, passim.

¹⁴. See Elliot N. Dorff, "Study Leads to Action." Religious Education, Vol. 75, No. 2. March-April 1980. P. 171. Dorff goes on to say that he is interested in "what aspects of text study contribute to morality, how the texts must be used if they are to have morally beneficial effects and which other elements in the learner's environment are crucial for text study to function in moral instruction" (p. 172). The selection of texts for the purpose of moral instruction is beyond the scope of this study. For more on how three great Jewish thinkers suggest using Jewish texts for moral instruction see Dorff's complete article (pp. 171-192), which discusses the approaches of Samson Raphael Hirsch, Mordecai Kaplan, and Martin Buber.

tures of how Jewish moral education has taken place through the study of texts:¹⁵

1. Becoming familiar with texts, students encounter a wide "range of moral values."
2. Engagement with the texts, laden with moral values, inspires students to "achieve" those values.
3. Analysis of texts, laden with moral values, exercises students in making moral judgments.
4. Students assimilate moral values in the course of learning the classical texts, "not least of which is the value of study itself."

c) A close corollary of (b) is that the intellectual processes that are engaged in the analysis of the classical Jewish, as well as many other types of, text, develop critical thinking, a common goal of the general as well as the Jewish educational enterprise. (On the particular advantages of studying the Babylonian Talmud to achieve this objective, see the following section in this introduction.)

I posit the benefits of text study for moral instruction as a given. For a practical illustration of how classical Jewish texts can be selected and organized for the purpose of developing values, I refer the reader to the Jewish Values Curriculum for the Jewish School in the Diaspora of the Melton Centre for Jewish Education at the Hebrew University, a series of sixteen curriculum units published as "Guides to the Teacher" (Jerusalem: The Institute for Pedagogy in the Diaspora, 1982-1983). See also the interesting paper of Scot Berman, "Talmud Instruction in the Modern Orthodox Day School", unpublished, Jerusalem Fellows, 1994. For my own involvement in the application of these principles, see "Issues in the Halakha: I," a unit in the Jewish Values Curriculum, 1982.

¹⁵. *Ibid.*, p. 184.

d) Within a traditional framework, textual study can lead to normative, ritual behavior, that is, the performance of mitzvot (see further below).

The classical Jewish texts are, in large measure, "the record of the Jewish concern with Torah",¹⁶ that is, the record of continuing interpretation of the Jewish religious tradition as first set out in the Hebrew Bible. The texts represent the "struggle with the meaning of law, the nature of interpretation, the conflict of faith and reason, and the elusive power of the divine."¹⁷ These are, in essence, some of the same issues that form the universal core of all great literature, reflected through the lens of the particular consciousness of Jewish authors.¹⁸

Nevertheless, there are a number of features that distinguish Jewish literature from literature in general. For one thing, Jewish literature, even at its most creative and original, often presents itself as no more than an exegesis of the Torah and other sacred Jewish texts.¹⁹ For another, it continually and pragmatically "rereads Torah in the light of its own experience and rethinks the meaning of these texts for the world in which it lives."²⁰ It seeks to deal with contemporary concerns by means of a renewed

¹⁶. Holtz, "Introduction: On Reading Jewish Texts," p. 12.

¹⁷. Ibid., p. 13.

¹⁸. Ibid.

¹⁹. "[I]ts religious and moral ideology is held together by no more than the sequence of the verses of the Bible....Rabbinic thought with its complex of values and concepts is essentially a running commentary on Scripture." Gerson D. Cohen, "The Talmudic Age," in Leo W. Schwarz, ed., Great Ages and Ideas of the Jewish People, New York: Modern Library, 1956, p. 174. See also, Holtz, "Introduction: On Reading Jewish Texts," p. 12; Michael Fishbane, "Inner-Biblical Exegesis: Types and Strategies of Interpretation in Ancient Israel," The Garments of Torah: Essays in Biblical Hermeneutics. Bloomington: Indiana University Press, 1989. Pp. 3-18.

²⁰. Barry W. Holtz, Finding our Way. New York: Schocken Books, 1990. P. 4.

analysis of classical sources.²¹ Third, Jewish tradition is concerned, as mentioned above, with being normative, to stipulate what Jews should be doing in all areas of life. The norms of Jewish practice are traditionally, even within liberal Jewish circles, formulated as an interpretation or application of classical Jewish texts. Because "rabbinic interpretation was intimately connected with law...it had a level of urgency that was of great moment."²²

For these and perhaps other reasons, the study of Jewish texts by the initiated "is a love affair"²³ that involves both a commitment and a personal investment of one's time and energies. Jewish education must have at its center the goal of teaching students to appreciate the value of texts and training them to negotiate the texts autonomously and with pleasure.

Why the Babylonian Talmud?

21. "Every school of Talmudic thought engaged in reinterpretation of Scriptural verses to suit immediate needs...." G. D. Cohen, "The Talmudic Age," p. 175.

22. Holtz, "Introduction: On Reading Jewish texts," p. 16. See also David Halivni, "'Whoever studies laws...': The Apodictic and the Argumentational in the Talmud," in Proceedings of the 1979 Rabbinical Assembly Convention, pp. 298-303:

There is continuous friction between those who claim that to know how to behave is the ultimate goal of Jewish education (hence the centrality of the study of halakhot, the fixed and the unambiguous), and those who claim that to understand the background of the laws and to be intellectually stimulated is the ultimate goal of Jewish education (hence the centrality of the study of the 'give and take' of the Talmud).

This friction underlies most of the debates concerning curriculum for Talmud study, especially those around selection of sources and emphasis in teaching. More on this below.

23. Holtz, "Introduction: On Reading Jewish Texts," p. 29.

Precisely because of all of the above concerns, the body of literature that has assumed primary importance for the classically educated Jew is the Babylonian Talmud. The Babylonian Talmud is a discussion of the Mishna and its interpretation, often formulated as a dialectical argument among sages. It was compiled and edited between the fourth and sixth centuries. The Talmud is significant because of its subject matter ("content"), its mode of discourse ("form"), and the relation of its study to practice--i.e., it reflects the nature of Judaism as a complete way of life, not merely a cognitive discipline. Steinsaltz summarizes the Talmud's historical significance:

For many generations the Talmud provided both the form and the substance of Jewish study. Children and adults, pupils in school, students in yeshiva, and men throughout their lives devoted their time to the study of the Talmud, and the greatest Rabbinical scholars invested most of their spiritual energy in deepening their knowledge of it.²⁴

The Talmud is, quite simply, the most comprehensive genre of Jewish literature, and the one that, with its accompanying commentaries and scholarship, records the evolving Jewish intellectual and spiritual tradition and embodies the cultural legacy of the Jewish people in the first two millenia of its existence.²⁵ It gives a faithful picture of Jewish society in both Israel and the Diaspora in the early to mid-first millenium C.E., it articulates explicitly and implicitly the values inherent in that society and it testifies to those values with lasting power. It sets up norms of behavior,²⁶ while sug-

²⁴. Adin Steinsaltz, The Talmud: A Reference Guide, New York: Random House, 1989. P. 79.

²⁵. See Pirkei Avot 5:22/4: "Turn it and turn it because everything is in it" (Ben Bag Bag omer: hafokh ba ve-happekh ba de-kola ba). Traditionally, this sentence has been cited to indicate the comprehensiveness of the Talmud.

²⁶. "The Talmudic community structure served as the model for all subsequent Jewish communal life...." G. D. Cohen, "The Talmudic Age," p. 148. See also Robert Goldenberg, "Talmud," in Holtz, Back to the Sources, pp. 164-167.

gesting flexible attitudes and patterns of belief. It includes within it all of the other subjects that matter in Jewish education--Bible, philosophy,²⁷ literature, history,²⁸ theology, and *halakha*--thereby providing a good basis for what we have termed a Jewish general education.²⁹

In addition to all of the above, the Talmud reflects the inseparability of ends and means, in other words, of content and transmission. The Talmud is not simply to be read--indeed, on account of its formulaic discourse, it cannot simply be read. Rather, it must be studied in an interactive way--its rhetorical character demands technical skills to unravel/decode its meaning.³⁰ Moreover, the fact that it records discussions and not, for the most part, conclusions,³¹ requires the student to confront critical thinking

27. For example, the Mishna and Gemara of the tenth chapter of Tractate Sanhedrin give rise to Maimonides' introduction to Perek Hahelek, considered one of the great works of Jewish thought. See Isidore Twersky, A Maimonides Reader. New York: Behrman House, 1972. P. 401.

28. I do not mean that the Talmud is a critical history book, but rather that it includes valuable source material for historians, as well as stories that conserve historical traditions. See Gedalyahu Alon, Jews, Judaism and the Classical World, Jerusalem: Magnes Press, 1977; Jacob Neusner, A History of the Jews in Babylonia. 6 vols. Leiden: E.J. Brill, 1965-1970; Isaiah M. Gafni, The Jews of Babylonia in the Talmudic Era, Jerusalem: The Zalman Shazar Center, 1990.

29. See Holtz, "Introduction: On Reading Jewish Texts," p. 16: "We should not forget also that the 'reading' performed by the rabbinic tradition had a level of day-to-day practical significance that rarely affects the way we read (today). Rabbinic interpretation was intimately connected with law; it touched people in all aspects of their lives. Hence it had a level of urgency that was of great moment."

30. For more on the nature of Talmud study, see Goldenberg, "Talmud", pp. 168-169.

31. See Steinsaltz, p. 9: "The Talmud is...the recorded dialogue of generations of scholars. It has all the characteristics of a living dialogue. Freshness, vivid spontaneity, and acute awareness of every subject permeate every argument and discussion"; see Louis Jacobs, Structure and Form in the Babylonian Talmud. Cambridge: Cambridge University Press, 1991. Pp. 18-30 and passim. While an historian may question the degree to which the discussions recorded in the Talmud reflect actual debates in the academy, the literary form of the discussions often resembles that of an academic debate. For a critical evaluation of the historicity of Talmudic sources, see e.g., Richard Kalmin, "Talmudic Portrayals of Relationships Between Rabbis:

on its highest level and to observe the various ways that judgments can be made.³²

The Matter of Skills

In reflecting upon the components of such an education, it is clear that a discussion of content or of the selection of materials for the curriculum is not sufficient. It is no less necessary, and in light of newer directions in educational theory³³ perhaps even more so, to ponder questions of skills and methods, not just for the sake of good teaching, but also as ends in themselves, inseparable from the content of the curriculum. McKeon, for example, has underscored the importance of acquiring cognitive skills within general education in this way:

A student should emerge from such a general education with a knowledge of how problems have been treated, and with some insight therefore into how problems may be treated; and, joined to that knowledge, he should possess an ability to understand positions other than his own, to present his own convictions rele-

Amoraic or Pseudepigraphic?" in AJS Review, Volume XVII, Number 2, Fall, 1992. For an expanded definition of what the Talmud is, see Baruch M. Bokser, "Talmudic Studies," in Shaye J. D. Cohen and Edward L. Greenstein, eds., The State of Jewish Studies (Detroit: Wayne State University Press, 1990), pp. 87ff. "The Talmud is not merely the record of discussions between masters, but rather a sophisticated literary orchestration of sources, exegeses, traditions, and narrative accounts integrated and organized formally around the Mishna (with some subunits structured around topical, formal, or exegetical rubrics)"; Bokser, p. 87; see Jacobs.

³². David C. Kraemer, The Mind of the Talmud. New York: Oxford University Press, 1990.

³³. See recent articles in the Harvard Education Letter, Educational Leadership, and other education periodicals on skills and methods as ends in themselves, separate from content and selection of materials.

vantly, lucidly, and cogently, and finally to apply critical standards to his own arguments and those advanced by others.³⁴

McKeon's educational vision is perfectly applicable to Jewish education. The kind of problem solving and critical evaluation that he properly advocates depends upon a thoughtful and reflective approach to presenting the source material. It is not enough to state that there is a certain body of knowledge that comprises a solid Jewish education, and that therefore we want our students to know it.³⁵ One must confront the question of how one will transmit that body of knowledge to one's students, knowing full well that the transmission of tradition in itself is, as mentioned above, a value within Judaism, and that the dynamism of that tradition is sacred--as sacred as the holy texts themselves.

It is the task of the Jewish educator to clarify the skills that students will need in order to continue examining the tradition on their own. The teacher must cultivate students' abilities to think critically and to make judgments so that the tradition will exist for them as a living reality.³⁶ Such an understanding of the goal of Jewish education has been articulated well by Seymour Fox:

[A] proper Jewish education would help develop human beings whose lives as individuals and community members are guided by the insights of the Jewish

34. Richard McKeon, "Education and the Disciplines", Ethics, 47 (1937), quoted in Ian Westbury and Neil Wilkof, Introduction to Joseph Schwab, Science, Curriculum and Liberal Education, Chicago: University of Chicago Press, 1978, p. 7.

35. This is the limitation of approaches that define Jewish literacy as content; e.g., Joseph Telushkin, Jewish Literacy, New York: William Morrow, 1991, a Jewish adaptation of Eric D. Hirsch, Jr., ed., The Dictionary of Cultural Literacy: What Every American Needs to Know. Boston: Houghton Mifflin, 1988. See also curricula of various Jewish schools that require students to "learn" a list of concepts and be tested on them as a requirement for graduation.

36. See Rosenak, Teaching Jewish Values: A Conceptual Guide, Chap. 2, passim.

tradition. Such an education requires not only mastery of the great Jewish texts, but the transformation of the texts' essential philosophy into life forces.³⁷

Since the aims of a Jewish education, as Fox has formulated them and as I have described them from my own perspective, entail not merely appreciating dispassionately from a distance, but rather living Jewishly in a modern world, the aims of the above-cited theory of general education, as formulated by McKeon, must be adopted.

The ends of the ideal Jewish education I have posited include not only the cultivation of intellectual skills but also the development of what Joseph Schwab has called an "active intelligence."³⁸ According to Schwab, "active intelligence" is "the outcome of a successful liberal education" which "includes not only knowledge gained but knowledge desired and knowledge sought."³⁹ "Education cannot...separate off the intellectual from feeling and action, whether in the interest of the one or of the other."⁴⁰

Jewish educators need not shy away from this. Although Jewish studies programs in universities may tend to suppress personal involvement in the subject matter in the name of scientific objectivity,⁴¹ indeed, as Schwab insists, "training of the

37. Seymour Fox, "Introduction," to From the Scholar to the Classroom, p. xv.

38. Joseph Schwab, "Eros and Education: A Discussion of One Aspect of Discussion," in Journal of General Education, Vol. 8 (1954). Pp. 51-71. Pp. 51-54, passim.

39. Ibid. p.54.

40. Ibid. P. 53.

41. For an overview of the current state of Jewish Studies in universities, see Shaye J.D. Cohen and Edward L. Greenstein, eds., The State of Jewish Studies. Detroit: Wayne State University Press, 1990. Cohen and Greenstein claim that "the academic study of Judaism is becoming more and more just another humanistic discipline....The methods, assumptions, and questions that govern the specific fields within Jewish studies are, and ought to be, the same as those that govern the study of

intellect must take place ('must' in the sense of 'unavoidably') in a milieu of feelings and must express itself in actions, either symbolic or actual."⁴² This is especially true in the case of Talmud, which is a religious text that demands the performance of many types of action in response to its study by its intended audience (viz., Jews). Study of the Talmud, even in a university setting, must confront the place of tradition and community in the formation of the Jewish character, for, as Schwab states:

Human learning is a communal enterprise. The knowledge we learn has been garnered by a community of which we are only the most recent members and is conveyed by languages of word and gesture devised, preserved, and passed on to us by that community.⁴³

In the case of Talmud this is all the more so because the intended audience of Jews are members of a community not merely because of common learning, but because of common descent, religion, and heritage. The Talmud is a sacred text that entails performance, tradition, and community.

For all these reasons the Babylonian Talmud is central to my conception of Jewish education and to the role of text study in it. The curricular task that follows from this outlook is one of developing an approach to the significance of the

parallel fields within the humanities." Nevertheless, "while Jewish scholarship has become a full partner in humanistic studies, it also remains part of Judaism. Scholarship is of this world. Historiography becomes history, literary criticism becomes literature, and the study of religion becomes part of religion" (Cohen and Greenstein, "Editors' Introduction," pp. 13-15). The nature of the educational questions that arise from the tension inherent in a commitment to both "the critical, multidisciplinary study of [the Jewish] religious heritage and to the normative observance of that heritage" (p. 15) is, however, outside the purview of this dissertation.

⁴². Schwab, "Eros and Education," p. 53.

⁴³. Joseph Schwab, "Education and the State: Learning Community," in The Great Ideas Today. Chicago: Encyclopedia Britannica, 1976, pp. 234-271

Babylonian Talmud and of creating means and methods that enable students to encounter its content, its form and its function within Jewish tradition firsthand. An ideal vision would include an ability to internalize all of the above with enthusiasm.⁴⁴

The Nature of the Talmud Text

Once we agree to teach Talmud, we must deal with it in the way that it has come down to us--as text material. The elements of Talmud were, in its early stages, *torah shebe'al pehab*

, Oral Torah, but we know the Talmud only as it has been committed to writing. Historically oriented scholars analyze the text in an effort to trace its literary development and to evaluate the historicity of the recorded traditions. From the perspective of one who wishes to understand the text in its present form, questions of historicity are not essential. That is, one seeks to understand what is reported in the name of a particular sage and not to authenticate whether that sage in fact said it.⁴⁵ Within this perspective, the characters and events who figure in the Talmud text are taken as just that--characters and events--without any commitment to their historicity.⁴⁶ We may not be able to ascertain the authorship of the text, and we cannot assert that these texts

⁴⁴. See Steinsaltz, The Talmud: A Reference Guide, p. 79.

⁴⁵. See Louis Jacobs, Structure and Form in the Babylonian Talmud, Cambridge: Cambridge University Press, 1991. esp. chap. 1.

⁴⁶. I do not mean to imply that the history of the text must remain irrelevant to its interpretation. On the contrary, I will illustrate the value of historical criticism for the interpretation of the text in Chapter 3 below. The point I wish to make here is that I begin to interpret the text on the basis of its final form, and I would turn to historical analysis only in order to deal with a question or problem that I encounter in reading the text in its final form.

as a whole reflect the sayings of a particular individual or group, but we can study the texts as normative, which is how they have been studied for generations. When viewed from an historical perspective, the Talmud has many literary layers, and one way to read the Talmud is to analyze it into those layers and read each layer separately. Both traditionally, and from a literary point of view, however, the Talmud is a single, though composite and stratified text.⁴⁷ In all but restricted scholarly circles, the Talmud text is read as a document, in its final form.⁴⁸ The historical analysis of the text into hypothetical earlier sources can be used to enhance our understanding of it.⁴⁹ Nevertheless the text teachers must learn and teach their students to negotiate is the received text.

⁴⁷. See Jacobs, Structure and Form; Jacob Neusner, The Bavli's One Voice: Types and Forms of Analytical Discourse and Their Fixed Order of Appearance. Atlanta: Scholars Press, 1991.

⁴⁸. See David Kraemer, "Composition and Meaning in the Bavli," Proof texts, Vol. 8, 1988, pp. 271-291, for an illustration of how a *sugya* can be analyzed as a single literary unit. For a more extensive, but less intensive, literary treatment of the *sugya*, see Jacobs, Structure and Form.

⁴⁹. Bokser asserts that "the Talmud represents a text that in certain respects remained elastic or free-floating." However, "until further philological and comparative research yields a consensus on a definition of the Gemara's text, scholars...will diversely employ [manuscripts] in their textual work." (Baruch M. Bokser, "Talmudic Studies," in Cohen and Greenstein, eds. The State of Jewish Studies, p. 85.) It is not my intention to comment on issues relating to the use of manuscripts and the establishment of the Talmudic text except as these issues directly relate to the *sugyot* that are dealt with below. Educators, in general, are interested in the interpretation of the received text that has been transmitted since the medieval period and that appears today as the Vilna Shas, which is based on the Venice edition of 1520-1531. (It is pertinent to note that David Marcus' pedagogically arranged textbook for learning the Aramaic language that comprises most of the Talmud, assumes that students--and their teachers--will utilize the standard Vilna edition; David Marcus, A Manual of Babylonian Jewish Aramaic. Washington, D.C.: University Press of America, 1981. Pp. 2-3. Other textbooks do the same). Nevertheless, I will touch on some issues in interpretation that do "confront the possibility that the process of editing may have entailed levelling or rescension in favor of another one or integrating some materials into the body of the text tradition." (Bokser, loc. cit.) See below Chapter 3 on the use of the scholarship of Halivni.

Text study is the effort to produce meaning for a text. This is the task that teachers assume for their students and then transmits to them. Everything a teacher does with a text is patently interpretative. Indeed as Rawidowicz has lucidly shown, the merest act of reading is an act of interpretation.⁵⁰ The fundamental question we must ask, then, is one of textual interpretation--what is meant by the words that make up the pages?

In attempting to answer this question, we find that throughout history the text has looked different to different scholars. That is, there has been no universal procedure or method for interpreting the Talmud. Depending on the definitions of a particular scholar or school, the text may be interpreted in different ways, and may even "say" different things! Different approaches focus on different aspects of the text. Therefore, different approaches resolve different types of textual difficulties. The text itself does not prescribe the method by which it will be read and understood. Yet, to one who can stand back and take note, the very variety of possible approaches to Talmud text may be seen as part and parcel of the tradition that one would want to transmit. That is, the fact of the text's susceptibility to diverse approaches is a feature of the text itself.⁵¹

Methods of Talmudic Study

Recent work by Talmudists has underscored the fact that the newer methods of research have made a deep impact on the ways that the Talmud is, or should be, inter-

⁵⁰. Simon Rawidowicz, "On Interpretation," Proceedings of the American Academy for Jewish Research, 26 (1957), pp. 83-126.

⁵¹. See, e.g., Kraemer, The Mind of the Talmud.

preted. Baruch Bokser has summarized the more salient of these implications:

1. Because the very composition of the documents and their editing significantly shaped their contents, the substance of a work is represented by more than its sources.
2. Because we can evaluate the impact of, or reasons for, the reworking of text material, we can correlate divergent redactional perspectives.
3. Because the sources are shaped by literary and rhetorical considerations, we cannot blindly employ them for information as to what they purportedly claim.
4. The analysis of given themes within several documents as well as efforts at interpreting the cultural significance of the material must consider the literary and aesthetic traits of each document.⁵²

In recent decades, the field of Talmudic research has developed into a full array of critical approaches. The so-called lower, or textual criticism, involves the comparison of all manuscripts and printed editions of the Talmud text in an effort to establish as authentic a version as possible.⁵³ This level of study also requires intensive philological study for the purposes of evaluating the various readings, establishing a sensible text, and, in general, explicating the text's *peshat*.⁵⁴ One can also approach the text from an historical standpoint on at least two levels: 1) the compositional history of the text, i.e., the processes by which it has acquired the form it now has. This level of study, the so-called higher criticism, includes the delineation of the text's sources (source criticism) and the ways in which the sources have been combined and

⁵². Bokser, "Talmudic Studies," p. 102.

⁵³. See, e.g., Shamma Friedman, Talmud Arukh: Ha-sokher et ha-umanin. New York: Jewish Theological Seminary, 1991; and see the text project of the Saul Lieberman Institute for Talmudic Research, whose aim is to present the entire Babylonian Talmud, line by line, in all available manuscript and printed edition readings.

⁵⁴. See, e.g., Friedman, Talmud Arukh, for a magisterial exemplification of the various aspects of such philological work.

redacted (redaction criticism)⁵⁵; and 2) the history of the ideas in the text--their antecedents and influences.⁵⁶ One might also include historiography, utilizing the Talmud as an historical source, within the range of Talmudic research.⁵⁷

In addition to the historically oriented approaches, there are those that analyze the Talmud in its present form, from a literary or rhetorical perspective,⁵⁸ a conceptual perspective (see further below), or a combination of these, as in the "phenomenological" method of the French Jewish philosopher, Emmanuel Levinas.⁵⁹ The conceptual approach, associated primarily with the Shalom Hartman Institute in Jerusalem, seeks to abstract ideas from the Talmud with an eye towards using them for the resolution of contemporary problems. It maintains that there is a values issue behind every halakhic debate and that in order to locate it relevant sections from Maimonides and other Rishonim must always be studied in parallel to the Talmudic material.⁶⁰

⁵⁵. See below and esp. chap. 2, on the work of David Weiss Halivni.

⁵⁶. See, e.g., Baruch M. Bokser, The Origins of the Seder. Berkeley: University of California Press, 1984.

⁵⁷. See n. 28 above.

⁵⁸. See n. 48 above.

⁵⁹. Emmanuel Levinas, Nine Talmudic Readings. Trans. Annette Aronowicz. Bloomington: Indiana University Press, 1990. For a discussion of Levinas' approach to Talmud, following from Edmund Husserl's theory of phenomenology, see the unpublished paper of Daniel Epstein, delivered at the Eleventh Conference of the World Association for Educational Research, July 1, 1993, Kibbutz Ramat Rahel, Israel.

⁶⁰. Private conversation with Noam Zion, faculty member at the Shalom Hartman Institute, July 13, 1993. For a similar point of view, see Rosenak, Teaching Jewish Values: A Conceptual Approach.

The Selection of a Method

In view of the variety of possible angles from which to study the Talmud, scholars therefore confront a wide range of methodological options. It should go without saying that the informed scholar will select a particular method in order to deal with a particular issue or meet a particular goal that, it is judged, can best be handled by means of that method. The well-prepared Talmud teacher will (a) understand that there are a variety of approaches toward the subject and (b) will become acquainted with the range of the them, to the greatest extent possible. As I shall demonstrate in the chapters that follow this introduction, different types of difficulties and questions demand that different approaches be applied.

Joseph Schwab describes the scholar's, and educator's, process of selection.⁶¹ The reflective scholar, and educator, considers a number of diverse factors--such as the pragmatic goals of the project at hand and the prerequisite knowledge that is necessary to carry out that project--in deciding by what method(s) to approach one's subject matter. As Schwab's student and colleague, Seymour Fox, points out, a central task of Jewish education is what he calls the "translation of scholarship into curriculum," the process by which the educator seeks, studies, and transforms the subject matter into actual curriculum.⁶² Fox lays proper emphasis on the "complexity" of this project, especially in light of the fact that the reflective scholarly work of analyzing the disciplines of Jewish studies had, at the time he was writing, barely begun.⁶³

⁶¹. Joseph Schwab, "The Practical: Arts of Eclectic," School Review, Vol. 79, August, 1971. Pp. 493-542.

⁶². Fox, "Introduction" to From the Scholar to the Classroom, pp. xv-xvii.

⁶³. The seminal work, From the Scholar to the Classroom, includes significant essays on the disciplines of Jewish history and Jewish thought, but Talmud is not treated at all. See now Cohen and Greenstein, eds., The State of Jewish Studies, which

This dissertation develops one of the critical points in Fox's description. It exemplifies a practical model of what Fox has called "the application of the fruits of scholarship and research to elementary and secondary curricula...[the] complexity of the progression from plan to practice."⁶⁴ It is one attempt "to observe how problems of translation from scholarship to curriculum manifest themselves in specific disciplines,"⁶⁵ in this case, the study of Talmud. To do this one wants to explicate the nature of the choices made by a particular Talmudist as he⁶⁶ looks at the text, and to enter his mind with a consciousness that the theory he holds itself lies within an intellectual tradition. "Interpretation in this broad sense [becomes] coordinate with metaphysics, inasmuch as knowing anything [implies] a knowledge of a knower's knowledge and why he [sees] things in this way."⁶⁷

In the case of Talmud, this intellectual structure is inordinately complex because one also seeks to enter the minds of the rabbis whose teachings are the basis of all of Jewish tradition. This, in fact, seems to be the essence of Talmud itself; each generation of scholars and students desires to "know" the subject by achieving a knowl-

is itself only a beginning and pays little mind to the curricular implications of recent scholarship for Jewish education; see, however, Joseph Lukinsky's chapter in that volume, "Scholarship and Curriculum: What Jewish Scholarship Means for Jewish Education," pp. 236-247.

⁶⁴. Fox, "Introduction," pp. xvi-xvii.

⁶⁵. Ibid.

⁶⁶. It would be better to use gender-neutral language, however, to do so would be awkward and the fact is that until recently all writing on Talmud was done by men.

⁶⁷. Ian Westbury and Neil Wilkof, "Introduction," Science, Curriculum and Liberal Education. Chicago and London: University of Chicago Press. 1978. Pp. 26-27.

edge of what those before him knew, and why they saw things in a particular way.⁶⁸ But the complexity persists, because one's way of interpreting the intentions of the original authors is of necessity filtered through one or another structure set by how a particular school of thought views the discipline. Therefore, to unravel the structure of the discipline called Talmud, the curriculum-writer must use one or more of these scholarly filters, and must ask these basic questions: Which way of organizing the discipline is most appropriate? And why is that so?⁶⁹

Toward a Model of Teaching Talmud to Beginners

The common goal in teaching beginning Talmud students at any age and regardless of background, shared by virtually all institutions, secular and religious, in which Talmud is taught, is to help students understand the *peshat*⁷⁰ (the "contextual" meaning)⁷¹ of the text of the Babylonian Talmud.⁷² This has been the goal of first-level

⁶⁸. See Goldenberg, "Talmud", on the tendency of the Gemara to try to line up traditions and those who held them.

⁶⁹. Westbury and Wilkof (p. 27) take this view of "the scope of the theory of interpretation" from Arthur Child, Interpretation: A General Theory. Berkeley: University of Valifornia Press, 1965

⁷⁰. See Steinsaltz, The Talmud: A Reference Guide, p. 79. "Basic Talmudic study is the foundation upon which a vast edifice of profound intellectual understanding and dialectical subtlety can be constructed. This primary stage of learning...was called the study of the *girsā*--the plain meaning of the text."

⁷¹. For a clarification of "*peshat*" as opposed to "*derash*," see Greenstein, "Medieval Bible Commentaries," in Holtz, ed. Back to the Sources, especially pp. 215-220. See further David Weiss Halivni, Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis. New York: Oxford University Press, 1991, especially pp. 52-88. Others translate *peshat* as "the plain meaning of the text." See Steinsaltz, "Guidelines for Talmudic Study," in The Talmud: A Reference Guide, p. 79.

⁷². See Rashi, the commentary studied virtually universally. On the commentary of Rashi to the Talmud, see Yonah Fraenkel, Rashi's Methodology in His Exegesis of the Babylonian Talmud, (Hebrew), Jerusalem: The Magnes Press, 1975.

Talmudic learning throughout history, for it was always thought that a student would only proceed to other levels of Talmudic study after having achieved a measure of competence at this fundamental level.⁷³ The situation would be not unlike the study of mathematics, in which one cannot proceed to higher, more complex levels of theory and analysis until one has learned to compute and figure equations.

It has generally been held, as was said, that Talmud must be taught in the same way, apparently on the analogy to other disciplines such as the exact sciences.⁷⁴ However, historical precedent need not dictate pedagogical practice. It is my contention, based on twenty years of experience, that teachers who have mastered a subject can use their "insight and understanding" to help their students "make significant progress" on an intellectual and values level, even before they have "reached competence" at the primary level.⁷⁵ It is also my contention that a teacher who uses "active intellectual approaches"⁷⁶ can bring a student to raise questions and find solutions leading to "new insights" and "deeper understanding" of the text and its concepts even before one has a "basic grasp of the material." That is, the "active learning" that Steinsaltz and others attribute only to an advanced stage of a student's development, can be used on the part of the teacher to inform the so-called "passive learning" of the printed text, its content, and its significance, and make its study exciting and

⁷³. Steinsaltz, p. 79.

⁷⁴. See, e.g., Steinsaltz, pp. 79-80. Steinsaltz feels that the beginner can engage only in "passive learning," while in order to be capable of "active learning" a student must be quite advanced.

⁷⁵. The quoted phrases are Steinsaltz's (see preceding note).

⁷⁶. Contrast Schwab's use of "active intelligence" in "Eros and Education", see above p. 16-17.

intellectually challenging. Students can be engaged in a discussion of ideas and values, while they are in the process of attaining a "basic grasp of the material." Diverse levels of understanding and knowledge can be brought together to produce "enthusiasm." The historically typical method of Talmudic pedagogy assumes a model of the teacher of beginners as a trainer in basics. The model I shall describe allows the teacher a far more catalytic role.

The teacher is the mediator between text and students. The school of scholarship that a teacher follows will determine the way in which one translates a section selected for teaching beginners into curriculum--the selection of a method of pedagogy and didactics. But not every selection of text lends itself to the same type of exposition or inquiry in order to get at a *peshat* understanding. The problems a beginner will have in reaching a *peshat*-level understanding of each individual selection are intuitively felt by the experienced teacher of beginners. In making this assertion I rely on my own experience⁷⁷ in teaching beginning Talmud students aged twelve through adult, both in Israel and the United States. There is not yet any research to prove this claim, although all teachers will have anecdotal evidence.⁷⁸ What is needed is an analysis of these anecdotes concerning the most commonly taught *sugyot*,⁷⁹ perhaps using the

⁷⁷. For an example from my own experience see my contribution to the Symposium on Women and Education, Tradition, vol. 28, no. 3, Spring, 1994. Pp. 23-26.

⁷⁸. See Lee Shulman, "Knowledge and Teaching: Foundations of the New Reform," Harvard Educational Review, vol. 57, no. 1. February 1987. Pp. 1-22, at 11-12: "One of the frustrations of teaching as an occupation and profession is its extensive individual and collective amnesia, the consistency with which the best creations of its practitioners are lost to both contemporary and future peers....[T]eaching is conducted without an audience of peers. It is devoid of a history of practice."

⁷⁹. A *sugya* (pl. *sugyot*) is a relatively self-contained unit of Talmudic discussion, a literary unit; see Jacobs, Structure and Form, p. 5. Its more precise meaning is "lesson"; see Abraham Goldberg, "The Palestinian Talmud," in Shmuel Safrai, ed., The Literature of the Sages. First Part. Philadelphia: Fortress Press, 1987. Pp. 303-322, at 307.

method of case study.⁸⁰

For example, the historical meaning of an obscure term, or an apparent non-sequitur in the discourse, or a contradiction of a practice or formula that the students know is normative, are all prevalent difficulties that arise in many *sugyot*. In the absence of any global theory of what makes for difficulty in comprehending and getting through a passage of Talmud, it is the problems one encounters or stumbles over in a given passage that must dictate what methodology is best suited to making sense of a particular selection or, more specifically, to negotiating or handling a particular difficulty or question. It is necessary, therefore, for the teacher of beginners to become acquainted with a variety of scholarly methodologies in order to be able to find and choose one that will best come to grips with or translate into one's curricular, pedagogic, or didactic concerns.⁸¹ The underlying basis for this claim has been generally acknowledged. Steinsaltz reflects it when he writes:

There is no single method for studying the Talmud. Throughout the centuries, wherever Jews lived, they developed many systems of study and various styles of commentary. Thoroughness of study also varied widely. In principle it is possible to study the Talmud again and again, constantly finding new insights, but one must distinguish between primary study of the material, necessary for

⁸⁰. On the use of case studies in professional education, see C. Roland Christensen, Teaching and the Case Method. Boston: Harvard Business School, 1981; Rita Silverman, William M. Wertz, Sally Lyon, Case Studies for Teacher Problem-Solving. New York: McGraw Hill, 1992; Judith Shulman, ed., Case Methods in Teacher Education. New York: Teachers College Press, 1992.

⁸¹. "When you are preparing Talmud to teach beginners you have to study even more--all the Rishonim, etc.--because only then will you find answers to questions that beginners might ask. You can be sure that beginners will feel the difficulties, but they probably won't ask." From a private conversation with Professor Yitzchak Schlesinger, May 17, 1993. (Translation mine.) Prof. Schlesinger is the author of Pirkei Gemara, (Jerusalem: Techniot Limudim, Ministry of Education and Culture, 1989-1991), a series of Gemara textbooks for beginners based on contemporary theories of cognition and developmental psychology. These books are used in the most progressive religious elementary schools in Israel.

mastering the subject, and all other levels of study, whose purpose is to gain deeper insight and understanding.⁸²

Steinsaltz, however, is among those, mentioned above, who would postpone a student's engagement in higher levels of study until one has "master[ed] the subject." It is my thesis that these "other levels of study" with their "deeper insight and understanding" can aid the "primary study of the material" when incorporated into sophisticated lesson-planning and curriculum-building by a well-educated teacher. The burden of this thesis will be borne out by the three chapters that follow this introduction.

In teaching a *sugya*, I, too, would concentrate on understanding the *peshat*⁸³ and following the *sugya*'s line of reasoning. In teaching beginners, certain skills must be emphasized, and can probably be applied in dealing with any *sugya*. These skills each correspond to one of the several pedagogic problems that arise in every instance of teaching Talmud to beginners. I shall now delineate these problems and offer some initial reflections on their implications, as well as some directions for further consideration.

1. Punctuation for correct reading of the text: Is this the first task to be learned? Should students spend time working it out themselves, or should the teacher transmit it to them either orally or through a punctuated text? Is time spent on punctuation and vocalization taken at the expense of something else, or is it valuable as a transferable skill for text-reading?

⁸². Steinsaltz, p. 79.

⁸³. See notes 70 and 71 above.

2. Translation of text into Hebrew or another language: How much, if any, Hebrew knowledge is necessary as a basis for Talmud study? Is it necessary, or desirable, to study Aramaic as a language? What is the place of the dictionary? Should a translated text be used?

3. Aramaic grammar: Should it be learned inductively or deductively?⁸⁴

4. Mishna: What is the place of Mishna study in the study of Talmud? How much emphasis should be placed on it? Does Mishna have value as a subject for intensive study on its own,⁸⁵ or is it merely a springboard to the "deeper" discussions

⁸⁴. See David Marcus, A Manual of Babylonian Jewish Aramaic, for an inductive approach to the study of Talmudic Aramaic.

⁸⁵. Lukinsky has derived some curricular implications from Jacob Neusner's view that the Mishna should be studied on its own:

[T]o think Jewishly we need the Mishna mode, that is, the primary elements of thought and action deriving from socialization....

If the Mishna uses a highly structured syntax as the medium for presenting its vast contents and its deep-structured message, then it follows that there is a similarity between the learning of Mishna and the way one learns a native language or culture. It is to be so thoroughly internalized and made one's own that it becomes the very "stuff" out of which the Jew perceives and constructs the universe. The well-stocked Jewish mind is to be filled with Mishna, the ordering mentality that construes everyday life as a harmonious and reasonable "place" where our responsible intentions can have a meaningful impact. To know Mishna is to absorb it at the unconscious or preconscious level, so that, like language, it functions almost effortlessly as the medium of primary Jewish conceptualization and motivation to action.

[T]he Mishna should be taught with great seriousness as a work of importance in itself. It should be taught extensively and intensively. A Mishna curriculum would aim for wide coverage but with emphasis on inner criteria. Although interesting content would be essential, it would also be necessary to promote, through the content, a sophisticated complex of pattern structures that enable a long-term generation of intuitive connections. The goal would be internalization of the systemic world-view of the Mishna, separate from the interpretation of the Mishna through the eyes of the Gemara.

of the Gemara?⁸⁶ How can the contextual meaning (*peshat*) of the Mishna be isolated, given its terse style? Which of the commentaries on the Mishna, other than the Gemara itself, are useful?

In general, the study of Mishna and its relationship to the study of Gemara is an issue that must be rethought. While the two texts require different modes of teaching and are usually taught separately, their conceptual relationship cannot be denied.

Gemara "moves" more slowly in the classroom; Mishna seems to "go" faster. But this is not to say that Mishna is "easy" while Gemara is "hard". It may be that Mishna has to be introduced earlier because the skills required to understand it are simpler and more basic and provide a good foundation for later study of Gemara; but Mishna study should not "end" when the study of Gemara begins. Perhaps Mishna should continue to be taught in conjunction with Gemara--not merely individual Mishnayot that bear on

Lukinsky, "Scholarship and Curriculum: What Jewish Scholarship Means for Jewish Education," pp. 242-243.

86. Commentaries on the Mishna tend, like the Talmud, to incorporate it into Talmudic study by interpreting the Mishna in accordance with the ways it is interpreted in the Gemara; see, e.g., the pre-modern, standard commentary of Rabbi Ovadiah of Bertinoro, and the modern, traditionalist commentary of Pinhas Kehati. Unfortunately, the answer to this question has political implications in the traditional Jewish world, for it touches on the problem of the classical Jewish curriculum for girls. Traditionally, where girls have been taught Oral Law at all, they have been taught only Mishna, and not Gemara. There are two main rationalizations for this, each of which exists with many variations: one is that Gemara is too "hard" for girls, and that they will anyway never be truly learned, so they do not need to know it; another is that in the exclusive study of Mishna, one would be able to touch more directly on Jewish concepts because one would not be bogged down in the involved reasoning of the Gemara. Therefore, more would be learned about normative Judaism as a whole. One would like to test these rationalizations through research and apply them to curricula for boys as well. At present, such research is still a desideratum.

individual halakhot, but whole chapters or tractates.⁸⁷ The study of Mishna could accompany the study of Gemara in a Talmud course, providing background and context, while introducing students to more concepts faster and in easier language than the Gemara does. Studying Mishna as a repository of Jewish concepts and reading the Mishna and Gemara comparatively, would move the Talmud course from the narrow framework of "text course" into the broader framework of Jewish studies.

To some extent, the issue of Mishna-alone vs. Mishna-cum-Gemara turns on the question of one's fundamental orientation or purpose in studying Mishna. From a historical perspective, such as Neusner's, the Mishna articulates a concept of Judaism of a certain time and place.⁸⁸ From a traditional perspective, the Mishna forms the basis of the Talmud. The significance of this difference will be treated in Chapter 4 below.

5. Biblical material: How should the Talmud's citations of the Bible be treated? Should they be studied separately, in an attempt to isolate their meaning and to reconstruct what the Bible is trying to say in its own contextual (*peshat*) sense? Or should the verses be studied only in their Talmudic context? By studying Torah first, will we uncover a need for Midrash? What is the place of Midrash Halakha? Does the Talmud build upon the biblical verses, or does it find the verses retroactively in order to support its own statements?⁸⁹ How do we present, arrange, or edit the verses in

⁸⁷. The Israeli Ministry of Education Bagrut curriculum for advanced yeshivot does suggest this model.

⁸⁸. See esp. Jacob Neusner, Judaism: The Evidence of the Mishnah. Chicago: University of Chicago Press, 1981.

⁸⁹. For this latter view of Midrash Aggadah, see now Jonah Fraenkel, Darkhei Ha-Aggadah ve-ha-Midrash [The Ways of the Aggadah and the Midrash], 2 vols. Israel: Massada Publishing, 1991; see esp. Vol. 1, p. 12. For the distinction between "pure" and "applied" (after-the-fact) midrash, see Geza Vermes, "Bible and Midrash: Early Old Testament Exegesis," in The Cambridge History of Bible, Vol. 1: From the Beginnings to Jerome, ed. by P.R. Ackroyd and C.F. Evans. Cambridge: Cambridge

order to serve our educational purposes?⁹⁰

6. Method of study: Is there a rationale behind the traditional method of learning in pairs (*havruta*)? Can this method be used today? Does the method itself have an inherent educational value? Can one be "taught" to learn with a partner? What kind of direction needs to be provided to beginners?⁹¹

7. Terms and concepts (*munahim* and *musagim*): Are the terms, concepts, and constructs that the Talmud uses over and over to be learned inductively, or deductively independent of the Talmudic material and then transferred, or can they be understood only after they are seen in context?

8. What is the place of historical background material and realia in elucidating the text, and for Jewish education in general? Is this material the province of the history teacher or the Talmud teacher or both? Should the historical material be studied before or after the Talmudic text?

University Press, 1970. Pp. 199-231. The entire chapter develops and illustrates this categorization.

⁹⁰. See Chapter 2 below for an example of a *sugya* with biblical verses that can be studied for various educational purposes.

⁹¹. See Steven Copeland, "Study in Small Groups: A Note on Method," in Care and Compromise: A First Look at the Oral Law, a unit in the Project on Teaching Jewish Values, Melton Centre for Jewish Education in the Diaspora, Hebrew University, Jerusalem, 1985, pp. 13-14.

9. Where do the commentaries fit in? When should they be used, and which ones? What does Rashi contribute to the study of Talmud? Is his commentary an aid or a crutch? When is a student ready to deal with the *Rishonim*? What do the controversies among the different commentators contribute to Jewish education as distinguished from what they contribute to the understanding of *halakha*, i.e., normative ritual behavior?

10. Can the study of manuscript variants and philology contribute to good teaching at the introductory level?⁹²

In the chapters that follow that serve to demonstrate the thesis which is presented in this introduction, we shall deal to some extent with several of the issues enumerated above, primarily the fifth, eighth, ninth, and tenth items. It is these problems that involve the selection of an interpretive methodology, which is the major curricular concern of this dissertation.

The Role of the Teacher

As was said above, in my concept of teaching beginners, the teacher is the mediator between the text and the student. Teachers are expected to transmit bodies of knowledge, methods of analysis, understanding of theories, and even social and moral

⁹². Steinsaltz, Neusner, Efrati, Aminach, Schlesinger, Berman and others all present their own guidelines for beginning Talmud study. Each set of guidelines lends itself to slightly different teaching goals. Although it is beyond the scope of this dissertation to comment on the work of all of the above, such an analysis would make a fascinating article or monograph.

values and attitudes to their students. It is, accordingly, the first task of the teacher to master the subject matter sufficiently, reach an understanding of it, and acquire the requisite skills for studying and discussing it. The teacher will only then be in a position to master the skills of modelling and communication that will both impart bodies of knowledge and skills to students, on the one hand, and, on the other hand, stimulate students to reflect upon the subject matter and manipulate the necessary skills for handling the subject matter on their own.⁹³

Research on teacher training, however, has tended to neglect the issue of subject matter in pedagogy.⁹⁴ However, as is made evident in the Schwab-Shulman model of teacher preparation, teaching involves a particular selection, interpretation, and packaging of disciplinary material. Shulman refers to the "absence of focus on subject matter among the various research paradigms for the study of teaching as the 'missing paradigm' problem."⁹⁵ A century ago, the situation was quite different. Then, as Shulman observes, "the defining characteristic of pedagogical accomplishment was

⁹³. See Shulman, "Knowledge and Teaching," p. 7; Sharon Feiman-Nemser and M. Buchmann, "The First Year of Teacher Preparation: Transition to Pedagogical Thinking?" Research Studies No. 156. East Lansing, MI: Institute for Research on Teaching, Michigan State University. Pp. 1-2.

⁹⁴. Lee Shulman, "Those Who Understand: Knowledge Growth in Teaching," Educational Researcher, February 1986. P. 6. Clearly, and explicitly, Shulman's observation echoes the earlier concerns of Schwab (see above).

⁹⁵. Ibid. For a comprehensive discussion of Shulman's views on the knowledge base for teaching and implications for teaching policy and educational reform, see Shulman, "Knowledge and Teaching: Foundations of the New Reform". In this article Shulman acknowledges his own debt to such philosophers of education as Dewey, Scheffler, Green, Fenstermacher, Smith, and Schwab. See also Suzanne M. Wilson, Lee S. Shulman, and Anna E. Richert, "'150 Different Ways' of Knowing: Representations of Knowledge in Teaching", in J. Calderhead, ed., Exploring Teachers' Thinking. Sussex, England: Holt, Rhinehart and Winston, 1988. Pp. 104-124.

knowledge of content."⁹⁶ More recently, researchers tend to focus on pedagogy, the teacher's art of sharing knowledge and ideas with students, and not on the equally important, and more fundamental, question of how the teacher transforms the subject matter into "the content of instruction."⁹⁷ Yet, the ways in which teachers construct the patterns and methods of a subject matter in their minds has a direct bearing on the content of what students learn as well as the ways in which students understand and evaluate the material with which they are presented. "[T]he organization of content knowledge in the minds of teachers" is, as was said, just as critical to the study of teaching as pedagogy, and is prior to it with respect to teacher preparation.⁹⁸

The relative lack of interest by researchers into the ways that teachers assimilate and construct the "content" of their subject matter would seem to derive from the notion that content is assumed. It is (erroneously) presupposed that the content is "known" by the professional and that the difficulties teachers encounter, and the areas in which they might see improvement, lie in the methods and processes of transmitting this knowledge to their student-receptacles. This model does not take into consideration the fact that content is not objective but, rather, the product of analysis and interpretation; and that, as a consequence, there are many ways of "knowing" content.

Different theoretical models, or approaches to a subject matter, organize knowledge into different structures.⁹⁹ Schwab usefully distinguishes the practical theory

⁹⁶. Shulman, "Those Who Understand," p. 7.

⁹⁷. Ibid.

⁹⁸. Ibid.

⁹⁹. See, e.g., Jerome Bruner, "The Importance of Structure," The Process of Education. New York: Vintage Books, 1963. Pp. 17-32; Michael Polanyi, Personal Knowledge: Towards a Post-Critical Philosophy. New York: Harper & Row, 1964; Schwab, Science, Curriculum and Liberal Education, ed. Westbury and Wilkof.

applied by a researcher to make sense of, or get a handle on, the phenomena that are encountered, on the one hand, from the methods by which such phenomena are processed within a particular discipline, on the other.¹⁰⁰ The practical theory is a heuristic device for defining what will count as data and for organizing the data into theoretical constructs that can be tested and utilized. The heuristic models on which a researcher may draw are called by Schwab "substantive structures," or "substance." These contrast with the methods and principles that have become part and parcel of a particular discipline and count as acceptable practice within that discipline. These methods and principles, which are the tried and "true" paths of inquiry and verification within a field--and are, therefore, part of the knowledge of the field--are called by Schwab "syntactic structures," or "syntax" on the linguistic model of syntax organizing words into meaningful propositions.

Shulman follows Schwab in stressing the need for teachers to acquire an understanding of the "syntactic structures" of the subjects they teach.¹⁰¹ The "syntactic structures" entail the principles that underlie the data's organization and presentation. Thus, in order to know the bases on which the subject matter is defined and truth claims are judged to be valid or invalid, one must understand these "syntactic structures." This is especially important in education because, except within a highly authoritarian, "no questions asked," environment, students will want to know, and teachers will want them to know, (a) the reasons for the truth claims they are being asked to consider, (b) the reasons that the subject they are learning is worthwhile know-

¹⁰⁰. For clarification and discussion of these different "structures" in Schwab's thought, see Joseph S. Lukinsky, "'Structure' in Educational Theory," Educational Philosophy and Theory 2 (1970), pp. 15-31, especially pp. 18-22.

¹⁰¹. Shulman, "Those Who Understand."

ing, (c) how a particular truth claim, or piece of knowledge, is related to other truth claims, or pieces of knowledge, within the subject matter, and (d) how the truth claims, or pieces of knowledge, they are learning in this subject matter may relate to those in other subject matters and in their everyday lives.¹⁰²

The preparation of a teacher of Talmud needs to include an understanding of the ways in which Talmud is studied and of the principles of each approach that is used, for all of the above reasons, and, one may add, for at least three others.

1. As was said above, it is the very nature of Talmudic discourse to ask questions and subject a number of possible answers to a critical evaluation. It would be a great irony, indeed, if the teaching of Talmud did not engage in the same sort of critical reflection that characterizes the "content" of the subject matter itself.

2. Within a traditional Jewish religious curriculum, students must be convinced that the meaning of the texts they learn can be justified in ways that make sense to them.¹⁰³ Teachers, therefore, need to understand, and to be able to explain, the grounds on which claims concerning Talmud are made and the warrants for justifying those claims.

3. As I shall demonstrate below, in the chapters that follow, familiarity with a variety of approaches to Talmud study will enable a teacher to deal with a number of

¹⁰². *Ibid.*, p. 9. See John Dewey, *The Child and the Curriculum*. Chicago: University of Chicago Press, 1902; Phoenix Books ed., 1956. Pp. 22-23; quoted in Wilson et al., "150 Different Ways' of Knowing," p. 106: "Hence, what concerns...[the] teacher, is the ways in which the subject may become a part of experience; what there is in the child's present that is usable with reference to it...."

¹⁰³. For the view that critical evaluation and justification are characteristic of Jewish legal texts from the Bible onward, see David Weiss Halivni, *Midrash, Mishna, and Gemara*. Cambridge, MA: Harvard University Press, 1986.

types of difficulty or questions that students of Talmud have, even at the beginner's stage. John Dewey had already articulated the need for teachers to gain a critical understanding of their discipline so that their "own knowledge of the subject matter may assist in interpreting the child's needs and doings, and determine the medium in which the child should be properly directed."¹⁰⁴ Teachers need a broad and deep understanding of their subject in order proactively to identify and handle the problems their students will encounter. I will, in the chapters that follow, endeavor to show that the nature of the particular problem a beginner will experience or perceive in a particular *sugya* can, and, I would maintain, should, influence teachers' selection of method and adjudication of competing claims as to what the text might mean. The teacher who possesses a wide knowledge of many alternatives will be best able to make an informed pedagogical judgment concerning curricular emphasis and lesson-planning, as well as to handle questions that arise in class.

It is this third rationale for training teachers in the "syntactic structures" of the discipline of Talmud that this dissertation seeks to warrant, and it seeks to achieve that by means of practical illustration.

Shulman's Model of Teacher Preparation

A theoretical model for teacher education that incorporates the need for teachers to understand the structure of their discipline has been formulated by Lee Shulman. Shulman refines the distinction made by Schwab and others between the content (Schwab's "substance") and constructions (Schwab's "syntax") of a subject matter by

¹⁰⁴. Dewey, The Child and the Curriculum, pp. 22-23.

differentiating what the scholar might recognize as the structures of a field and what Shulman calls "pedagogical content knowledge." Pedagogical content knowledge is that "which goes beyond knowledge of subject matter per se to the dimension of subject matter knowledge for teaching..., the particular form of content knowledge that embodies the aspects of content most germane to its teachability."¹⁰⁵

Shulman's concept combines the intellectual structures that organize a discipline within the various theories of that discipline together with the pedagogical processes that are to be implemented in sharing the teacher's knowledge with students. Pedagogical content knowledge therefore includes "the most useful forms of representation of th[e] ideas" of a discipline and "the most powerful analogies, illustrations, examples, explanations, and demonstrations" that a teacher can adduce in order to "make [the subject matter at hand] comprehensible to others."¹⁰⁶ In order to achieve the versatility that is required in order to transform the structures of a subject matter's organization into familiar analogies and illustrations, "the teacher must have at hand a veritable armamentarium [sic] of alternative forms of representation, some of which derive from research whereas others originate in the wisdom of practice."¹⁰⁷

In other words, teachers must acquire not only a knowledge of the present constructions of a subject matter and enough of the history of the study of that subject matter to make those constructions intelligible; teachers must also "understand alternative theories of interpretation," different methods of analysis, "and how these might relate

¹⁰⁵. Shulman, "Those Who Understand...", p. 9.

¹⁰⁶. Shulman, "Knowledge and Teaching," p. 8.

¹⁰⁷. Ibid.

to issues of curriculum and teaching."¹⁰⁸

It may be observed parenthetically, but not incidentally, that the type of sophistication the model requires of a teacher responds to the complexity of subject matter described by Schwab. For Schwab, as was seen above, subject matter is not simply a body of knowledge but an array of skills ("competences") that are required by anyone who would make sense of that knowledge; of perspectives on that knowledge by which the knowledge is patterned, clarified, and interpreted; and of "values" by which one relates to and makes practical use of that knowledge.¹⁰⁹

This dissertation shares Shulman's concept of "pedagogical content knowledge" as a requisite component of training the teacher of Talmud. Intensive familiarity and ability to learn the Talmud alone is not enough for a teacher, particularly a teacher of beginners. What is essential for the teacher of beginners is, on the one hand, an ability to anticipate likely misunderstandings of the students¹¹⁰ and, on the other, an ability to formulate strategies that will be useful in overcoming those difficulties. Familiarizing oneself with high-level research on the Talmud, both traditional and contemporary, is one way of achieving the requisite pedagogical and curricular knowledge of which Shulman speaks.¹¹¹

^{108.} Ibid.

^{109.} Schwab, "Education and the Structure of the Disciplines"; idem, "The Practical 3: Translation into Curriculum," School Review, vol. 81, no. 4. August 1973, pp. 501-522. P. 510.

^{110.} See the views of Schlesinger, cited in n. 81 above.

^{111.} Other types of teacher knowledge that contribute to the anticipation of misunderstandings and the strategies to ameliorate them, such as familiarity with the research on thinking and cognition, learning styles and learning disabilities, language development—particularly with respect to second language, methodologies such as cooperative learning, classroom management, etc. are beyond the scope of this dissertation. Analysis of any of these areas with reference to the subject matter of Talmud would be a major contribution.

I attempt in the chapters that follow to exemplify the kinds of pedagogical knowledge teachers of Talmud need in their "armamentarium" in order to make the subject comprehensible to beginners. Examples are taken both from research and from "the wisdom of practice"¹¹² in an effort to create a model that can be applied to any *sugya* that is being taught.

Shulman's model is eminently applicable to the problem of teaching a particular class or set of students, viz., the beginner, because it considers not only the teacher but the student as well:

Pedagogical content knowledge...includes an understanding of what makes the learning of specific topics easy or difficult: the conceptions and preconceptions that students of different ages and backgrounds bring with them to those most frequently taught topics and lessons.¹¹³

These predispositions and preconceptions of the student are especially germane to the concerns of the present thesis. I have outlined above the most common difficulties that beginners experience when faced with the Talmud text. In the chapters that follow I attempt to exemplify some strategies that will help beginners understand the process of the study of Talmud. For example, in line with Shulman's assertion that one source of misconceptions among students is the fact that none appear as "blank slates," i.e., that all students have some prior knowledge that they carry with them, my example from Tractate Yoma (chapter 1) shows the difficulties encountered when a student who enters the class with a familiarity with the High Holy Day Maḥzor is confronted with a Mishna that contains a different wording of a shared text. My example from Tractate

¹¹². Shulman, "Knowledge and Teaching," p. 8, quoted above.

¹¹³. *Ibid.*

Pesahim (Chapter 3) portrays a similar problem for a student who is familiar with the Haggadah long before s/he is introduced to the Talmudic text on which it is based.

There is almost no research "about the misconceptions of students and about the instructional conditions necessary to overcome and transform those initial conceptions"¹¹⁴ when it comes to the study of Talmud. This is probably because the traditional assumption concerning Talmud study has been that if one was exposed to it for long enough, it would "sink in." Since many of the concepts and terms in the text appear over and over again, inductive learning would be assumed to take place. The "instructional conditions" for the traditional teaching of Talmud would require basically one element--time.

In addition to training in content knowledge and pedagogical knowledge, teachers also need "curricular knowledge"--the variety of materials and programs designed for teaching particular subjects and topics and the requisite criteria for assessing the appropriateness of the available curricular materials with regard to the needs of their students.¹¹⁵

Programs and instructional materials for the teaching of Talmud are limited in number and in quality. However, more and more materials are produced commercially, particularly in Israel, but also in the United States. In addition, teacher-made

¹¹⁴. Ibid., p. 10.

¹¹⁵. Ibid. Shulman's definition of curricular knowledge also includes "lateral curriculum knowledge" and "vertical curriculum knowledge"--knowledge of the other subjects that the student is learning concurrently and knowledge of subjects studied before and after. A comprehensive Talmud curriculum would have to take this kind of knowledge into consideration. This is also part of the argument for school-based curriculum planning, since it is very rare to find commonalities laterally and vertically between schools, especially in the Diaspora where Jewish schools are mostly independent. The placing of the subject matter of Talmud in a lateral and vertical curriculum design that includes both Jewish and General Studies is a fascinating exercise that awaits undertaking.

materials are circulated privately among Talmud teachers. In this dissertation I will attempt to comment in a limited way on the uses and misuses of some of these materials. A comprehensive, updated annotation and analysis of materials available for the teaching of Talmud remains to be written.¹¹⁶

In analyzing the process by which an educator assimilates subject matter for the purposes of teaching, Shulman enumerates six "aspects of pedagogical reasoning": (1) comprehension, (2) transformation, (3) instruction, (4) evaluation, (5) reflection, and (5) new comprehension.¹¹⁷ This dissertation deals with the subject matter Talmud from the first two aspects--comprehension and transformation--with perhaps some comments on the last aspect--new comprehension (see below for an explication of these terms). Instruction, evaluation, and reflection, are beyond the scope of the present work, but they all deserve full-scale treatment.

I have commented on "comprehension" above, that is, on how teachers should understand what they teach,¹¹⁸ possibly in several alternate ways, and how it relates to other ideas.¹¹⁹ I have also commented on what Shulman calls "comprehension of purpose"¹²⁰ in the sections on why Jewish education, why texts, and why Talmud, as well

¹¹⁶. For a very comprehensive, but now out-of-date, bibliography see Naftali Steinberger, Bibliografiya le-morei Ha'Talmud. Jerusalem: Mossad Harav Kook, 1970. See also Harold Bell, "Oral Torah Education," D.H.L. thesis, New York: JTS, 1988. In addition, Yehuda Schwarz, PhD. candidate at the Hebrew University School of Education is beginning a study of Israeli Talmud curriculum.

¹¹⁷. Shulman, "Knowledge and Teaching", pp. 14 ff.

¹¹⁸. See above, pp. 28 ff.

¹¹⁹. Ibid. p. 14.

¹²⁰. Ibid.

as in my discourses on values education.¹²¹ I concentrate on Shulman's category "transformation" because it is primarily within that process that teachers adapt the knowledge they acquire to the pedagogical and didactic needs of a specific teaching situation.¹²²

For Shulman, "transformation" represents the adaptation of "ideas" that have been "comprehended" by the teacher in order to motivate students to learn them and to bring students to an understanding of them. The process of transformation, therefore, entails the following five steps:

1. "preparation (of the the given text materials) including the process of critical interpretation";
2. conversion "of the ideas" into appropriately learnable forms, using such means as "new analogies, metaphors, and so forth";
3. "instructional selections from among an array of teaching methods and models";
4. "adaptation of these [methods and models] to the general characteristics of the [students] to be taught"; and
5. "tailoring th[is] adaptation to the specific [students] in the [the teacher's] classroom."¹²³

This process of "transformation" by which the educator "moves from personal comprehension to preparing for the comprehension of others," is the central operation within the process of teacher preparation that Shulman summarizes as "the act of pedagogical reasoning, of teaching as thinking, and of planning--whether explicitly or implicitly--the performance of teaching."¹²⁴

¹²¹. See above, pp. 3-14.

¹²². See *ibid.*, p. 15.

¹²³. *Ibid.*, p. 16. For a fuller discussion of each of these steps, see there, pp. 16-17. For an earlier formulation of these steps, but with more examples from practice, see Wilson et al., pp. 119-120.

¹²⁴. *Ibid.*, p. 16. See also Bruner, The Process of Education, esp. chaps. 2 and 3. Bruner, however, emphasizes "transformation"--defined as "the process of manipulating knowledge to make it fit into new tasks" (p. 48)--in the process of the student's learning. Interestingly, Shulman's model of teacher preparation in many ways doubles Bruner's model of the stages of the student's assimilation of knowledge.

The present dissertation, in the chapters that follow this introduction, addresses the processes of preparation¹²⁵, representation,¹²⁶ and, to a lesser degree, instructional selection, more than those of adaptation and tailoring, in accord with its focus on the use of scholarship in pedagogy. With respect to Shulman's five steps of "transformation," the present work deals mainly with step one. It is not intended to describe a practical program for training teachers of Talmud but, rather, to argue for the theoretically prior notion that high-level scholarship can, in fact, serve the teacher of Talmud, even on the beginner's level.

In Talmudic study, as in all disciplines,¹²⁷ as was said above, there is no single way of approaching the task of finding ways in which the material may be understood. Teachers must prepare themselves to answer the key pedagogical question, how can this vast body of knowledge be translated into curriculum? What should be the process of "editing" the material for teaching and what should be the method of presentation? As an attempt at answering these questions, I propose to analyze several selections of Talmud for their "curriculum potential,"¹²⁸ working within the model of teacher prepara-

Although Shulman's model does not focus on the student's reception, transformation, and assimilation of subject matter, his steps 4 and 5 entail the teacher's understanding of how types of students and individual students learn.

¹²⁵. Miriam Ben-Peretz, "The Concept of Curriculum Potential," in Curriculum Theory Network, 1975, 5, pp. 151-159.

¹²⁶. For more on "representation" and for a description of some empirical research on teachers' knowledge of the "substantive and syntactic structures of their discipline" (Schwab 1964), see Wilson, Shulman, and Richert, "'150 Different Ways' of Knowing", pp.110 ff.

¹²⁷. Although Talmudic study is a discipline, the Talmud itself is rather a text to which a variety of disciplines, such as textual criticism, philology, source criticism, literary analysis, and history can be applied.

¹²⁸. Schwab, "The Practical 3," p. 513.

tion described by Shulman, which is in turn based on the understanding of how subject matter includes both content and structure, as described (in the field of education) by Schwab.

Schwab views curriculum development as the product of input from several different "commonplaces." The first of these commonplaces is the subject matter. In order for it to be used properly in curriculum-building, Schwab calls for a reflective presentation of the scholarly material by a subject matter specialist. He suggests that this is to be done by analyzing the material to discover its "three faces":¹²⁹ its purport, i.e. that which it conveys; its syntax, or the way it brings "a body of principles, methods, and problems to bear upon some inchoate mass to give it order and meaning";¹³⁰ and the "access disciplines" required in order to study it fully.

In the case of Talmud, uncovering the three faces entails special difficulties because each face has been the focus of scholarly controversy. For example, what the Talmud purports to be is something different for each of the populations that studies it. Also, the problems of the formation and editing of the Talmud, both questions of "syntax," can be approached from several different angles, e.g., the historian's, the literary critic's, or the philologist's. The nature of the necessary access disciplines is probably the least obviously controversial aspect of the model when applied to Talmud, but there still remain issues of the extent to which each discipline need be applied and when it should be introduced into the curriculum.

Throughout the ages, Talmud has generated a vast body of scholarship, comprising glosses, commentaries, lower criticism, higher criticism, dictionaries, reference

¹²⁹. *Ibid.*, p. 515.

¹³⁰. *Ibid.*

works, and much more. Much of this scholarship is an implicit, if not explicit, attempt at providing answers to questions of purport, syntax, and access disciplines. Different modes of Talmud scholarship, while offering varying interpretations of the text, suggest differing approaches to the Talmud as "curriculum potential" as well.¹³¹ In this dissertation we will refer to the "eclectic approach" of Schwab and to the "pedagogical content knowledge" approach of Shulman. Analysis of Talmud from the points of view of other models of curriculum development are beyond the scope of this dissertation.¹³²

On the Intuitive in a Teacher's Preparation

The present dissertation does not seek to provide a practical program for training Talmud teachers. It might seem at first blush, however, that Shulman's five-step analysis of the teacher's process of transforming subject matter for the purposes of teaching comprises such a "how-to" guide. That is not the case. Shulman has emphasized that it is not so much theory as "the wisdom of practice" that best provides teachers with the more practical guidance in pedagogy that they require, and he has lamented the dearth of anecdotal material by successful teachers that might help to advise, inspire, and

¹³¹. Schwab has a tendency to confuse the subject matter itself with the scholarly study of the subject matter; see, e.g., "The Practical 3," pp. 513 ff. Both are elements of the commonplace called "subject matter," but they are two different things. For our purposes they should be differentiated as "text" or "source."

¹³². For a compact summary of other contemporary curriculum theories that deal with the desired relationship between subject matter knowledge as generated in the scholarly disciplines, and subject matter as reflected in educational curricula, see Jonathan Cohen, "Introduction," Selected Trends in Contemporary Scholarship in Jewish Philosophy: Implications for Curriculum (in Hebrew), unpublished doctoral dissertation, Jerusalem: Hebrew University, 1991. Pp. 1-32.

instruct teachers-in-training.¹³³ It has been widely recognized, and has become a cliché, that, in large measure, teaching is an art. How a teacher will find and select material, on the one hand, and adapt it for the teaching situation, on the other, cannot simply be programmed. There are determined criteria by which a teacher can judge the relevance or quality of "pedagogical knowledge." Certain logical operations, such as those that are employed in certain kinds of mathematics, like geometry or algebra, are analytical in nature, and can, accordingly, be taught and replicated.¹³⁴ There are analogous situations, even in the study of Talmud, where analytical methods of interpretation will solve the problem at hand. One kind of example is the presence of a rhetorical term, or formula, that will virtually always have a certain function in structuring the argument within the discourse. It will therefore function as a kind of signpost directing textual interpretation. Another example is the diacritical guides to sources within and without the Talmud that are provided in printed editions of the text.

Nevertheless, much if not most of what both scholars and teachers do when they think a problem through, or have an idea, cannot be precisely reconstructed and repeated.¹³⁵ Such work is the product of what has been called "creative imagination," the unconscious, unprogrammed "capacity which enables one to leap from data to their explanations in theories."¹³⁶ It is, in a word, intuitive. In describing the intuitive

¹³³. See above, pp. 27, 35, 39 ff.

¹³⁴. My discussion of the analytical in contrast to the intuitive draws on the very useful treatment in Bruner, The Process of Education, chap. 4, pp. 55-68.

¹³⁵. See, e.g., ibid., p. 58.

¹³⁶. Bennett Solomon, "Curriculum Integration in the Jewish All-Day School in the United States," in Studies in Jewish Education, vol. 2. Jerusalem: Magnes Press, 1984. Pp. 150-174, at 165. See Israel Scheffler, "In Praise of the Cognitive Emotions," in In Praise of the Cognitive Emotions. New York: Routledge, 1991. Pp. 3-17. Passim. This perspective accords with the views of philosophers of science such as T. S. Kuhn and Paul Feyerabend, who maintain that new discovery proceeds from testing a new research strategy and breaking the accepted patterns and rules. See:

aspects of teachers' work, Saphier and Gower¹³⁷ draw on the "unconscious, automatic kind of knowing" that the philosopher Michael Polanyi has called "tacit knowledge":¹³⁸

Many skillful teachers do not have the terms or concepts for describing what they already do. They just "know" what to do, and seem to do it effortlessly and naturally ...intuitively, some might say, learned unpredictably over time in many different ways. They can't pass it on because they can't say what they do.¹³⁹

If such knowledge is intractably tacit and requires critical reflection in order to make explicit use of it, it is questionable if teachers can be trained in order to develop a more deliberate manner of planning and teaching.

It may be the case that many, if not most, teachers are, and will be, essentially intuitive in the ways they work. The cognitive psychologist Jerome S. Bruner not only recognizes the wide extent of teacher intuition but encourages it as an essential function for a teacher to model for students.¹⁴⁰ Yet, Shulman's model of teacher preparation can be helpful nonetheless by virtue of its emphasis on the teacher's studying subject matter both in breadth and in depth. Bruner, a leading champion of intuitive thinking,

Thomas S. Kuhn, The Structure of Scientific Revolutions. 2nd ed. Chicago: University of Chicago Press, 1970; Paul Feyerabend, Against Method. London: Verso Press, 1978. See, in brief, Stephen J. Gould, "In the Mind of the Beholder," Natural History, vol. 103, no. 2. February 1994. Pp. 14-23.

¹³⁷. Jon Saphier and Robert Gower, The Skilful Teacher. Carlisle, Mass.: Research for Better Teaching, 1987.

¹³⁸. Michael Polanyi, The Tacit Dimension. Garden City, NY: Doubleday, 1966.

¹³⁹. Ibid., quoted in Saphier and Gower, p. 3.

¹⁴⁰. See Bruner, The Process of Education, esp. pp. 60-65.

stresses the importance of learning more and more subject matter.¹⁴¹ For the analytical thinker, the constructions of a discipline that are part and parcel of subject matter provide tools of study and analysis. For the intuitive thinker, steeping oneself in subject matter provides the requisite body of knowledge that allows the thinker--scholar, teacher, or student--to perform informed guesswork. In the act of intuition the thinker pulls together, as it were, known data and methods in new combinations. One is guided not so much by a learned hermeneutic, drawn from the body of accepted knowledge and the ways in which it is--or has been--handled by the scholar, as by a more or less makeshift heuristic strategy for solving a problem or making sense of a puzzle.

In this dissertation, I, too, hold the view that a teacher's best thinking in selecting and planning curriculum may well be intuitive. That, however, does not mean that teachers cannot be guided in improving the quality of their intuitive work. For one thing, teachers can, and should, increase their levels of knowing their subject matter. This is, as was seen, a major component of Shulman's model of teacher preparation and a position supported by such proponents of intuitive thinking as Bruner. In the chapters that follow I shall provide a rationale for enhancing the teacher's knowledge of the substance and methods of the subject matter of Talmud by showing how such knowledge can be used in teaching text.

Donald Schön, a professor of planning, suggests, in addition, that teachers can improve their intuitively performed work by following a regimen of reflection on what they do when they prepare to teach and when they teach. Schön's "epistemology of practice" places value on and makes use of the professional knowledge that practitioners have. He attempts to "take full account of the competence practitioners some-

¹⁴¹. See n. 131 above.

times display in situations of uncertainty, complexity, and uniqueness," instead of looking for "technical rationality," "hard skills," and "rigor." Schön suggests that "perhaps there is a way of looking at problem setting and intuitive artistry which presents these activities as describable and susceptible to a kind of rigor that falls outside the boundaries of technical rationality."¹⁴²

Based on the premise that teachers can, if prompted, "reflect on [their] tacit knowing" and, by that means, arrive at insights into their own practice that are both helpful and replicable, Schön proposes a method of training in critical reflection that is applicable to the training of teachers.¹⁴³ He delineates the following steps, which I shall reformulate with specific regard to teachers:

1. Teachers must be prompted to look for and take note of instances in their work in which they are surprised at what they think or do.
2. Teachers must then reflect on their surprising discovery.
3. Teachers must then plan an experiment in which they might be able to replicate the process by which they made the discovery in question.
4. It then remains for teachers to carry out their experiment in order to see if they can, in fact, replicate the process by which they made a discovery.

It is proposed by Schön that repeated performance of this type of self-reflection will enable practitioners to do their work more deliberately and productively. One might say, in the context of the present discussion, that undertaking a process like the one

¹⁴². Donald A. Schön, "The Crisis of Professional Knowledge and the Pursuit of an Epistemology of Practice," in C. Roland Christensen, Teaching and the Case Method. Boston: Harvard Business School, 1987. P. 247. (The material in this essay is a condensation and recasting of material from Donald A. Schön, The Reflective Practitioner, 1983.)

¹⁴³. Donald Schön, unpublished presentation, the Symposium on Social Work, Joint Distribution Committee, Jerusalem, January 28, 1993.

prescribed by Schön, is apt to enhance the success, as well as the frequency, of one's intuitions.

In the present dissertation, I do not model the entire step-by-step process by which a teacher following Schön's regimen of reflection would reach a critical self-understanding of planning and teaching. The present study attempts mainly to address a different question, the question of why increased familiarity with subject matter, and in particular the various methods that have become part of a subject matter, is crucial for the training of a teacher, even a teacher of beginners. Nevertheless, it will be seen that each of the three chapters that follow is the result of a process of deliberation, which might be described as a compression of Schön's four-step program, in which the act of teaching is analyzed into two equally crucial components: the teacher's (my) analysis of a text for the purposes of teaching, and of handling a particular question or difficulty; and the transformation of the teacher's (my) analysis of the text into a teachable curriculum. Schön's program has been useful to me in both organizing and writing these chapters.

The Purpose and Plan of the Present Study

The primary goal of this essay is to propose and model an approach for utilizing scholarly practice in the service of teaching Talmud to beginners: not the translation of theory into practice but the translation of scholarship into pedagogy--practice on the most sophisticated level translated for the needs of practice on the elementary level.

An analogy may be drawn to the process of idiomatic translation, by which a translator must a) analyze and digest the sense of the source text, and then b) convert

the sense of the source text into the reader's language (the "target" language).¹⁴⁴

In the chapters that follow I shall analyze three of the Talmudic selections that form the basic vocabulary of the educated Jew. For each selection, I will try to locate a problem in understanding the *peshat*. By this I mean a problem that faces the beginner, and not necessarily the one that engages a more advanced analyst of Talmud or *posek* (legal decisor). I then propose to analyze the selection according to a methodology that, I would suggest, answers the question of the beginner, or irons out a wrinkle in the smooth understanding of the *peshat*.

The four methods on which I will draw--the historical, the conceptual, the text-critical, and the dialectical (or source) critical--are delineated usefully by Halivni.¹⁴⁵ The historical method, which interprets the text in the light of its historical realia and background, is enumerated by Halivni among the non-textual methods because it does not, like the text-based methods, analyze the Talmud passage by passage. The other three methods we will be drawing on are the three methods classified by Halivni as text-based. The conceptual method suggests ideas by which the text's assertions and arguments can be understood. It is interpretive--"exegetical" in Halivni's terminology. The critical approach for Halivni is text-critical analysis, dealing with the various versions of a text. The dialectical critical approach, the one Halivni champions as his own, seeks to distinguish in the present text between original, often oral, sources and the additions that have been made to these sources by way of interpretation in the course of transmission and then through editing the sources to serve their present func-

¹⁴⁴. See e.g., Eugene A. Nida and Charles R. Taber, The Theory and Practice of Translation. Leiden: E.J. Brill, 1974. P. 33 and passim.

¹⁴⁵. David Weiss Halivni, "Contemporary Methods of the Study of Talmud, " in Journal of Jewish Studies, vol. 30, no. 2, Autumn 1979, pp. 192-201.

tions in the redacted text. Because our approach is not purely academic but pedagogical, we will typically be adding a dimension, or step, of conceptual analysis to the results of each type of critical analysis. Scholarly analysis will be for us not an end in itself but a means to a double goal: to answer a difficulty that the beginner may encounter in studying the text, as well as to find some appropriate meaning in the difficulty and/or its resolution.

As an example of the conceptual method, I will study the *Hazon Yehezkel*, a commentary on the Tosefta written by Rabbi Yehezkel Abramsky, a product of the Lithuanian yeshivot. For the critical method I will use the major work of Professor Saul Lieberman, the *Tosefta Kifshuta*. The dialectically critical method will be represented by Halivni's own work, *Mekorot u-Mesorot* (Sources and Traditions). The historical school will be represented by the essays of Gedalyahu Alon. My method will be to select substantial portions of Talmud that are commonly taught and that are treated by these scholars. I will attempt to exemplify the approach of the scholar with reference to Schwab's "curriculum potential" and Shulman's "pedagogical content knowledge." For each selection I will propose a curricular or pedagogical technique with which to teach the students, thereby demonstrating how scholarship can be translated into pedagogy.

Along the way I shall attempt to address some of the questions and problems to which the use of different methodologies may themselves give rise in the teaching situation, for example, what are the theological-religious implications of using critical methodology to teach beginners? However, the answers to these questions, especially as they differ with regard to different populations, will remain beyond the scope of this dissertation.

Although limited in scope to the work of only four scholars, this essay enables one to draw some conclusions regarding how the subject matter of Talmud can be "prepared" for curriculum. It is my contention that, while no one of the scholarly methods lends itself perfectly to curriculum development, each offers useful elements. This moves us toward an eclectic theory of how Talmudic research can be used as curricular resource, or towards different theories to be used in different settings. These theories are based on scholarship as a resource, and suggest a translation of the scholarly material into a defensible curriculum. (By "defensible" I mean not a curriculum that can be scientifically tested, but rather one that is capable of answering the concerns of the pedagogue and the curriculum writer.)

Chapter Two

Versions of the Confession: Yoma 36b

In the course of teaching a passage from the Babylonian Talmud to beginners, one obviously cannot invest the time that would be necessary to help students understand and appreciate higher level scholarship on the passage. Nevertheless, as I contend in my Introduction, such scholarship may provide a useful tool for the teacher to enhance the significance that beginning students will find in the Talmud. Assuming a theory of Jewish education in which the curriculum is meant to advance students' knowledge of traditional Jewish religious, historical, and ethical ideas as well as a personal appreciation of and commitment to a life of religious observance,¹ in the present chapter and the two that follow it, I shall show how one can utilize Talmudic scholar-

¹. See Introduction.

ship in order to identify a textual issue that can be developed into a lesson that goes well beyond the apparent subject of the text.

The present chapter will attempt to model the way a teacher of beginning Talmud students might prepare and carry out a lesson based on a unit, or "*sugya*",² from Tractate Yoma of the Babylonian Talmud, Chapter Three, page 36b.

The first step, of course, is for the teacher to study the *sugya*. In the present case, and perhaps in every one, it is essential to expand the Talmud's "shorthand" style of discourse by reconstructing the textual path that leads to the present discussion. That is, one begins with the Biblical source, in this case the Torah, proceeds to the Mishna, on which the Talmud comments, and then moves to the Talmud and its other sources, such as the Tosefta. Certain topics will emerge already from an initial survey of the earliest sources and their more obvious meanings. Nevertheless, one will encounter difficulties along the way. Unless a teacher glosses over them, students will note these difficulties, too. Such difficulties can become the springboard for deepening the discussion of the text by bringing in pertinent scholarly interpretation. Scholars often find textual difficulties a source of interest, and their grappling with a difficulty will routinely raise issues that have an educational value equal to that of the clearer, or "non-problematic," parts of the text. In what follows, I shall exemplify a method of identifying a difficulty, consulting a commentary, and applying the observations of the commentary to the teaching of the Talmudic *sugya*. It will be seen that the teacher's role in reading the commentary is similar to that of the teacher preparing the primary

². Literally, "walk", "course"--a Talmudic discussion of a given theme. Steinsaltz, p. 135.

sources themselves: to select topics that further one's educational goals and present them in lesson form to one's students, in this case, a class of beginners.

How A Teacher Prepares the Text

Before turning to the Gemara itself, it is helpful to review the text from the Torah upon which our *sugya* is based. Although not every teacher of Talmud would do this, it is my feeling that the nature of Talmud as a series of layers of discussion and commentary one upon another, demands that one be familiar with the primary Torah source as one begins a unit.

ויפד יהוה אל-משה אחרי מות שני בני אהרן בקרבכם
 לפני-יהוה וימתו: ויאמר יהוה אל-משה דבר אל-אהרן אחיך
 ואל-יבא בכל-עת אל-הקדש מבית לפרכת אל-פני הכפרת
 אשר על-הארץ ולא ימות כי בעזון אראה על-הכפרת: בזאת
 יבא אהרן אל-הקדש בפר בך בפר לחטאת ואיל לעלה:
 כתנת-בד קדש ולבש ומכנס-יכיר יהיו על-בשרו ובאבנט
 בל יחגר ובמצנפת בד יצנף בגדי-קדש הם ורחץ במים את
 בשרו ולבטם: ומאת עדת בני ישראל יקח שני-שעירי עזים
 לחטאת ואיל אחד לעלה: והקריב אהרן את-פר החטאת
 אשר-לו וכפר בעדו ובעד ביתו: ולקח את-שני השעירים
 והעמיד אתם לפני יהוה פתח אהל מועד: ונתן אהרן על-
 שני השעירים גדלות גורל אחד ליהוה וגורל אחד לעזאזל:
 והקריב אהרן את-השעיר אשר עלה עליו הגורל ליהוה
 ועשהו חטאת: והשעיר אשר עלה עליו הגורל לעזאזל ועמד
 חי לפני יהוה לכפר עליו לשלח אתו לעזאזל המדברה:
 והקריב אהרן את-פר החטאת אשר-לו וכפר בעדו ובעד
 ביתו ושחט את-פר החטאת אשר-לו: ולקח מל-המחנה
 גחלי-אש מעל המזבח מלפני יהוה ומלא חפניו קטרת סמים
 דקה והביא מבית לפרכת: ונתן את-הקטרת על-האש לפני
 יהוה וכסה וענן הקטרת את-הכפרת אשר על-העדות ולא
 ימות: ולקח מרס הפר והזה באצבעו על-פני הכפרת קדמה
 ולפני הכפרת יזה שבע-פעמים מן-הדם באצבעו: ושחט
 את-שעיר החטאת אשר לעם והביא את-דמו אל-מבית
 לפרכת ועשה אות-דמו כאשר עשה לדם הפר והזה אתו על-
 הכפרת ולפני הכפרת: וכפר על-הקדש מטמאת בני ישראל
 ומפשיעיהם לכל-חטאתם וכן ועשה לאהל מועד השכן אתם
 בתוך טמאתם: וכל-אדם לא-יהיה באהל מועד בבאו
 לכפר בקדש עד-צאתו וכפר בעדו ובעד ביתו ובעד כל-
 באשר צוה יהוה את-משה:

קהל ישראל: ויצא אל-המזבח אשר לפני-יהוה וכפר עליו
 ולקח מרס הפר ומרס השעיר ונתן על-קרנות המזבח סביב:
 והזה עליו מן-הדם באצבעו שבע פעמים וטהרו וקדשו
 מטמאת בני ישראל: וכלה מכפר את-הקדש ואת-אהל
 מועד ואת-המזבח והקריב את-השעיר החי: וסמך אהרן
 את-יטתו ידו על-ראש השעיר החי והתעדה עליו את-כל-
 עונת בני ישראל ואת-כל-פשעיהם לכל-חטאתם ונתן אותם
 על-ראש השעיר ושלח ביד-איש עתי המדברה: ונשא
 השעיר עליו את-כל עונתם אל-ארץ גזרה ושלח את-השעיר
 במדבר: ובא אהרן אל-אהל מועד ופשוט את-בגדי הכפר
 אשר לבש בבאו אל-הקדש והימחם שם: ורחץ את-בשרו
 במים במקום קדוש ולבש את-בגדיו ויצא ועשה את-עולת
 ואת-עלת העם וכפר בעדו ובעד העם: ואת חלב החטאת
 יקטיר המזבחה: והמשיח את-השעיר לעזאזל וכבס בגדיו
 ורחץ את-בשרו במים ואחרי-כן יבוא אל-המחנה: ואת
 פר החטאת ואת-שעיר החטאת אשר הובא את-דמם לכפר
 בקדש יצא אל-מתוך המחנה ושרפו באש את-עורתם ואת
 בשרם ואת-פרשם: והשרף אותם וכבס בגדיו ורחץ את-
 בשרו במים ואחרי-כן יבוא אל-המחנה: והיתה לכם לחקת
 עולם בתדש השביעי בעשור לחדש תענו את-נפשותיכם
 וכל-מלאכה לא תעשו האזרח והגר הגר בתוככם: כירביום
 הזה יכפר עליכם לטהר אתכם מכל חטאתיכם לפני יהוה
 תטהרו: שבת שבתון היא לכם ועמיתם את-נפשותיכם חקת
 עולם: וכפר הכהן אשר ימשיח אותו ואשר ימלא את-ידו
 לכהן תחת אביו ולבש את-בגדי הכפר בגדי הקדש: וכפר
 את-מקדש הקדש ואת-אהל מועד ואת-המזבח וכפר ועל
 הכהנים ועל-כל-עם הקהל וכפר: והיתה זאת לכם לחקת
 עולם לכפר על-בני ישראל מכל-חטאתם אחת בשנה ויעש
 באשר צוה יהוה את-משה:

אֲחֵרֵי מוֹת

16 The LORD spoke to Moses after the death of the two sons of Aaron who died when they drew too close to the presence of the LORD. ²The LORD said to Moses:

Tell your brother Aaron that he is not to come at will^a into the Shrine behind the curtain, in front of the cover that is upon the ark, lest he die; for I appear in the cloud over the cover. ³Thus only shall Aaron enter the Shrine: with a bull of the herd for a sin offering and a ram for a burnt offering.—⁴He shall be dressed in a sacral linen tunic, with linen breeches next to his flesh, and be girt with a linen sash, and he shall wear a linen turban; they are sacral vestments. He shall bathe his body in water and then put them on.—⁵And from the Israelite community he shall take two he-goats for a sin offering and a ram for a burnt offering.

⁶Aaron is to offer his own bull of sin offering, to make expiation for himself and for his household. ⁷Aaron^b shall take the two he-goats and let them stand before the LORD at the entrance of the Tent of Meeting; ⁸and he shall place lots upon the two goats, one marked for the LORD and the other marked for Azazel. ⁹Aaron shall bring forward the goat designated by lot for the LORD, which he is to offer as a sin offering; ¹⁰while the goat designated by lot for Azazel shall be left standing alive before the LORD, to make expiation with it and to send it off to the wilderness for Azazel.

¹¹Aaron shall then offer his bull of sin offering, to make expiation for himself and his household. He shall slaughter his bull of sin offering, ¹²and he shall take a panful of glowing coals scooped from the altar before the LORD, and two handfuls of finely ground aromatic incense, and bring this behind the curtain. ¹³He shall put the incense on the fire before the LORD, so that the cloud from the incense screens the cover that is over [the Ark of] the Pact, lest he die. ¹⁴He shall take some of the blood of the bull and sprinkle it with his finger over the cover on the east side; and in front of the cover he shall sprinkle some of the blood with his finger seven times.

¹⁵He shall then slaughter the people's goat of sin offering, bring its blood behind the curtain, and do with its blood as he has done with the blood of the bull: he shall sprinkle it over the cover and in front of the cover. ¹⁶Thus he shall purge the Shrine of the uncleanness and transgression of the Israelites, whatever their sins; and he shall do the same for the Tent of Meeting, which abides with them in the midst of their uncleanness. ¹⁷When he goes in to make expiation in the Shrine, nobody else shall be in the Tent of Meeting until he comes out.

When he has made expiation for himself and his household, and for the whole congregation of Israel, ¹⁸he shall go out to the altar that is before the LORD and purge it. He shall take some of the blood of the bull and of the goat and apply it to each of the horns of the altar; ¹⁹and the rest of the blood he shall sprinkle on it with his finger seven times. Thus he shall cleanse it of the uncleanness of the Israelites and consecrate it.

²⁰When he has finished purging the Shrine, the Tent of Meeting, and the altar, the live goat shall be brought forward. ²¹Aaron shall lay both his hands upon the head of the live goat and confess over it all the iniquities and transgressions of the Israelites, whatever their sins, putting them on the head of the goat; and it shall be sent off to the wilderness through a designated* man. ²²Thus the goat shall carry on him all their iniquities to an inaccessible region; and the goat shall be set free in the wilderness.

²³And Aaron shall go into the Tent of Meeting, take off the linen vestments that he put on when he entered the Shrine, and leave them there. ²⁴He shall bathe his body in water in the holy precinct and put on his vestments; then he shall come out and offer his burnt offering and the burnt offering of the people, making expiation for himself and for the people. ²⁵The fat of the sin offering he shall turn into smoke on the altar.

²⁶He who set the goat for Azazel free shall wash his clothes and bathe his body in water; after that he may re-enter the camp.

²⁷The bull of sin offering and the goat of sin offering whose blood was brought in to purge the Shrine shall be taken outside the camp; and their hides, flesh, and dung shall be consumed in fire. ²⁸He who burned them shall wash his clothes and bathe his body in water; after that he may re-enter the camp.

²⁹And this shall be to you a law for all time: In the seventh month, on the tenth day of the month, you shall practice self-denial; and you shall do no manner of work, neither the citizen nor the alien who resides among you. ³⁰For on this day atonement shall be made for you to cleanse you of all your sins; you shall be clean before the LORD. ³¹It shall be a sabbath of complete rest for you, and you shall practice self-denial; it is a law for all time. ³²The priest who has been anointed and ordained to serve as priest in place of his father shall make expiation. He shall put on the linen vestments, the sacral vestments. ³³He shall purge the innermost Shrine; he shall purge the Tent of Meeting and the altar; and he shall make expiation for the priests and for all the people of the congregation.

³⁴This shall be to you a law for all time: to make atonement for the Israelites for all their sins once a year.

And Moses did as the LORD had commanded him.

*The Torah: A New Translation of the Holy Scriptures. Philadelphia: The Jewish Publication Society of America, 1962.

Chapter 16 of the book of Leviticus describes the ritual of expiation that is to be performed by Aaron, the High Priest in the desert. According to God's instructions to Moses, Aaron is to enter the Shrine only after having bathed and dressed in the sacral vestments, and after having made specific sacrifices. First, he is to offer his own bull as sin offering, "to make expiation for himself and for his household (v. 6, **וּכְפַר בְּעֵדוֹ, וּבְעֵד בֵּיתוֹ**). Then he is to draw lots to decide which of the two goats taken from the Israelite community shall be offered as a sin offering, and which shall be sent off alive to the wilderness for Azazel. Verse 11 repeats the instruction of verse 6 that Aaron is to offer his bull as sin offering, "to make expiation for himself and his household" (**וּכְפַר בְּעֵדוֹ וּבְעֵד בֵּיתוֹ**). Traditionally this verse has been interpreted to refer to a second act of expiation, this time on behalf of all the priests.³ This interpretation is derived by analogy to verse 19 in Psalm 135 where the phrase **בֵּית אַהֲרֹן** --"the house of Aaron"--refers to the whole family of priests.⁴

Next, Aaron is to remove glowing coals from the altar and take them, along with aromatic incense, behind the curtain into the Shrine, where he is to burn the incense. The cloud from the incense is to screen the cover of the Ark of the Covenant where God appears, lest Aaron see God and die. Aaron is to take some of the blood of the sacrificed bull and sprinkle it over and in front of the cover. He shall then slaughter the goat for the sin offering of the Israelites, bring its blood behind the curtain, and sprinkle it in the same way. This is the way he purges the Shrine and the Tent of Meeting of the impurities and transgressions of the Israelites. While Aaron is inside the Shrine making expiation, no one else is to be in the Tent of Meeting.

³. See Torat Cohanim and Rashi on Lev. 16:11.

⁴. Ibid.

Verse 17 states: "When he has made expiation for himself and his household, and for the whole congregation of Israel" (ובכפר בעדו ובעד ביתו ובעד כל קהל ישראל). This verse, taken together with verses 6 and 11, forms the basis for the traditional view that there were three individual acts of expiation--one for Aaron and his family, one for all the priests, and one for all the Israelites.

When Aaron has finished the expiation rite, he is to go out to the altar and purge it by applying blood from the sacrificed bull and goat to the horns of the altar, and by sprinkling the rest of the blood on it. This will cleanse the altar and consecrate it.

After the purging, "Aaron shall lay both his hands upon the head of the live goat and confess over it all the *iniquities* and *transgressions* of the Israelites, whatever their *sins*, putting them on the head of the goat" (v. 21).⁵ The goat shall then be sent off to the wilderness with a man appointed for this purpose (איש עתי) who shall set it free in order to carry all the iniquities of Israel to an inaccessible region. Aaron shall then remove the sacral vestments and leave them in the Tent of Meeting. He shall bathe and put on other clothing and then come out and offer his burnt offering and the burnt offering of the people, to make expiation for himself and for them (ובכפר בעדו ובעד v. 24). The bull and goat of the sin offerings whose blood was brought in to purge the Shrine shall be taken outside the camp and burned completely. The man who burns them, and the man who set free the goat for Azazel, must wash their clothes and bathe before they can reenter the camp.

This description of the ritual of expiation in the desert is immediately followed by the commandment to observe an annual day of atonement on the tenth day of the

5. וסמך אהרון את שתי ידיו על ראש השעיר החי והתודה עליו את כל עונות בני ישראל. ואת כל פשעיהם לכל חטאתם, ונתן אותם על ראש השעיר ושלח ביד איש עתי המדברה. This verse will be important to the understanding of our *sugya*.

seventh month. "For on this day atonement shall be made for you to cleanse you of all your sins; you shall be clean before the Lord" (v. 30).⁶ The high priest in each generation shall make the expiation.⁷

After reviewing the Biblical source text, the teacher then moves on to examine the text of the Mishna. (The large majority of material in the Babylonian Talmud consists of interpretation of and discussion of the implications of the Mishna.)

Tractate Yoma of the Mishna describes the traditional ritual of the Day of Atonement as it was performed in the Temple. The first seven chapters detail the order of the Day of Atonement (Yom Hakippurim) beginning from the seven days of preparation of the High Priest. The last chapter contains the laws of self-denial and repentance that are incumbent upon all Jews.

The mishnaic account adds many details to the ritual that were not apparent, or not yet relevant, to the description in Leviticus. The ritual in the Temple was an elaboration of the original ritual in the desert. One of these details is the confession (וידוי) that the High Priest recited three times. This confession is therefore mentioned in three different Mishnayot, according to where it was said in the order of the service. Its first mention, in Chapter 3, Mishna 8, is as part of the morning preparation, and is the source for the *sugya* we are considering:

⁶. כי ביום הזה יכפר עליכם לטהר אתכם מכל חטאתיכם לפני ה' תטהרו. This verse will be important to the understanding of our *sugya*.

⁷. Other references to the expiation ritual and to the day of atonement occur in the Torah in Exodus 30:10 and Numbers 29:7.

ה בא לו אצל פָּרוֹ, וּפָרוֹ הָיָה עוֹמֵד בֵּין הָאוֹלָם וְלִמְזֻבָּחַ, רֹאשׁוֹ
 לְדָרוֹם וּפָנָיו לַמַּעֲרָב; וְהִפְתָּן עוֹמֵד בַּמִּזְבֵּחַ וּפָנָיו לַמַּעֲרָב,
 וְסוּמְךָ שְׁתֵּי יָדָיו עָלָיו וּמִתְנַדֶּה. וְכָךְ הָיָה אוֹמֵר: אָנָּה הָשֵׁם,
 עֲוִיֹתִי פָשַׁעְתִּי חֲטָאֹתִי לְפָנֶיךָ, אָנִי וּבֵיתִי. אָנָּה הָשֵׁם, כִּפֹּר נָא
 לְעֹנֹוֹת וְלַפְשָׁעִים וְלַחֲטָאִים, שְׁעוֹיֹתִי וְשַׁפְשַׁעְתִּי וְשַׁחֲטָאֹתִי
 לְפָנֶיךָ, אָנִי וּבֵיתִי, כִּכְתוּב בְּתוֹרַת מֹשֶׁה עֲבָדְךָ: 'כִּי־בֵיוֹם יִיחַד
 הַזֶּה יִכְפֹּר עַל־יְכֶם' וְגו'. וְהָן עוֹנֵן אַחֲרָיו: 'בְּרוּךְ שֵׁם כְּבוֹד
 מַלְכוּתוֹ לְעוֹלָם וָעֶד'.

He came to his bull and his bull was standing between the hall and the altar, its head to the south and its face to the west. And the priest stood in the east with his face to the west. And he pressed both his hands upon it and made confession. And thus he would say: O Lord! I have committed iniquities, I have transgressed, I have sinned before you, I and my house. O Lord.⁸ Forgive the iniquities, the transgressions, the sins which I have committed and transgressed and sinned before You, I and my house, as it is written in the Torah of Moses your servant: "For on this day atonement shall be made for you, etc." (Lev. 16:30). And they answered after him: Blessed be the name of His glorious kingdom for ever and ever.⁹

In order to make atonement, there was a specific verbal formula that the High Priest had to recite. This confession was repeated after the drawing of the lots to determine which of the two goats would be an offering to God, and which would be sent to the wilderness for Azazel. The High Priest would bind a red wool thread to the head of the goat for Azazel and set each goat in its proper place. Then,

⁸. Literally, "O, the Name".

⁹. The English translation is by Leo Jung, *Yoma*, Translated into English with Notes, Glossary, and Indices. London: Soncino Press, 1938. I have made some slight revisions to conform to modern English usage (e.g. "bull" instead of "bullock"; "you" instead of "thee").

בָּא לוֹ אֶצֶל פָּרוֹ
 שְׂגִיָּה, וְסוּמָךְ שְׁתִּי יָדָיו עָלָיו וּמְתוּדָה. וְכָךְ הָיָה אוֹמֵר: אָנָּה
 הָשֵׁם, עֲוֹנֹתַי פָּשַׁעְתִּי חַטָּאתַי לִפְנֶיךָ, אָנִי וּבֵיתִי וּבְנֵי אֹהֶל־עֵם
 קְדוֹשְׁךָ. אָנָּה הָשֵׁם, בִּפְרָגָא לְעֻזּוֹת וְלִפְשָׁעִים וְלַחַטָּאִים.
 שְׁעוֹנֹתַי וְשִׁפְשָׁעְתִּי וְשִׁחַטָּאתַי לִפְנֶיךָ, אָנִי וּבֵיתִי וּבְנֵי אֹהֶל־עֵם
 קְדוֹשְׁךָ, בְּכַתוּב בְּתוֹרַת מֹשֶׁה עֲבָדְךָ: 'כִּי־בַיּוֹם הַזֶּה יִכָּפֵר יִיחִיד
 עֲלֵיכֶם לְטָהָר אֶתְכֶם מִכָּל חַטָּאתֵיכֶם לִפְנֵי ה' תִּטְהָרוּ'. וְהָן
 עוֹנֵץ אַחֲרָיו: 'בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד'.

He came to his bull a second time, pressed his two hands upon it and made confession. And thus he would say: O Lord,¹⁰ I have committed iniquities, I have transgressed, I have sinned before You, I and my house, and the children of Aaron, Your holy people!¹¹ As it is written in the Torah of Moses, Your servant: "For on this day atonement shall be made for you, to cleanse you of all your sins; you shall be clean before the Lord" (Lev. 16:30). And they answered after him: Blessed be the name of his glorious kingdom for ever and ever (Mishna Yoma 4:2).

After the slaughter of the High Priest's bull and the preparation of the glowing coals¹² and the incense¹³, the High Priest would enter the Holy of Holies and put the incense upon the coals in front of the ark.¹⁴ Then he would exit and reenter to perform the ritual of the sprinkling of the blood of the sacrificed bull, along with the blood of the goat which was now slaughtered.¹⁵

¹⁰. Literally, "O, the Name".

¹¹. This second confession is meant to include all the priests. See above.

¹². Mishna Yoma 4:3,4,5.

¹³. *Ibid.* 5:1.

¹⁴. *Ibid.* 5:1-2.

¹⁵. *Ibid.* 5:3-4.

Following the sprinkling, he would confess a third time:

ב בא לו אצל שער המשתלח וסומך שתי ידיו עליו, ומתודה.
 וכך היה אומר: אָנָּה הָאֵלֹהִים, עוֹו פִּשְׁעוֹ חַטָּאוֹ לְפָנֶיךָ עֲמָךְ בֵּית
 יִשְׂרָאֵל. אָנָּה בָּשָׂם, כִּפָּר נָא לְעוֹנוֹת וּלְפִשְׁעִים וּלְחַטָּאִים,
 שְׁעוֹ וּשְׁפִשְׁעוֹ וּשְׁחַטָּאוֹ לְפָנֶיךָ עֲמָךְ בֵּית יִשְׂרָאֵל, כִּכְתוּב
 יֵצֵא מִפִּי כֹהֵן גָּדוֹל, הָיָה כּוֹרְעִים וּמִשְׁתַּחֲוִים וְנוֹפְלִים עַל
 פְּנֵיהֶם, וְאוֹמְרִים: 'בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד.'

He then came to the scapegoat and laid his two hands upon it and he made confession. And thus would he say: O Lord! Your people the House of Israel have committed iniquities, transgressed, and sinned before You. O, by Your name (forgive the iniquities, the transgressions, and the sins which Your people, the House of Israel, have committed, transgressed, and sinned before You, as it is written in the Torah of Moses, Your servant: "For on this day atonement shall be made for you, to cleanse you of all your sins; you shall be clean before the Lord" (Lev. 16:30). And when the priests and the people standing in the Temple court heard the fully-pronounced Name come forth from the mouth of the High Priest, they bent their knees, bowed down, fell on their faces and called out: Blessed be the name of His glorious kingdom for ever and ever.¹⁶

According to the Mishna, it was in the course of this confession that the High Priest would pronounce the ineffable name of God. Then the scapegoat would be sent away for Azazel, the Torah would be read, and the rest of the sacrifice completed.¹⁷ The High Priest would perform his ablutions and give a party at the end of the day.¹⁸

In dealing with a text that describes rituals still in use among Jews today—albeit in a different liturgical form—the teacher must review the evolution of the Mishna's ritual

¹⁶. Mishna Yoma 6:2

¹⁷. Mishna Yoma, Chapter 7.

¹⁸. *Ibid.*

into our current practices. In the course of this investigation, the teacher would find, of course, that, the cultic ritual of the Day of Atonement was discontinued with the destruction of the Second Temple in the year 70. As with most of the cult, the עבודה--the order of the ritual--became commemorated in the prayer service. Already in the time of the Talmud, as we shall see, the prayer service for Yom Kippur contained a description of the activities of the High Priest in the Temple. By the time of the Geonim (c. 7th-11th centuries), the recitation of this story was seen as obligatory, and so it has remained until today.¹⁹ Around the Mishna's simple description of the ritual grew liturgical poetry, or *piyyut*, that has been preserved in the rites and customs of the different Jewish communities. Among the many different *piyyutim*, two sections, based directly on the Mishna, appear in all of them--"והזידיון וההזאות", "the confessions and the sprinklings"--that is, the original Tannaitic formulation of the High Priest's confession and his counting out of the sprinklings of the sacrificial blood.²⁰

Of all the *piyyutim* about the עבודה (the ritual of Yom Kippur), the one best known to us and to our students is "אמיץ כח"--"You are strong"--by Meshulam ben Kalonymos of Mainz who lived in the 10th-11th centuries. This is the *piyyut* that was incorporated into the Ashkenazic Mahzor. It opens with a history of creation and continues with a poetic description of the order of atonement in the Temple. This *piyyut*, as all the other similar ones, is punctuated three times by the description of the confession of the High Priest and the response of the people, which is recited by the cantor and the congregation together:

¹⁹. Daniel Goldschmidt, ed. Mahzor for the High Holidays, Ashk. New York: Leo Baeck Institute, 1970. (Hebrew) Introduction, p.18.

²⁰. *Ibid.*, p.24. Goldschmidt attributes this format to the anonymous author of the second-oldest known *piyyut* on this topic, "אתה כוננת", which was used in the Spanish and Eastern liturgy.

וכך היה אומר: אָנָּא הָשֵׁם, חַסְדֵּיךָ, עֲרִיגִי, מִשְׁעֲתִי
לְסִנְיָה אֲנִי וּבֵיתִי. אָנָּא בְּשֵׁם, כִּסֵּר נָא לְחַסְדָּאִים וְלַעֲוֹנוֹת
וְלַמִּשְׁעִים, שְׁחַטְאֵתִי וְשַׁמְשַׁעֲתִי לְסִנְיָה אֲנִי וּבֵיתִי.
כְּכַתוּב בְּתוֹרַת מֹשֶׁה עֲבָדְךָ מִסִּי כְבוֹדְךָ: כִּי בַיּוֹם הַזֶּה
יִכְסֹר עַל־יָכֶם לְסַהַר אֶתְכֶם, מִכָּל חַטְאוֹתֵיכֶם לְסִנְיָה יִהְיֶה.

כאשר הדיון נכנס ל"היז כידע"ם, הקהל כוּדע וחסותות.

והכהנים והעם העומדים בַּעֲזָרָה, כְּשֶׁהִיוּ שוֹמְעִים אֶת
הַשֵּׁם הַנִּכְבָּד וְהַנּוֹרָא מִכִּרְשׁ יוֹצֵא מִסִּי כְהֵן גָּדוֹל בְּקִדְשָׁה
וּבְטַהֲרָה, הָיוּ כוֹרְעִים וּמִשְׁתַּחֲוִּים וְנוֹסְלִים עַל סִנְיָהֶם,
וְאוֹמְרִים: בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד.

ואף הוא היה מוכנס לנמר את השם לְהִיבֵן בְּכַנְיָהִים וְאֵמֶר לָהֶם:
חֲסִירָיו: וְאֵתָּה גְבוּרָה מַעֲזֵר רַחֲמֵיךָ וְטַלְטַל לְאִישׁ חֲסִידְךָ.

עָשָׂר לֵילָף לוֹ לְמַנְחָה עֲזָרָה, עָשָׂר שְׁעָרִים שֵׁם מַנְחָה עֲזָרָה
עֲשָׂרִים אֲוִרִים שֵׁם בְּתָאֵר וּבְטָרָה, עָשָׂר לְכִסֵּר עֲזָרָה בְּחַיִּים וְלִבְנֵי
זְהוֹב וְלִשְׁמֵי עֲזָרָה וְהַעֲלֵה מִקְלָטִי, עֲזָרָה וְהַגְדֵּל לְשֵׁם וְנֹאֵם וְלִצְדִּיק.
עָשָׂר עָשָׂר לְיָהוּה חַסְדָּא, עֲזָרָה עֲזָרָה לוֹ וּבְכִסֵּר אֶת הַשֵּׁם.
עָשָׂר וְהִדְרִית קִשְׁרָה גְּרָאֵשׁ מִשְׁחַלְלָה, עֲזָרָה אֶתָּה וְגַד צִית עֲלֵיךָ.
עָלָה וְכָא אֶתָּה מִרְיָה עֲזָרָה, עֲזָרָה מַעֲזֵר עֲזָרָה צוּר הַתְּהוֹרָה.

וכך היה אומר: אָנָּא הָשֵׁם, חַסְדֵּיךָ, עֲרִיגִי, מִשְׁעֲתִי
לְסִנְיָה אֲנִי וּבֵיתִי וּבְנֵי אֶהְרֹן עִם קְדוֹשֶׁיךָ. אָנָּא בְּשֵׁם, כִּסֵּר
נָא לְחַסְדָּאִים וְלַעֲוֹנוֹת וְלַמִּשְׁעִים, שְׁחַטְאֵתִי וְשַׁמְשַׁעֲתִי לְסִנְיָה אֲנִי וּבֵיתִי וּבְנֵי אֶהְרֹן עִם קְדוֹשֶׁיךָ. כְּכַתוּב
בְּתוֹרַת מֹשֶׁה עֲבָדְךָ מִסִּי כְבוֹדְךָ: כִּי בַיּוֹם הַזֶּה יִכְסֹר עַל־יָכֶם
לְסַהַר אֶתְכֶם, מִכָּל חַטְאוֹתֵיכֶם לְסִנְיָה יִהְיֶה.
והכהנים והעם העומדים בַּעֲזָרָה, כְּשֶׁהִיוּ שוֹמְעִים אֶת
הַשֵּׁם הַנִּכְבָּד וְהַנּוֹרָא מִכִּרְשׁ יוֹצֵא מִסִּי כְהֵן גָּדוֹל בְּקִדְשָׁה
וּבְטַהֲרָה, הָיוּ כוֹרְעִים וּמִשְׁתַּחֲוִּים וְנוֹסְלִים עַל סִנְיָהֶם,
וְאוֹמְרִים: בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד.

וכך היה אומר: אָנָּא הָשֵׁם, חַסְדָּא, עֲזָרָה, מִשְׁעֵי לְסִנְיָה
עֲבָדְךָ בֵּית יִשְׂרָאֵל. אָנָּא בְּשֵׁם, כִּסֵּר נָא לְחַסְדָּאִים וְלַעֲוֹנוֹת
וְלַמִּשְׁעִים, שְׁחַטְאֵי וְשַׁמְשַׁעֲתֵי לְסִנְיָה עִמָּךְ בֵּית יִשְׂרָאֵל.
כְּכַתוּב בְּתוֹרַת מֹשֶׁה עֲבָדְךָ מִסִּי כְבוֹדְךָ: כִּי בַיּוֹם הַזֶּה
יִכְסֹר עַל־יָכֶם לְסַהַר אֶתְכֶם, מִכָּל חַטְאוֹתֵיכֶם לְסִנְיָה יִהְיֶה.

כאשר הדיון נכנס ל"היז כידע"ם, הקהל כוּדע וחסותות.

והכהנים והעם העומדים בַּעֲזָרָה, כְּשֶׁהִיוּ שוֹמְעִים אֶת
הַשֵּׁם הַנִּכְבָּד וְהַנּוֹרָא מִכִּרְשׁ יוֹצֵא מִסִּי כְהֵן גָּדוֹל בְּקִדְשָׁה
וּבְטַהֲרָה, הָיוּ כוֹרְעִים וּמִשְׁתַּחֲוִּים וְנוֹסְלִים עַל סִנְיָהֶם,
וְאוֹמְרִים: בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד.

And thus he would say: O Lord! I have sinned, I have committed iniquities, I have transgressed before You, I and my house. O, by Your name, forgive the sins, the iniquities, and the transgressions which I have sinned and committed and transgressed before You, I and my house. As it is written in the Torah of Moses, Your servant, from the mouth of Your honor: "For on this day atonement shall be made for you to cleanse you of all your sins before the Lord.

And when the priests and the people standing in the Temple court heard the glorious and revered fully-pronounced Name come forth from the mouth of the High Priest with holiness and purity, they bent their knees, bowed down, fell on their faces, and called out: Blessed be the name of His glorious kingdom for ever and ever.

And thus he would say: O Lord! I have sinned, I have committed iniquities, I have transgressed before You, I and my house, and the children of Aaron, Your holy people. O, by your name, forgive the sins, the iniquities, and the transgressions which I have sinned and committed before You, I and my house, and the children of Aaron, Your holy people. As it is written in the Torah of Moses, Your servant, from the mouth of Your honor: "For on this day atonement shall be made for you to cleanse you of all your sins before the Lord. And when the priests...

And thus he would say: O Lord! Your people the House of Israel have sinned, and committed iniquities, and transgresses before You. O, by Your name, forgive the sins, the iniquities, and the transgressions which Your people, the House of Israel, have sinned, committed, and transgressed before You. As it is written in the Torah of Moses, Your servant...²¹ And when the priests...

At this point, the teacher should be able to identify a "textual difficulty" that results from a discrepancy between the text of the Mishna and the text of the Jewish liturgy that is derived from it. It is readily seen that these three nearly identical passages are taken almost directly from the Mishnayot quoted above, with some minor embellishments.²² However, there are two divergences from the mishnaic formulation which may appear to be merely stylistic, but which will be important to our understanding of the *sugya*. These are changes which will be noted immediately by the

²¹. My translation.

²². The paragraph "And when the priests..." appears only in Mishna Yoma 6:2. For a summary of the views on this point see Goldschmidt, *Mahzor*, p.440, notes.

student from a traditional background who is familiar with the Maḥzor, and which the student who is unfamiliar with the text can be easily led to see. In the Maḥzor's formulation, the supplicatory sentences are introduced alternately by אֱלֹהֵינוּ--O Lord!, and אֱלֹהֵינוּ--O, By Your Name!, while in the Mishna, the phrase אֱלֹהֵינוּ is used only once, in the second part of Mishna 6:2. In addition, the formulation of the confession in the Maḥzor presents the seemingly synonymous verbs in a different order from that in the Mishna: חטא (sin), עון (iniquity), פשע (transgression) in the Maḥzor, as opposed to עון, פשע, חטא in the Mishna.

Keeping this textual "difficulty" in mind, the teacher continues to prepare the Talmudic passage by turning to the *sugya* in the Gemara itself:

a Our Rabbis taught: 'How does he make confession: I have done wrong, I have transgressed, I have sinned. Similarly, in connection with the he-goat to be sent away Scripture says: *And he shall confess over him all the iniquities of the children of Israel, and all their transgressions, even all their sins.*'² Similarly, with Moses, it says: *Forgiving iniquity and transgression and sin*³—these are the words of R. Meir. The Sages, however, say: 'Wrongs' are deliberate misdeeds, thus also does Scripture say: *That soul shall be utterly cut off, his wrong shall be upon him,*⁴ 'transgressions' are rebellious deeds, as it is said: *The King of Moub hath transgressed against me;*⁵ furthermore: *Then did Libnah transgress at the same time;* 'sins'⁶ are inadvertent omissions, as it is said: *If any one shall sin through error.*⁷—Should he then, after having confessed the deliberate misdeeds and the rebellious deeds, turn back and confess inadvertent omissions?⁸ Rather, thus did he make confession: I have sinned, I have done wrong, I have transgressed before Thee, I and my house etc. Thus also does Scripture say in connection with David: *We have sinned with our fathers, we have done wrong, we have dealt wickedly.*⁹ Thus also with Solomon: *We have sinned, and have done wrong, we have dealt wickedly.*¹⁰ Thus also with Daniel: *We have sinned, and have dealt wrong, and have done wickedly.*¹¹—What is the meaning, then, of Moses' saying: *'Forgiving iniquity and transgression and sin'*?¹² Moses said before the Holy One, blessed be He: Lord of the Universe, when Israel sin before Thee and then do penance, account their premeditated sins as errors! Rabbah b. Samuel said in the name of Rab: The *huluchah* is in accord with the Sages. But [that is] self-evident, for 'Where the opinion of one individual is opposed to the opinion of a majority, the law follows the majority?'—You might have said: The reason of R. Meir appears more logical because the scriptural verse of Moses³ supports it, therefore we are taught [as above].

Once a man went down¹ before Rabbah and arranged his prayer in accord with R. Meir's view. He said to him: Do you forsake the Sages and act like R. Meir?—He answered: I hold as R. Meir, for thus it is written in the Torah of Moses.

Our *sugya* is part of the Gemara that follows the first Mishna cited above--Yoma Chapter 3, Mishna 8. The *sugya* appears on page 36b of Tractate Yoma in the Babylonian Talmud. The Gemara opens with a citation of the Tosefta (a Tannaitic source parallel to the Mishna that contains much important supplementary material) that is pertinent to the Mishna.²³ The citation is introduced by the standard acronym ר"ר which stands for the formula תנו רבנן--our rabbis taught--that introduces an anonymous tannaitic source.²⁴ It is typical of the Babylonian Talmud to present a dialectical argument about the interpretation of a source whenever an alternative view is known. In this instance, the Tosefta cites a controversy between Rabbi Meir and the Sages over the formulation of the confession. Whereas the three Mishnayot that describe the confession give a uniform version of it, the Gemara presents a source from the Tosefta in which the precise language of the priest's confession is disputed. Here, R. Meir offers a formulation²⁵ which is identical to that in the Mishna: עויתי פשעתי וחטאתי "I have committed iniquity, I have transgressed, I have sinned." R. Meir then brings prooftexts from the Bible to support his ordering of the seemingly synonymous verbs. When speaking of the confession over the goat-to-be-sent-away, the Bible states that Aaron shall "confess over it all the iniquities and transgressions of the Israelites,

23. Tosefta Yoma 2:1. The asterisk before the word כיצור leads us to the reference given in the apparatus Masoret Hashas. The reference is printed on the same line as the asterisk, in the inside margin, close to the binding; on our page, on the left side. The Masoret Hashas notes parallel texts and cross-references to identical or similar passages elsewhere in the Talmud and the Tosefta. It was compiled by R. Yehoshua Boaz (16th c. Italy).

24. Definitions of terms and phrases are based on E.Z. Melamed, Eshnav Hatal-mud, Jerusalem: Kiryat Sefer, 1976.

25. The Gemara does not cite the entire Tosefta but rather a compressed version; therefore the formulations appear abridged. The Gemara cites only what it needs for its discussion.

whatever their sins" (Lev. 16:21). Although the verse does not offer an exact formula for Aaron's confession, R. Meir uses the order of the nouns that mean wrongdoing as the basis for the verbs²⁶ used in the confession that he puts into the mouth of the High Priest. Another proof-text is taken from the archetype of the revelation experience, the proclamation of God to Moses upon the giving of the second tablets of the Ten Commandments when God describes Himself as נושא עון ופושע וחטאה "forgiving iniquity, transgression, and sin (Ex. 34:7)."

The Sages²⁷ raise a question about the order of the verbs in R. Meir's version of the confession. Students will see that R. Meir's formulation is that assumed in Mishna Yoma, and that, by analogy, the same question that the Sages ask can be raised against the Mishna. The Sages question the logic of the order of the verbs. In order to do so they must distinguish the nuances of the different words--words which heretofore appeared to be, for all intents and purposes, almost synonymous. What follows is definition by the hermeneutical technique of *gezera shava* in which the meaning of a word is learned by inference from another context (in this case, other verses in the Bible) where the meaning is clear. The words the Sages choose to define are the forms found in the primary Biblical text of this *sugya*--Lev. 17:21.²⁸

The Sages define עוונות--iniquities--as זדונות--deliberate misdeeds, by inference from the way the Bible uses the word in Numbers 15:31: כי דבר ה' בזה ואת מצותו הפר, הכרת תכרת הנפש היא עוונה בה.²⁹ "Because he has spurned the word of the Lord and

26. In Hebrew, nouns and verbs are built from the same three-consonant roots.

27. In general, when the text states ורחכמים אומרים--"the Sages say"--the implication is that theirs is the opinion held by the majority.

28. See below for the insight gained from the comments of the Hazon Yehezkel.

29. When the text of the Talmud brings only a part or a phrase from a Biblical verse, it is always necessary to see the whole verse in its original context. The shorthand, formulaic style of rabbinic literature employs an abbreviated form of quot-

violated His commandment, that person shall be cut off--he bears his iniquity," ie. he violated God's commandments because he deliberately spurned the Lord.

פְּשָׁעִים--transgressions--are defined as מַרְדִּים--rebellious deeds--as the verb פָּשַׁע is used in two different passages in II Kings. In Chapter 3 it is recounted that

...King Mesha of Moab was a sheep breeder; and he used to pay as tribute to the king of Israel a hundred thousand lambs and the wool of a hundred thousand rams. But Moab rebelled against the king of Israel (וַיִּפְשַׁע מֶלֶךְ מוֹאָב בַּמֶּלֶךְ יִשְׂרָאֵל [3:5]). So King Jehoram promptly set out from Samaria and mustered all Israel. At the same time, he sent this message to King Jehoshaphat of Judah: "The king of Moab has rebelled against me (מֶלֶךְ מוֹאָב פָּשַׁע בִּי [3:7]);³⁰ will you come with me to make war on Moab?

Also,³¹ in II Kings, chapter 8,

In the fifth year of King Joram son of Ahab of Israel--Jehoshaphat had been king of Judah--Joram son of King Jehoshaphat of Judah became king. He was thirty-two years old when he became king, and he reigned in Jerusalem eight years (8:16-17)....During his reign the Edomites rebelled against Judah's rule (בִּימֵי פָשַׁע אֲדוֹם מִתַּחַת יַד יְהוּדָה) and set up a king of their own. Joram crossed over to Zair with all his chariotry. He arose by night and attacked the Edomites, who were surrounding him and the chariot commanders; but his troops fled to their homes. Thus, Edom fell away from Judah, as is still the case. Libnah likewise

ing a passage from Scripture. In addition, from a hermeneutical perspective, considering the fuller context will often lead to a different way of perceiving the text that is in focus.

30. The Sages in the Tosefta that is cited in the gemara bring this phrase as their proof text for the definition of פָּשַׁע, but, in fact, the previous verse 5 says the same thing and is perhaps a bit clearer when taken in context. There the implication is that the פָּשַׁע is the cessation of payment of the tribute which has always been paid before. This is an act of rebellion. See p. 16, note 29.

31. Any time the Gemara uses "וְאָמַר" it means to bring something that will add to what was stated immediately previously. Here the phrase מֶלֶךְ מוֹאָב פָּשַׁע בִּי may not have the exact sense of "rebelled", because in fact the King of Moab was not subordinated to the King of Israel; therefore the Gemara brings another proof text about the Judean city Libnah where the meaning is unambiguous: אוֹתָם תִּפְשַׁע לְבָנָה בְּעַת הַיּוֹם--the people of the city (Libnah) rebelled against their king. (See R. Aryeh Leib, Shaagat Aryeh: Hiddushim on Masechet Yoma, or Gevurat Ari on Masechet Yoma, 1907, p.60.)

fell away at that time. (אז תפסע לבנה) ויפסע אדום מתחת יד יהודה עד היום הזה, [II Kings 8:20-22] (בעת היא

So פשעים-- transgressions--are rebellious deeds--acts done to anger someone else, or, in our *sugya*, to anger God.

The definition of the term חטאים (sins) is inferred from its use in the phrase . . . נפש כי תחטא בשגגה... (Lev. 4:2) "When a person unwittingly sins..." The use of the prepositional phrase בשגגה--unwittingly or unintentionally--to modify the verb תחטא--"sins"--allows the Sages to explain חטאים as inadvertent misdeeds.³²

Once the Sages have defined all their terms, the question they raise is easily understood: "Should ומאחר שהתודה על הזדונות ועל המרדים, חוזר ומתודה על השגגות?!" Should he then, after having confessed the deliberate misdeeds and the rebellious deeds, turn back and confess inadvertent omissions?" This would be illogical! In Rashi's³³ language, אם על זדונות ימחלו לו אין צריך לבקש שוב על השגגות, i.e., the iniquities and transgressions, he will be pardoned, there is no need to ask forgiveness again for the inadvertent ones. That is, if the High Priest begins by confessing and asking forgiveness for the sins committed deliberately, is it not logical to assume that the inadvertent sins are subsumed under these, and that if the deliberate ones are forgiven, so will the inadvertent ones be? Therefore it would seem even unnecessary to say פשעתי, חטאתי; saying פשעתי and/or חטאתי should be suffi-

³². There are other verses that the Sages could have chosen as proof texts for their definition of חטא, e.g., in the same chapter, אשר נשיא יחטא ועשה אחת מכל מצות ה' אלקיו אשר לא תעשינה בשגגה ואשם "In case it is a chieftain who sins by doing unwittingly any of the things which by the commandment of the Lord his God ought not to be done, and finds himself culpable...." (Lev. 4:22.)

³³. Rashi=R. Shlomo Yitzhaki, the 11th-12th century Ashkenazic author of the standard commentary on the Talmud.

cient.³⁴

Having questioned the logic of R. Meir's formulation of the confession, the Sages now suggest their own formulation with their own ordering of the verbs from least to most stringent: "ואני וביתי וכו' חטאתי ועויתי ופשעתי לפניך" "I have sinned, I have committed iniquity, I have transgressed before You, I and my house, etc." According to rabbinic practice, the Sages cannot suggest an alternative formulation based solely on logic. It is necessary for them to offer their own prooftexts from the Bible.³⁵ The verses they cite are not taken from passages associated with archetypal ritual experiences in the desert, but rather from the experiences of individual Biblical figures who had occasion to make personal confession to God.

וכן בדוד הוא אומר: "חטאנו עם אבותינו העוינו הרשענו."
Thus does [the Bible] say in connection with David (in the Book of Psalms which is traditionally ascribed to David): We have sinned like our forefathers; we have committed iniquities, we have done evil (Psalms 106:6).

וכן בשלמה הוא אומר: "חטאנו והרשענו ומרדנו."
Thus does [the Bible] say in connection with Solomon (when Solomon prayed to God upon the dedication of the Temple): [When Your people...sin against You...and they repent...saying:] 'We have sinned, we have committed iniquities, we have done evil'...[oh, give heed...and pardon Your people...] (I Kings 8:46-50).

וכן בדניאל הוא אומר: "חטאנו והעוינו והרשענו ומרדנו."
Thus does [the Bible] say in connection with Daniel (when Daniel prayed to God in sackcloth and ashes), [I prayed to the Lord my God, making confession thus:...] We have sinned; we have committed iniquities, we have done evil, and we have been rebellious [and have deviated from Your commandments and Your rules...] (Daniel 9:4-5).³⁶

34. The superfluousness of words is an issue that runs through all of Talmudic and Midrashic literature. It is assumed that extra words are not used unless they add to meaning.

35. See Menahem Elon, Jewish Law: History, Sources, Principles. Philadelphia: Jewish Publication Society, 1994. Vol. I, pp. 283ff. Passim.

36. The text of the Gemara here is faulty, as the students will see both from the parentheses and from the use of "לומר" = "one should say" in the Masoret Hashas, referring to a variant reading. I have cited the verses quoted from the Bible in the standard printed biblical form. העוינו can be used or not used as a synonym for

In individual appeals to God, confessors representing the Jewish community have used the apparently synonymous words for sinning, always using a form of the verb **עוה** first, before a form of the verb **חטא**.

Now the Sages have shown that their order makes sense logically (from the less stringent to the more stringent), and that it has been used before by certain "heroes" of the Bible. However, the Gemara is left with the problem of two opposing sets of prooftexts. The Sages have refuted the logic of R. Meir's formulation, but they have not dealt with his prooftexts. How can the Sages disregard the fact that when Moses calls to God at the moment of Revelation (Exodus 34:7)³⁷, the words are in R. Meir's order! Surely, God's statement is as weighty as David's, Solomon's, or Daniel's! And how would they deal with the first prooftext (Leviticus 16:21) which, while not a personal confession, describes how the original High Priest was to confess? This is the text whose instructions become the model for the ritual of the Day of Atonement, and in this text, too, the word order supports R. Meir.

The Gemara, recognizing the merits of both R. Meir's and the Sages' views, seeks to resolve in some way the controversy that is presented in the Toseftan source. The Gemara asks: "אלא מה הוא שאמר משה 'נושא עון ופשע וחטאה'?" "What is the meaning, then, of Moses' saying: 'Forgiving iniquity and transgression and sin'?" Surely one cannot imply that Moses used a word order that was illogical? Rather, this is how Moses is to be understood:

מדרגו; what is important here is that **חטא** is always the first verb in the verse.

³⁷. Although our Gemara takes the subject of the verb **ויקרא** to be Moses, the subject of the verb in context in Exodus is linguistically ambiguous. (See W. Gunther Plaut, ed. The Torah: A Modern Commentary, New York: UAHC, 1981. P. 659.) Were the subject God, the prooftext would be even stronger.

אמר משה לפני הקב"ה: רבש"ע בשעה שישראל חוטאין לפניך ועושין תשובה, עשה להם זדונות כשגגות.

Moses said before the Holy One, blessed be He: Lord of the Universe, when Israel sins before You and then does penance, account their deliberate misdeeds as inadvertent ones.

And, in the language of Rashi:

והיכי קאמר: נושא עון ופשע כחטאת שוגג.

This is what he (Moses) meant to say: Forgive iniquity and transgression as if they were inadvertent sins.

Or, in the words of R. Jacob Emden:³⁸

שאם אי אפשר לפטרם בלא כלום, לפחות יחשבו להם זדונותיהם כשגגות

If it is impossible to let them off with nothing, at least calculate (consider) their deliberate misdeeds as inadvertences.³⁹

We see, therefore, that Moses' statement can be interpreted to have used the order it did for a specific reason. Moses was not, in fact, confessing, but rather supplicating God on Israel's behalf and asking for a lightening of their punishment for future misdeeds.

The Gemara continues by citing the פסק הלכה, the halakhic decision that concludes the argument, in the words of Rabbah bar Shmuel: "The halakha is in accord with the Sages". But, it has not yet dealt with Leviticus 16:21. If the problem has been raised properly before,⁴⁰ the students will easily see this themselves. If not, it

³⁸. R. Yaakov Emden, 18th century, Germany.

³⁹. Hagahot ve-hidushim la-Talmud le-Rav Ya'akov Emden, quoted by Steinsaltz in his Iyyunim, p.153; my translation.

⁴⁰. See above, p. 81.

can be called to their attention by way of the Masoret Hashas who writes:

ועל קרא ד"והתודה" דמית ר"מ לא השיבו...
And on the verse of [and he] shall confess (Lev. 16:21) that R. Meir brings,
they didn't respond...⁴¹

This is a problem that students could be encouraged to solve on their own, before turning to the reference brought by the Masoret Hashas. Students often come up with plausible answers, and then are gratified and excited to find them corroborated by an "official" commentator.⁴²

The Masoret Hashas notes: עין תי"ט פ"ד מ"ב ד"ה לעונות which should be read aloud as: "לעונות" עין תוספות יום טוב [על משנה יומא] פרק ד', משנה ב', דבור המתחיל -- "Look at Tosefot Yom Tov [on Mishna Yoma] Chapter 4, Mishna 2, citation: 'to the iniquities.'"⁴³ The Tosefot Yom Tov⁴⁴ comments on the Mishna in the following manner:

...ומהו ז[ה] ש[נאמר] משה נושא עון וכו' בגמרא, בבביתא איתא בד"מ הני תרי קראי
והתודה וגו' ונושא עון וגו' ואהא קא מהדר אלא משאמר משה ונושא עון וגו' ובקרא
דוהתודה לא מהדר ולא מידי. והרמב"ם פרש דס"ל לחכמים דבסידרא לא קא מירי קרא

⁴¹. My translation.

⁴². Sometimes students come up with answers that are plausible, but have not been suggested before (*hiddushim*). This is to be encouraged. Often, students can be brought to suggest answers from the commentators by some well-placed Socratic questioning. These are both additional arguments for extensive preparation by the teacher, even of texts that s/he does not plan to use in class.

⁴³. Students must be taught to decipher the acronyms and initials used in the Talmud, the halakhic codes and their commentaries. This skill comes with practice and must be taught contextually since some acronyms have several meanings. For example, ע"ה can stand for עולם הבא (the world to come) or עם הארץ (unlearned, ignorant). [Paraphrase of Professor Saul Lieberman in a Talmud class at the Rabbinical School of the Jewish Theological Seminary, c. 1975.]

⁴⁴. A 17th century addition, exposition, supplement and work of source reference to the Mishnah commentary of R. Obadiah of Bertinoro by Yom Tov Lipmann Heller.

ולא בא הכתוב אלא לכלול מיני העונות ע"כ. אבל בת"כ ראיתי מה שאמר משה נושא עון וגו' ואומר והתודה וגו' אלא כיון שהיה מתודה על הזדונות ועל המרדים כאילו הם שגגות לפניו.

And what is this that Moses said "forgiving iniquity, etc." (Exodus 34:7)? In the *baraita* there are these two verses according to R. Meir: "and he shall confess, etc.", and "forgiving iniquity, etc.". And the Gemara goes back and reviews only what Moses said "forgiving iniquity, etc." while from the verse "and he shall confess" it doesn't learn anything. And the Rambam explained that it seemed to the Sages that the verse was not brought to deal with the order, but rather only to include the different kinds of iniquities. But in *Torat Kohanim I* [Tosafot Yom Tov] saw what Moses said "forgiving iniquity, etc." and also "he shall confess, etc." that since he was confessing the deliberate misdeeds and the rebellious acts they should be as if they were inadvertences before Him.

The *Tosefot Yom Tov* asks our question, i.e., why doesn't the Gemara explain why the Sages reject R. Meir's proof-text, Leviticus 16:21? He then cites Maimonides in his commentary on the Mishna⁴⁵ who says that the intention of Leviticus 16:21 was not to suggest an order for the words of confession but rather

...לכלול מיני החטאים, כי עונות עברות הנעשות בזדון, וחטאים עברות הנעשות בשגגה, ופשעים הם מיני הכפירה והמרד בה' כפשעים הגדולים שנקרא עושיהם פורק עול כחילול שבת ועבודה זרה.

...to include all the different kinds of sins, since *עונות* (iniquities) are misdeeds that are done purposely, and *חטאים* (sins) are misdeeds done inadvertently, and transgressions are the kinds of heresy and rebellion against God like the great transgressions that give those who commit them the name of "throwers off of the yoke," such as desecration of the Sabbath and idol worship.⁴⁶

It would appear, from Maimonides' interpretation of the Mishna, that the Sages don't even have to take into account R. Meir's use of the verse from Leviticus, because it is obvious that that verse is a listing of different kinds of misdeeds and has nothing to do with the ordering of a verbal confession. The verse is descriptive, and is not a record of a person speaking, as in the case of David, Solomon, and Daniel.

⁴⁵. Completed 1168, Egypt.

⁴⁶. My translation. See *פירוש על המשנה*, תורגם לעברית ע"י רבינו משה בן מימון, *ירושלם: מוסד הרב קוק, תשכ"ד*. "כיפורים" ז:ב ע"ע רנ-רנא.

The Tosefot Yom Tov then gives another solution to the problem by paraphrasing the Torat Kohanim⁴⁷ which draws a parallel between the explanation that the Gemara gives for the order of the verbs in Moses' statement and the interpretation of Leviticus 16:21--ie. that the High Priest should confess so that the deliberate misdeeds and the rebellious deeds should become like inadvertences before God.

After researching the questions that students might raise on Lev. 16:21 in the various Mishna commentaries, the teacher can return to the פסק הלכה, to the verdict in the controversy between R. Meir and the Sages over the formulation of the confession as it is presented in the Gemara:

אמר רבה בר שמואל אמר רב: הלכה כדברי חכמים.
Rabbah bar Shmuel said in the name of Rav: The halakha is in accord with the Sages.

Such a conclusion would seem to be unnecessary because it merely follows a general principle in Talmudic discourse. Therefore the Gemara declares פשיטא--that is simple (self-evident)!⁴⁸ It is a known rule⁴⁹ that הלכה כרבים, יחיד ורבים--Where the opinion of a single individual is opposed to the opinion of a majority, the law follows the majority. Therefore, in a case such as this where R. Meir is opposed to the Sages, it is obvious that the law is according to the Sages.

However, when something looks too simple, the Gemara will always explain why the seemingly obvious had to be stated anyway.

⁴⁷. Sifra or Torat Kohanim according to Codex Assemani LXVI, ed. Louis Finkelstein. New York: Jewish Theological Seminary of America, 1956. P. 341.

⁴⁸. פשיטא is a term used to denote that what has been said is self-evident, and to then ask, so why does it have to be stated?

⁴⁹. The rule appears in Berakhot 9a and other places.

מהו דתימא מסתבר טעמי דר' מאיר דקמסי"ע ליה קרא דמשה קמ"ל.
 You might have said: The reason of R. Meir appears more logical because the biblical verse of Moses supports it, therefore we are taught [as above].

The fact is that the prooftexts brought to support the Sages' view are from David, Solomon, and Daniel--lesser figures than Moses himself from whom the verse is brought to support R. Meir. And if the text of the Gemara is read with the correction noted by the הגהות מהר"ב רנשבורג (Emendations of the Bah)⁵⁰ and the הגהות מהר"ב רנשבורג (Emendations of Rav B. Ronsburg)⁵¹ and assumed by Rashi, i.e., that the word דמשה did not appear, then the argument still holds that the Sages' texts are brought from the Prophets and the Writings, while R. Meir's texts are from the Torah which carries more weight. Rashi emphasizes the weight of R. Meir's first prooftext--the one, it will be remembered, that the Gemara did not (or perhaps, could not) explain away: דוידוי יוה"כ גופיה. It speaks of "the confession of Yom Kippur itself." This surely could be a sufficient reason to make us think that, despite the rule of יחיד ורבים (the individual and the majority), the law is according to R. Meir. Because of this possible reasoning that you might have used (מהו דתימא=what if you say), the Talmud must restate the general rule. In this case, the rule might not have been so obvious; קא משמע לן--therefore it teaches it to us.⁵²

⁵⁰. These are brief notes suggesting alternative textual versions in the Talmud, Rashi and Tosafot, with an occasional short digression. The Bah is Rabbi Joel Sirkes (Poland, 16th century), whose major work is a commentary on the Arba'ah Turim called Bayit Hadash.

⁵¹. Textual emendations by Rabbi Betzalel Ronsburg (1760-1820), printed in the inner margin or at the bottom of the Talmud page. Reference to them is found in the Talmud text, Rashi and the Tosafot, in the form of a square Hebrew letter with a bracket on the left side of the letter. (Steinsaltz, p. 55)

⁵². מהו דתימא...קא משמע לן Lit., lest you say...he tells us. "This expression frequently follows the expression פשיטא. Often the Talmud explains that a seemingly superfluous statement was made to prevent us from reaching an erroneous conclusion. In such cases, the Talmud states:

You might erroneously have said X. Therefore the author of the seemingly

Here, as is often the case, the Gemara, in its typical associative mode of discourse, tacks on a little story in Aramaic that serves to illustrate the last point in this *sugya*:

ההוא דנחית קמיה דרבה ועבד כר"מ. א"ל שבקת רבנן ועבדת כר"מ. א"ל כר"מ סבירא לי דכתיב בספר אורייתא דמשה.

Once a man went down (to the prayer-desk to lead the congregation) before Rabbah and arranged his prayer in accord with R. Meir's view. He said to him: Do you forsake the Sages and act like R. Meir? He answered: I hold as R. Meir, for thus it is written in the Torah of Moses.

A man was leading the congregation in prayer during the Avodah service on Yom Kippur, and recited the confession in the order proposed by R. Meir. Rabbah, the same Amora who had transmitted the פסק הלכה--the decision in the controversy, in the name of Rav, was present. He asked: By doing as R. Meir, have you given up the view of the Sages? That is, do you think that the halakha is according to R. Meir? The man answered: Yes, the formulation of R. Meir seems more reasonable to me because it reflects what is written in the Torah of Moses (as opposed to the Prophets and the Writings).

The story would seem to continue or develop the dialectic between the views of R. Meir and the Sages by lending anecdotal support to the position of R. Meir at the same time that the halakhic ruling cited favored the position of the Sages. Perhaps, even after the halakha was decided, there were still those who, like this cantor, prayed according to R. Meir. Perhaps this remained a legitimate difference in custom.⁵³

superfluous statement teaches us that the law is in fact otherwise." (Steinsaltz, p. 129.)

⁵³. Steinsaltz cites the *Otzar Hageonim* by R. Benjamin Menashe Lewin (Vol. 6, p. 20. Jerusalem, 1894.):

הובא מעשה זה לומר עד כמה היה צורך בפסק הלכה זה של רב, שהרי הבריות היו טועים בדבר זה עד זמן רב לאחר מכן.

This incident was brought to show the necessity of the decision by Rav, since people were confused about the order of the confession for a long time.

How the Teacher Digests the Text

Once teachers have analyzed the text at hand and have performed the basic research involved in interpreting its *peshat* sense, they must then consider the text's underlying ideas and indicate/identify some educational issues that are transferable to other *sugyot* as well. This is the second step a Talmud teacher must take in translating scholarship into pedagogy. In this step, as in the previous one, the teacher must try to anticipate the questions or problems that beginning students may have. Too often, students misunderstand the nature of the transmission of the Jewish tradition. They forget that most Jewish texts are interpretations of older Jewish texts, even when they sound completely different. Every section in the Mishna and the Talmud has some biblical antecedent.⁵⁴ All of normative Judaism grows out of the same Torah.⁵⁵ The connection is always there, no matter how tenuous it seems. In addition, the relationship of the Sages' concerns in the Talmud to the archetypal models in the Torah, gives the

This interpretation seems forced. The incident does show confusion, but its placement at the end of the *sugya* lends weight to R. Meir's position and seems to lead toward my assumption above. (See other stories tacked on to ends of *sugyot*. The Geonic interpretation may fill a gap in the minds of our beginning students who often need halakhic "closure". However, the need to elucidate the pluralism within the Gemara is apparent. See the Introduction, with reference to David Kraemer, The Mind of the Talmud.)

⁵⁴. See Shaye Cohen in State of Jewish Studies, chap. 6, *passim*.

⁵⁵. It is because this point is so unclear, that our students have such difficulty understanding the relationship between Orthodox, Conservative, and Reform Judaism, all of which construe Judaism as a religion based on the exegesis of sacred texts even while they disagree as to the authorship of those texts. Israeli Judaism has a secular component (almost nonexistent in America) which does not define itself on the continuum of those who interpret sacred text.

Sages the weight needed to ascribe authority and even sanctity to their rulings. In our example, the description in Leviticus 16 provides the model for the tripartite confession of the High Priest in the Temple, and for the repetitions of the confession in the Avodah service. Also, the importance of the controversy between R. Meir and the Sages is felt against the background of the first confession in the desert. Here we have an attempt to recreate the desert ritual--first in the Temple cult, as described in the Mishna, and then in the formulation of the Avodah service.

Once the background material has been studied in depth, the teacher should be able to conceptualize at least one basic difference between the views of R. Meir and the Sages. This process of abstracting general principles from rabbinic views in specific cases will be facilitated for the teacher by exposure to the thematic approach to Talmudic literature taken at the Shalom Hartman Institute in Jerusalem.⁵⁶ R. Meir favors a formalized confession that, while not able to recreate the desert experience, can serve to remind us and arouse associations with that formative period. He understands ritual as a recreation of primary events. Therefore he insists on the word order in Leviticus 16:21 and relates to the word order in Exodus 34:7—one of the most resonant statements of revelation in the Bible.⁵⁷ Alternatively, the Sages look to Biblical models of individual confessors—to people, such as David, Solomon, and Daniel--and not to events. One may characterize the Sages' position as one that sees ritual as an externalization of the spiritual processes of the individual. Nevertheless, they too must relate to the pentateuchal source. Accordingly, they devise a *derash* based on an

⁵⁶. See Introduction, p. 22.

⁵⁷. See Thomas B. Dozeman, "Inner-Biblical Interpretations of Yahweh's Gracious and Compassionate Character," Journal of Biblical Literature, 108 (1989), pp. 207-23.

imagined supplication to God--one that interprets the verses (Exodus 34:7 and Leviticus 16:21) by tying together the personal and the archetypal.

The teacher who has studied all the Mishnayot from Tractate Yoma (Chapters 3-7)⁵⁸ has encountered more material than what is necessary for understanding our *sugya*, most notably, material relating to the cultic context for the verbal confession. It will be clear to such a teacher, who has also investigated the liturgical afterlife of the Temple ritual (see above), that the prayers were an attempt to recreate a lost cultic ritual. Teachers who work within the normative Jewish educational framework that was described above in the Introduction, will want to make their students aware of the transformation of the Temple ritual into the synagogue ritual with which they are familiar. Students will readily understand in the light of this historical development why the Gemara takes a special interest in the precise formulation of the liturgy. For the rabbis in the Talmud, too, the Temple service was history. The liturgy was their religious expression, as it is ours. In addition, the teacher will need to call students' attention to the order of the confession as expressed in the Mishnayot, in order for them to understand the force of the controversy between R. Meir and the Sages in the Gemara. The Mishna is *אליבא דר' מאיר*--i.e., is codified according to the decision of R. Meir. The Gemara turns this around by introducing us to the controversy, and then deciding it in opposition to the Mishna. The teacher may discover in performing historical research that the Mishna's position in this matter conforms to its overall codification of law to reflect an historical situation as if the Temple and its service still existed.⁵⁹

⁵⁸. See above pp. 66-68.

⁵⁹. Note the fact that several Orders and tractates of the Mishna deal with rituals of and contributions to the Temple; see, in brief, Neusner, Introduction to the Mishnah; Shaye J.D. Cohen, "The Modern Study of Ancient Judaism," in The State of Jewish Studies. I do not mean to imply that in specific instances the Mishna does not

After conceptualizing the difference between the liturgical viewpoints of R. Meir and the Sages, or the Mishna and the Gemara, the teacher must then prepare the *piyyut* כּוּמֵיץ from the Ashkenazi Maḥzor. The *piyyut*, which is familiar to traditional students, is necessary because the contrast with the Mishnayot will provide a contextual frame for the discussion in the Gemara and the scholarly material that impinges upon it. The teacher may want to study the *piyyut* in conjunction with Tefilla study, whether that falls within the subject matters of literature, Jewish thought, or Siddur. The *piyyut* could also be studied comparatively to other *piyyutim* of the Avodah service, highlighting the commonalities and the divergences among the different Jewish traditions.

Preparing to Deal With Students' Difficulties

Two problems that a teacher must anticipate in order to deal with the questions of (beginning) students are issues that arise in comparing our *sugya* with the relevant Mishnayot, on the one hand, and with the Avodah service in the Maḥzor, on the other. Because the *sugya* is based on a tosefta (Tosefta Yoma 2:1), a teacher can enrich his/her understanding of the Tosefta and its relation to other rabbinic texts by consulting the two major scholarly commentaries on the Tosefta, those of Professor Saul Lieberman⁶⁰ and the Hazon Yehezkel (R. Yehezkel Abramsky)⁶¹. The teacher will

adapt rituals that coexisted with the Temple cult for later, post-Temple practice; see, e.g., the analysis of Mishna Pesahim in Baruch M. Bokser, The Origins of the Seder: The Passover Rite and Early Rabbinic Judaism. Berkeley: University of California Press, 1984. Esp. pp. 37-49.

⁶⁰. Saul Lieberman, ed. Tosefta. New York: Jewish Theological Seminary, 1955-1988; Tosefta Kifshuta. New York: Jewish Theological Seminary, 1955-1967.

⁶¹. The Hazon Yehezkel, a scholarly commentary and novellae on the Tosefta, was first published in 1925. Its author, Yehezkel Abramsky, was a profound Talmudic scholar and active communal worker who subsequently became *dayyan* of the London *bet din*. (EJ 2:170-71)

have to use his/her personal criteria for deciding which of the several textual issues s/he will address, given limited teaching time. Assuming that a teacher will, like me, choose to present an issue that has a broad spiritual or ethical appeal and, assuming that students will be most perplexed by the discord between the language of the Talmud's formulation and the language of our ancient liturgy, we shall treat first the matter of how the confessional is formulated.⁶²

a. The Formulation of the Confessional

As was noted above, the Tosefta on which our *sugya* is based recounts the controversy between R. Meir and the Sages over the order of the confession of the High Priest. Although the Tosefta is a text that is largely parallel to the Mishna⁶³, the teacher will find that the controversy appears neither in the Mishna of this *sugya* (Yoma 3:8), nor in the other Mishnayot that relate to the two other confessions of the High Priest on Yom Kippur (Yoma 4:2 and Yoma 6:2). Lieberman, in his Tosefta Kifshuta, cites all the various formulations of the confession in the Geonic literature, in

⁶². I have not dealt here systematically with the question of finding religious and spiritual meaning in the selection and teaching of Talmudic texts. It is my personal feeling that religious and spiritual meaning can be sought and found in all authentic Jewish texts. The treatment of the problem of the order of the *vidui* as I have presented it above and will continue to present it here, is an excellent example of the analysis of text for religious meaning, but may not be relevant for all populations of students. (It would be presumptuous of me to decide what is "meaningful" for a particular teacher and his/her class.) However, consulting the scholarship on a text may well evoke issues of an engaging ideational or spiritual nature. I do attempt to show that high-level scholarship can be used in the search for meaning, even if the methodology of the scholarship itself is beyond the scope of the beginner's curriculum.

⁶³. It is also supplementary to the Mishna.

the Rishonim (pre-modern commentators), and in the various Siddurim and Maḥzorim.⁶⁴ It would appear that the decisions are split. The Gemara decides according to the Sages, in spite of its awareness that there is much weight on R. Meir's side. The division of perspective that one finds in the Mishna continues throughout the history of the Mishna's interpretation. It is not clear why the service came down to us the way it did. Probably both formulations were acceptable.

Now assuming that we design our curriculum to educate our students primarily in matters of Jewish ideas (religious, ethical, historical) and practice⁶⁵, then in this instance, Lieberman's treatment of the Tosefta and the various transmission problems of the confession does not in and of itself yield material that is relevant.⁶⁶

But the Ḥazon Yeḥezkel, in his Be'urim on our Tosefta, brings to our attention much conceptual and background material that can serve to enhance the teaching of the *sugya*.⁶⁷ Some of the ideas may seem obvious when worked into the explication of the *sugya*, but a teacher may not be inclined, or prepared, to think in these directions without expert guidance. It is impossible to know what twists and turns a person's thought processes may take⁶⁸. However, my own experience gives me anecdotal evi-

⁶⁴. Saul Lieberman, Tosefta Kifshuta, New York: Jewish Theological Seminary, 1962. Volume 4, pp. 755-6. Lieberman's work provides a veritable bibliography on every topic that he mentions in his commentary. It is for this reason that it is always fruitful to consult the Tosefta Kifshuta.

⁶⁵. See Introduction.

⁶⁶. Halivni shows why the version of our *sugya* in the Babylonian Talmud is the best of all the parallel versions, but this is also not relevant for our teaching. Mekorot U-Mesorot, *Moed*, p. 70.

⁶⁷. Yeḥezkel Abramsky, Tosefta Hazon Yeḥezkel, London: 1942. Part II, *Moed*, Book 2, p. 55.

⁶⁸. See references to the work of Shulman and Schön in my Introduction.

dence that consulting the Hazon Yehezkel highlighted some issues that gave me invaluable assistance in preparing this particular *sugya* for classroom teaching.

The Hazon Yehezkel, though not a commentator of major importance, abounds in original insights that seem to lend themselves to the educational enterprise. A teacher who does not have a command of all of the classical Jewish sources and modes of conceptual analyses at his/her fingertips will find the Hazon Yehezkel a uniquely useful resource.⁶⁹

There is no way to direct a teacher in how to make curricular use of the Hazon Yehezkel, or virtually any other commentary. The procedure will vary in accordance with shifts in the curricular goals of the moment. What one can do is to indicate the way in which the present writer was guided, and one could say enlightened, through research into the Hazon Yehezkel on our Tosefta.

At the beginning of my discussion of this *sugya*, I had emphasized the importance of the teaching of Leviticus 16 as the background and source of the derivation of the High Priest's three confessions in the Yom Kippur Temple ritual. In fact it was the Hazon Yehezkel who called my attention to the fact that the act of the recitation of the *וידוי* is derived from the recurrent use of the verb "וכפר". On the opening phrase of Tosefta Yoma 2:1 "כיצד הוא מתוודה"--"How does he make confession?"--Abramsky comments:

⁶⁹. Yehezkel Abramsky was born in Lithuania and studied at the *yeshivot* of Telz, Mir and Slobodka, as well as under Hayyim Soloveitchik of Brisk (R. Hayyim Brisker). This brought him under the influence of what came to be known as the Brisker methodology in Talmud study. This trend, initiated by R. Hayyim Brisker, strives to "analyze the subject under discussion into its categories and component parts...[and then] to describe the different concepts...[from which] the differences in the Talmud itself and among authoritative interpreters" derive. (EJ 3:129)

פרק ב א כיצד הוא כתורה הכהן הגדול ניום
 הכפרים על פרו ככתוב נקרא (ויקרא
 ט"ז) "והקריב אהרן את פר החטאת אשר לו וכפר בעדו
 ובעד ביתו" ה"י "וכפר" הי"ט וד"י שמתודה עליו ועל
 אנשי ביתו. וכן גם להלן (נפסוק י"ח) "והקריב אהרן
 את פר החטאת אשר לו וכפר בעדו ובעד ביתו ושחט
 את פר החטאת אשר לו" ה"י "וכפר" נ"י שהוא קודם
 השחיטה הוא וד"י שמתודה וד"י שני עליו ועל אחיו
 הכהנים שהם כלם קרויים ביתו שנאמר (תהלים קל"ה)
 בית אהרן גרבו את ה'. ואם (נפסוק כ"ח) "וסמך
 אהרן את שתי ידיו על ראש השעיר הדי והתודה עליו":

70

[How does] the High Priest [make confession] on the Day of Atonement on his bull, as it is written in Scripture (Leviticus 16:6) "Aaron is to offer his own bull of sin offering, to make expiation for himself and his household." This "to make expiation" corresponds to the confession that he makes for himself and for the people of his household. And so there further (v.11) "Aaron shall then offer his bull of sin offering"; this "to make expiation" which is before the slaughter is also confession, in that he makes a second confession for himself and for his brothers the priests, who are all called his household, as it is written (Psalms 135:19) "O house of Aaron, bless the Lord". And there also (Leviticus 16:21) "Aaron shall lay both his hands upon the head of the live goat and confess over it...." (This is a third confession.)

This is a classic example of *parshanut*, of Torah exegesis. The Hazon Yehezkel is explicating a case of apparent redundancy in chapter 16 of Leviticus. How do we know that the High Priest confessed three times? Because the verb *וּכָפַר*--to make expiation--is used in three separate sentences. Since rabbinic hermeneutics insists that there can be no redundancy in the Torah, each of these uses of the verb must be referring to a separate, discrete act of expiation. Abramsky explains that to make expiation

⁷⁰. Abramsky. *Tosefta Hazon Yehezkel*. Part II, Book 2, p.28.

is to confess; that is, each act of expiation is a separate confession. Verse 6 refers to the personal sin offering of the High Priest and therefore denotes the personal confession that he makes for himself and his family. Verse 11 speaks of the two goats between which a lot is drawn so that one becomes a sin offering and one becomes the "goat that is sent away". The confession that the High Priest makes immediately prior to the slaughter of the one that becomes the sin offering is the confession that he makes for himself and his fellow priests. *Beit Aharon* (the same expression as in verse 6), the entire family of priests, is hinted at by the use of the words *בְּעֵד בֵּיתוֹ* in verse 11. The third confession, referred to in verse 21, is the most clear. This is the confession for the entire people of Israel.

The above material, which Abramsky brings as a gloss on the first phrase in the Tosefta--"How does he (the High Priest) confess?"--becomes background material for understanding our Talmudic *sugya*. It serves to explain why the Mishna and the *piyyutim* that are based on it, describe three confessions that the High Priest makes on Yom Kippur. It also explains why the verbs in the confessions switch from first person singular to third person plural. Abramsky's commentary assists the teacher in clarifying to his/her students that when the Mishna discusses what the High Priest does in the Temple (whether it is speaking prescriptively or descriptively), it has a Biblical referent, that is, it is patterned on an archetypal cult--the original actions of Aaron in the desert. A teacher who is led to see the dependency of the Mishna on the Torah can forge a direct link between Aaron's actions, the Temple cult, and the *piyyutim* that enter the prayer service once the Temple cult disappears.

In suggesting how a teacher should prepare to teach our *sugya* I pointed to the different prooftexts brought by R. Meir and the Sages as the crux of the issue between

them over the order of the words in the confessions. R. Meir follows the order of the verbs in Leviticus 16 and supports his formulation by adducing the central verse of revelation in Exodus 34 (נושא עון ופשע וחטאה ונקה). The Sages question the logic of R. Meir's order and counter with prooftexts from personal confessions of later biblical figures (David, Solomon, Daniel). The controversy appears to revolve around the question of which are the appropriate prooftexts and, upon deeper reflection, on differing attitudes toward what is the correct archetype for the cultic confession--the original cult, or instances of personal confession. I suggested, in view of the Mishna's legislating for a community without a Temple as if that community still had one (see above), that the argument is over how the confession is perceived after the cult has disappeared. In such an era an argument over whether to recreate the national experience or to admit that the national experience no longer has force and should be replaced with a personal experience, is theologically significant.

Teaching the *sugya* with the emphasis that I have discussed in the preceding paragraph already brings the lesson to a high level of Jewish meaning that is accessible to beginners because it does not require knowledge of any obscure commentators or sources outside the *sugya* itself. A good textual analysis, facilitated by a good teacher can reach this level of discussion. However, a further study of the comments of the Ḥazon Yehezkel can raise the level even higher. Abramsky provides an insight that, I maintain, would not be noticed by someone using only a scientific, critical, or diacritical method.

על העונות ועל הפשעים ועל החטאים.
 „ כונן יסודי כשאלום מתודה העיקר הוא הכרת
 האדם את רוע מעלליו. וכך היה לחונן: אלה השם
 „עיתי“ חזיר אני מה שעיתי נחשבה וענתי על
 חונןך נקום תעשה כגון שנכנס טמא למקדש או שאכל
 קדש בטומאה. „פשעתי“ מתחרט אני מה שענתי על
 חונןך אפילו נשנ ואל תעשה עי חרד כגון שנטמא
 במקדש ולא יאז חיד ושהה כדי השתמרה (חרד היינו
 מה שלא ציית כמו „רפסע חלק תואב במלך ישראל“
 (מלכים ב' ג'), היינו שלא שלם עוד החם כאשר הושת
 עליו. אצל חרדו לא עשה שום תעשה כדחשחע חקרא
 דלהלן „וכל תואב שחע כי עלו המלכים להלחם נס“).
 „טמאתי“ מתחרט אני אפילו על מה שחטאתי בשוגג
 בלא ידעתי: וכן נחפלתו „אני כפר נא“ קחשי חטא
 נסוף, שחזיר נחטא לע"פ שחטא בשוגג וחנקש כפירה
 נס על זה: ואת פשעיהם לכל חטאתם. ולרבי חזיר
 החי לכל חטאתם כמו ולכל חטאתם: וחכ"א חכמים
 חזי נחר חזיר העון. ואם על זדונות הוא חנקש שיחולו
 לו חטא צריך לנקש עוד על השגגות ולרדוה מה
 שחזיר נקדח „והתודה עליו את כל עונות בני ישראל
 ואת כל פשעיהם לכל חטאתם“ היינו „אחר חשה לפני
 הקנ"ה רבש"ע נשעה ישראל חטאתן לפניך ועשין
 חשונה עשה להם זדונות כשגגות“ (מסכתין דף ל"ו
 ע"ג) בלחור עונות בית ישראל וכל פשעיהם תהפכנה
 „לכל חטאתם“ היינו לשגגות ולכן כחזיר נקדח „לכל
 חטאתם“ ולא נאחר „וכל חטאתם“:

"On iniquities and on transgressions and on sins":

R. Meir maintains that when a person confesses the essence of the confession is the recognition of his evil deeds. Therefore he says: O God! "I have committed iniquities", that is, I recognize the iniquities I have committed in deed by transgressing your commandments in an active way, for example by entering the Temple in an impure state or by eating sacrifices in an impure state. "I have transgressed", that is, I regret the transgressions that I have committed even in a passive way by provocative (rebellious) behavior, for example, becoming impure while in the Temple and not exiting immediately (in less than the time it takes to prostrate oneself). [מַרְדָּ=rebellion, provocation means disobeying as in "But Moab rebelled against the king of Israel" (II Kings, 3:5), that is, he did not pay the tax as soon as it was levied upon him. But in this rebellion (provocation) he did not do anything active as he did later on (3:21 "And all Moab heard that the kings had come up to fight against them")]. "I have sinned", that is, I regret even the sins that I committed inadvertently without being aware of them. So that when R. Meir interprets the verse וְהִתְוֹדָה עָלֵינוּ אֶת כָּל עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל וְאֵת כָּל חַטֹּאתֵם "and וְהִתְוֹדָה עָלֵינוּ אֶת כָּל עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל וְאֵת כָּל חַטֹּאתֵם"—i.e., whatever their sins—he means "and whatever their sins."

The Sages follow after the severity of the iniquity. If for the deliberate misdeeds he asks forgiveness, he does not have to ask forgiveness for the inadvertent ones. For the Sages, then, the verse וְהִתְוֹדָה עָלֵינוּ אֶת כָּל עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל וְאֵת כָּל חַטֹּאתֵם is to be interpreted thus: Moses said to the Holy One Blessed Be He, "Master of the Universe, when Israel sins before You and then repents, treat their deliberate misdeeds as inadvertent misdeeds".⁷¹

⁷¹. Yehezkel Abramsky. *Hazon Yehezkel*. Jerusalem: 1925. Tosefta Yoma, p.28.

Abramsky understands R. Meir thus: When a person confesses, the essence of his confession is the recognition of the evil of his deeds. He says, עֲוִיֹתִי--I recognize my iniquitous deeds, I recognize that I have willfully transgressed your commandments. (The examples of iniquities that Abramsky cites are models or headings for many types of willful transgressions, but are all taken from the life of a priest because such is the archetype in the Bible. Abramsky, a true *parshan*, sticks very closely to the text.) Next, the confessor says פִּשְׁעֵי, I confess also my acts of passive rebellion, my acts of passive disobedience. (II Kings 3:21 The Moabites did not go out to fight when they heard that the Kings of Israel and Judah were coming up to fight against them, but by their inaction they brought the fight upon themselves.) Finally, the individual says חֲטָאִי, I regret even those sins which I sinned inadvertently, without knowing that I was sinning. I recognize the existence of these sins and I wish to atone for them as well.

The Ḥazon Yehezkel makes the point that it is in the nature of one who repents to confess his worst deeds first. Once he is truly ready to repent he will confess his worst deeds and then even his not-so-bad deeds and then even his unintentional misdeeds, the ones he might think do not have to be confessed at all. Therefore, Leviticus 16:21 should be interpreted as "all their פִּשְׁעִים and all their חֲטָאִים". This is the psychological progression of one who does real *teshuva*.

The Sages "follow the severity of the transgression" אֲזַלִּי בִּתְרַחֲמֵי הָעוֹן (in the words of Abramsky). They ask the following question: If the penitent asks forgiveness and confesses his deliberate or malicious misdeeds, are not the inadvertent ones subsumed in this confession as well? This is, as we saw in the Gemara, the reverse logic of R. Meir's position. So then how do the Sages explain Leviticus 16:21

(את כל פשעיהם לכל חטאתם)? They explain that Moses is asking God that when Israel does repent to turn their malicious misdeeds into (לכל) inadvertent misdeeds; to show His forgiveness by treating their עונות and פשעים as if they were חטאים. That is the way that God will show that He is forgiving Israel.

In essence, what the Hazon Yehezkel does--in what might be read by the careless as a mere restating of the Gemara--is to show that there are two ways of reading Leviticus 16:21 and that, depending upon the reading, there are two ways of repenting, each of which implies a different view of what repentance is. There are (at least) two different psychologies of *teshuva*. In the one, the penitent recognizes each and every one of his sins and atones for all of them in a progression that demands the greatest effort for the severest sins first. In the other, the penitent focusses all his effort on his most severe sins, implying that his less severe ones will be "covered," even without asking forgiveness for them explicitly.

The Maharsha⁷², who often comments on sugyot that are not halakhic in nature and who is therefore useful to consult here, points to the same conceptual difference as follows: R. Meir reasons that first the penitent should confess the malicious acts that are committed regularly (שכיח) by someone with a bad inclination; afterwards he should confess the rebellious acts that are done out of orneriness (להכעיס) but are not part of ordinary human behavior (שכיח ומצוי); and only then should he confess the misdeeds that no one else is aware of or that even he himself may not be aware of.⁷³

⁷². Morenu Harav Shemuel Adels, 1555-1631. A Polish commentator on the Talmud whose commentary appears at the back of every tractate of the Vilna Shas.

⁷³. See the original:

דטעמו [דר' מאיר] שיתודה מקודם על הזדונות שהם שכיחים בעושה לתיאבון ואח"כ על המרדים שהם להכעיס ואינו שכיח ומצוי כ"כ ואח"כ על החטאים שאינן מצוים וידועים כלל, אלא דלא חש ר"מ להא דמקשי ליה חכמים ומאחר שהתודה על הזדונות כו' חוזר ומתודה על השגגות כו' דאפשר אם לא יתודה גם על השגגות הם יכריעו לחובה והזדונות ומרדות לא ימחלו לו. (מהרש"א, חדושי הלכות ואגדות, מסכת יומא, ח"א דף לב ע"ב, ד"ה עויתי פשעתי חטאתי כו').

Therefore, if R. Meir were asked by the Sages, why does the penitent have to confess his inadvertent misdeeds if he has already confessed his malicious ones, he would probably answer that if the inadvertent misdeeds are not confessed as well, they will be held against the sinner, and his confessing of the malicious and rebellious acts won't protect him from punishment for the inadvertences.

A teacher who has digested the comments of Abramsky on the process of *teshuvah* can then form an overview of the *sugya* as follows:

The Mishna states that the confession of the High Priest on Yom Kippur was **עויתי, פשעתי, חטאתי**. The Gemara decides that the confession should be stated differently, based on the majority position of the Sages in the Tosefta. Although the rule that the decision is according to the majority is clear, it is rare for the Gemara to take a position different from that of the Mishna. The compiler of the *piyyut* that has found its way into our Maḥzor follows the Gemara, and the cantorial music that accompanies the *piyyut* even supports the conceptual position that one rises to a crescendo when confessing--one moves from lower level misdeeds to higher level misdeeds.⁷⁴

However, the Gemara indicates that there is room for R. Meir's position as well by relating the little story at the end of the *sugya*. By looking at the overall structure of the Mishna in light of Abramsky's comments on the two different types of repentance, the teacher can discern a match between them and the dialectical argument of the rabbis both within the Mishna and between the Mishna's conclusion and the Gemara. It is clear that the *sugya* is edited intentionally to lend support to both points of view. The

⁷⁴. The reader will recall that our ideal teacher has already looked into and compared the familiar version of the High Priest's confession in the Yom Kippur Maḥzor (see above).

thrust of the Gemara is to favor the Sages' position but it ends with a bow to R. Meir's. The Gemara transmits a religious norm through an educational message, that is, a message that relates to change and growth: There is not a single way to repentance; rather, there are different ways to repent.

Only the individual can decide what is the best way to confess. Each model of confession is based upon an individual psychology and each has archetypal models in the Bible.

b. The Invocation of God's Name

There is, as we said at the outset, a second critical problem that a teacher can transform into a conceptual discussion with pedagogical implications.

When the teacher prepares and compares the source texts that we have been studying, one finds the following discrepancy: The Mishna and the Tosefta both open the confession with the supplication **אנא השם**. The Gemara, however, in quoting the Tosefta, leaves out those two words. The *piyyut* that we have been analyzing in the Maḥzor, **אמיץ כח**, has a different formulation. It begins **אנא השם הטאתי עויתי פשעתי**, and then goes on **אנא בשם כפר נא לחטאים ולעוונות**. One will wonder where the phrase **אנא בשם** that we say in the *piyyut* comes from, and why the *sugya* in the Gemara leaves the supplication out altogether. The teacher will want to pursue this question because the textual differences are the kind that beginning students will notice.

In dealing with the question of variant wordings, the teacher will in this case derive great benefit from consulting the critical edition of the Tosefta by Lieberman.

In the first critical apparatus⁷⁵, one will find that our *sugya* has a parallel in the Palestinian Talmud (PT 3:7, 40d). That *sugya* begins thus: א"ר חגיגא בראשונה הוא. אומר אנא השם ובשנייה הוא אומר אנא בשם. R. Ḥagai said: At first (the first confession) one would say אנא השם, and at second (the second confession) he would say אנא בשם. The Palestinian Talmud then quotes the Tosefta but leaves out the supplication Ana Hashem and only includes it in the final formulation of the confession as suggested by the Sages: אנא השם חטאתי עויתי פשעתי לפניך אני וביתי... .

In consulting Lieberman's commentary on the Tosefta, Tosefta Kifshuta⁷⁶, one finds that the scholar leads us to many *Rishonim* who comment on this problem. I will discuss here only those comments that I found fruitful for constructing the particular lesson I have built on this problem. Another teacher might construct a different lesson. What I shall do in what follows is to exemplify a process by which a teacher makes direct pedagogical use of a scholar's critical work.

The Tosefot Yom Tov (Yoma 6:2) and the early Palestinian Tannaim understood R. Ḥagai as quoted in the Palestinian Talmud to be saying that in his confession the High Priest must begin with אנא השם because he is calling to God by name and confessing to Him; therefore he needs the definite article to signify that he is calling out to the one God directly. In the second confession the High Priest has already attracted God's attention and is now asking for expiation (כפרה). He calls אנא בשם--by or with Your name, please grant us expiation. This is a reasonable explanation for the subtle switch in phraseology that the *piyyut* takes from R. Ḥagai in the Palestinian Talmud.

⁷⁵. The Tosefta, ed. Saul Lieberman. New York: Jewish Theological Seminary, 1962. *Moed*, p. 229.

⁷⁶. Tosefta Kifshuta, Vol. 4, p. 754 ff.

Lieberman gives his own explanation of the use of the two slightly different supplications both in his Tosefta Kifshuta⁷⁷ and his Tosefet Rishonim.⁷⁸ There is a confusion between **אֲנִי הַשֵּׁם** and **אֲנִי בִשְׁם** because the words of R. Ḥagai are founded on an earlier tradition. At first the custom was to say **אֲנִי בִשְׁם כִּפֹּר נָא** pronouncing the real name of God, the tetragrammaton. However, it appeared as if the High Priest were swearing on the name of God or by the name of God. The same problem occurs in a story about Ḥoni Hame'agel who is chastised by Shimon ben Shetaḥ because it appeared as if he had the name of God on his arm.⁷⁹

Because of this problem, the formulation **אֲנִי בִשְׁם** was nullified for use by the High Priest and the formulation **אֲנִי הַשֵּׁם** began to be used. R. Ḥagai, in a desire to perpetuate both formulations, created a compromise: In the first call to God of the confession, use **אֲנִי הַשֵּׁם** with the definite article and without the confusion of taking the name of God in vain; in the second call, which is no longer real confession but rather a request for expiation, say **אֲנִי בִשְׁם**, i.e., **כִּפֹּר נָא בִשְׁמֶךָ הַגָּדוֹל**, "with Your great name", a style that appears in the Bible in several places (e.g., Psalms 54:3: **אֱלֹקִים** **תְּדַיְנֵנִי** **בִשְׁמֶךָ הַגָּדוֹל** **וּבְגִבּוֹרֶתְךָ תְּדַיְנֵנִי** "O God, deliver me by Your name; by Your power vindicate me").

Lieberman notes that this explanation of R. Ḥagai's compromise comes from Hemdat Hayamim, Part 4, Chapter 7.⁸⁰ It is quite similar to the Tosefot Yom Tov's

⁷⁷. Ibid. P. 755.

⁷⁸. Tosefet Rishonim, ed. Saul Lieberman. Jerusalem: Bamberger and Wahrman, 1937. Part I, p. 189.

⁷⁹. PT Ta'anit 3:12, and parallels, cited by Lieberman. Tosefta Kifshuta, p. 755.

⁸⁰. Hemdat Hayamim is a major 18th century Hebrew work of homiletics and ethics, authored by an unknown Sabbatean. The extant part of the work deals with the halakhic observances and ethical behavior of a pious Jew who tries to attain the maximum religious elevation during the various holidays, fasts, and special days of the

explanation of R. Ḥagai. There is an advantage in teaching this point using the Tosefot Yom Tov rather than the Hemdat Hayamim or the Tosefta Kifshuta itself because the Tosefot Yom Tov is an older, easier-to-read source, and one more commonly used in the study of Mishna. One might nonetheless add Lieberman's paragraph in the Tosefta Kifshuta that explains how this derives from an earlier tradition.⁸¹

Now that we have reviewed the material, we may characterize the pedagogical utility of consulting Lieberman's commentary as follows: Lieberman often leads us to questions that we might not have thought of on our own (although in this case we would have noticed the **אנא בשם, אנא בשם** variation and wondered about it). Lieberman then aids us bibliographically by directing us to particular *Rishonim* whose observations are relevant to our questions.⁸² Here we are not using modern scholarship (Lieberman's) in order to teach critical methodology. We are using modern "science" to lead us to traditional sources that shed light on problems that occupy us even when teaching Talmud in a traditional way. In any case, most students (and teachers) will

year. (EJ, vol. 8, cols. 320-21.)

⁸¹. Lieberman, p. 755:

ברם כבר ראינו לעיל שהפייטנים הקדומים שבא"י פירשו את דברי ר' חגי כפשוטן, ואמרו: אנא בשם כפר נא וכו', וכמו שפירש בתין"ט פ"ו מ"ב, שבראשונה שמתודה צריך לומר בהי"א הקריאה שקורא להש"ית בשמו ומתודה לפניו, ובשניה שמבקש הכפרה ואומר בשם, שר"ל שבשם הזה יכפר. ולעצם הענין כבר שערתי שדברי ר' חגי יסודם במסורת קדומה....

⁸². Another way to arrive at relevant *Rishonim*, *Aharonim* or other commentaries for curriculum-building is by researching every comment that was ever recorded on a particular *sugya*. This is a daunting task that the average teacher shies away from, although the task has been made much simpler in our day through the work of the Saul Lieberman Institute for Talmudic Research which is creating a computerized database of secondary material on the Talmud keyed to the Talmud's pages. See "The Computerized Index of References Dealing with Talmudic Literature," The Saul Lieberman Institute of Talmudic Research of the Jewish Theological Seminary of America.

not be able to read Lieberman's Tosefta Kifshuta; they may, however, be able to read the Tosefot Yom Tov and thus become acquainted with an additional source.

Lieberman cites one of his own articles that touches on this subject. The article allows us to appreciate the significance of realia in the interpretation of a classical text. In an article entitled "משהו על השבעות בישראל," "On Adjurations Among the Jews"⁸³ Lieberman discusses the adjuration על שמיא דברייך which was a standard idiom used on ancient ketubot and found in ancient manuscripts to be used by Jews before a contractual undertaking that may be dangerous. The phrase means literally "by means of the name of our Creator," and is ascribed to an astrologer who converted to Judaism.⁸⁴ Lieberman also notes a version of our formula (בשם) transliterated from Hebrew into Greek that appears in a Greek papyrus.⁸⁵ Careful analysis of a number of similar Talmudic and Midrashic statements reveals that similar ancient formulae were subtly transformed by the Sages from adjurations into the idiom of petition and prayer.⁸⁶ The Sages frequently took adjuratory folk expressions and changed them into invocations of prayer. What they were doing in essence was preserving the idiom that the people were using anyway, but changing it slightly into the more Jewish mode of petition and prayer rather than adjuration. This point goes a long way towards explaining the High Priest's use of אֲנִי בָשֵׁם in his second confession when he is petitioning God for expiation.

⁸³. Tarbiz 27 (1958), pp. 183-89.

⁸⁴. Palestinian Talmud Shabbat, Chapter 6, p. 8d.

⁸⁵. βεξεν βερεν θεν βεριο.

⁸⁶. English summary of Lieberman's article in Tarbiz, p. VIII.

Let us recall that the history and significance of the formula **אָנאָ בַּשֵּׁם** is discovered by pursuing, out of difficulty or curiosity, the reason for the discord in phraseology among the source texts of our *sugya*.

Summary

We have seen in the above analysis of a *sugya* and its educational unpacking that when one comes to teach a *sugya* that is based upon a Tosefta it is helpful to look at commentaries on the Tosefta in order to find leads that will explicate problems that arise in the text. R. Yehezkel Abramsky and R. Saul Lieberman are two such commentators. Abramsky's Brisker conceptual method led us to a psychological explanation of the two sides of the controversy in our *sugya* that speaks to our own very personal experience of confession and repentance on Yom Kippur. Lieberman's philological approach led us to consider some interesting historical material that serves to resolve an apparent discrepancy in texts that have come down to us. Both these approaches are accessible to the competent teacher. When used with proper pedagogy their application can greatly enrich the teaching of Talmud even on the most basic level.

This model shows the process of translation from scholarship into teaching that we are here trying to exemplify. One might argue then, that if one commentary (eg. Lieberman) does not yield fruitful material for the teacher's purpose, and one com-

mentary (eg. the *Ḥazon Yehezkel*) does, then one must consult every commentary and note on a particular text before teaching it.⁸⁷ This is probably correct, and may be what curriculum writers, ie. those that mediate between the scholar and the teacher, should be doing to prepare subject matter for teaching. This type of preparation goes beyond what most teachers can be expected to do themselves, given the limitations in their own educational backgrounds and on their time. Here I propose a model for exemplifying what one could do with a scholarly treatment of a text, one which I hope could be applied to other scholarly treatments, both traditional and modern.

⁸⁷. This process will be made much easier now due to the advent of computerized databases. See above n. 82.

Chapter 3

The Question of Hallel on Purim

Megilla 14a

In this chapter I will suggest a way in which a teacher can use the scholarship of David Weiss Halivni¹ in order to unravel the complexities of a difficult *sugya* (Tractate Megilla, 14a). The way in which Halivni reconstructs what he suggests is the original text of a *sugya* can be used in order to construct a lesson of major import for Jewish education.

It is here posited as a given that the conventional teacher will approach this *sugya* in the way one would teach any other *sugya*: One will begin at the beginning and proceed through the dialectical argument (*shakla vetarya*) as it appears on the page. At a certain point, however, it will become very difficult to understand this *sugya*, because the line of answers and questions do not seem to follow logically one

¹. David Weiss Halivni is a contemporary Talmud scholar who engages in redaction and source criticism in order to reconstruct the literary history of the Gemara in its redacted form. For more on his methodology, see note 29 below.

from the other. In traditional circles, where it is generally not acceptable to tell students that a sugya is meshubash (confused)², the teacher will continue to "fudge" until the end is reached. Since the goal of traditional teachers is generally to reach a pesak (halakhic conclusion)³, they will push ahead toward the conclusion (in this case a halakha) that the students probably know in advance.⁴ Once the pesak is being discussed along with some philosophical and practical aspects (in the case of a good teacher), the train of thought of the sugya will have been forgotten.⁵ Even a "non-traditional" teacher will probably attempt to teach the sugya "straight" and may not be knowledgeable enough to realize that the many margin notes in this sugya indicate problems with its editing. In particular, the note of Masoret Hashas that says "ערכין י: שם היטב" should be an indication that study of a parallel sugya may shed light on this one; however, many teachers will overlook this.

2. Private conversation with Rabbi Scot Berman, Principal of the Hebrew Academy of Harrisburg, Pennsylvania, as to what is acceptable and what is not in the traditional yeshiva.

3. See any of the curricular materials in Talmud published by Bar-Ilan University for TL (Tokhni'ot Limmudim). Every lesson in this material comes to some sort of halakhic "closure". Typically, interesting aspects of shakla vetarya or historical-philosophical material are given short shrift.

4. "Students...view the Talmud as a highly technical document, whose function is to dictate halakhic observance." Eliezer Diamond, "Teaching from Within/Teaching from Without: The Problem of Unshared Assumptions in the High School Gemara Class," Tradition, vol. 19, no. 4, Winter, 1981, p. 299.

5. The following is an excerpt from a worksheet on Megilla 14a that evidences my comments on conventional teaching:

מגילה י"ד.

1. מדוע תקנת נר חנוכה אינו מיוחס לנביאים, כמקרא מגילה (רש"י)?
2. כיצד למדו חז"ל לתקן קריאת המגילה בפורים?
3. מדוע אין אומרים הלל בפורים (3 הסברים)?

Teacher worksheet produced at Yeshivat Or Etzion, from the collection of the Pedagogic Center at Machon Herzog Teachers' Seminary at Yeshivat Har Etzion.

How a Teacher Plans a Lesson: Identifying a Textual Difficulty

In the preceding chapter, I described how, and why, a teacher could prepare the textual material related to a *sugya* with the use of standard scholarly aids. This represents the first stage in a teacher's achieving the requisite competence to make curricular use of the material according to the model of subject-matter competence described in the Introduction. In the present chapter I shall begin with the second stage of the teacher's curricular use of the material, the construction of a lesson. I shall introduce the scholarly resource at the point when it becomes evident that the ordinary method of reading the *sugya* breaks down.

ת"ד: ארבעים ושמונה *sugya* (Megilla 14a) נביאים...כיון שגלו חזרו להכשירן הראשון The following recounts the way I would "teach" the *sugya* in a classroom, trying to make sense of it for the student. I will use the pedagogical tool of outlining which for Talmud, as well as for many other subjects, is an invaluable aid.

The question with which the *sugya* deals is: Should we recite the Hallel service on Purim as we do on most holidays? I present below a photocopy of the *sugya* as it appears in the Vilna edition of the Talmud. I point to the many textual and margin notes, a sure indication that the *sugya* is problematic and may have variant readings.

I then present an English translation in outline form. The English is the Soncino translation,⁶ but the outline form is mine. Students find it much easier to understand the flow of the sugya when they are given aid in the form of outlines with subtitles that indicate the moves or turns of the Gemara's development or unfolding.⁷

⁶. Masekhet Megilla, trans. and annotated by Maurice Simon in The Babylonian Talmud, ed. I. Epstein (London: Soncino, 1938), Vol. 10, p.81. I have adjusted the English translation to maintain the identities with the parallel source in Masekhet Arakhin (see below, p. , n.). Since the Soncino translation is the work of many hands, parallels in the original are not always reflected in the translation. However, in order to make my points about the use of similar texts from different places, I must maintain the similarities in English.

⁷. I am indebted to my teacher Rabbi Joshua Bakst for introducing me to his method of outlining and for making sure that I had ample practice in it during the years that he was my Talmud teacher in high school. My own methods are based on his.

I know of no one who has written systematically on a rationale or a method for outlining sugyot, although many textbooks and writers on the Gemara use various forms. Here are several examples of unsatisfactory explanations

OUTLINING

Another formidable obstacle standing in the way of a beginning Talmud student's successful comprehension of the text is the inability to locate the junctures within the shakla v'tarya. This...is alleviated by providing a worksheet in which the opening and closing words of every step of the shakla v'tarya is indicated. (...Inserted lines in the text illustrate...the divisions of the shakla v'tarya.)

With these obstacles removed, the student is now prepared to begin deciphering the Talmudic text....

From Scot A. Berman, "Talmud: Text and Talmid--The Teaching of Gemara in the Modern Orthodox Day School", Ten Da'at, Heshvan, 5751, p.18.

On diagramming, which is a methodology also designed to highlight different parts of the sugya in order to better understand their functioning:

התרשימים באים להבהיר את הנלמד בדרך שונה מן הדרך המילולית....שפה של הצגה גרפית. ההצגה בתרשים מבליטה את דרך החשיבה שבסוגיא.

From Tzila Ron, Shlomo Rivlin, Yitzhak Schlesinger, Pirkei Gemara, Jerusalem: Ministry of Education and Culture, Pedagogic Secretariat, Curriculum Division; Lifschitz Religious College for Teachers. Teachers' Guide, Part I, pp. 22 ff.

See also Robert Goldenberg "Talmud", in Barry Holtz, ed. Back to the Sources. New York: Summit Books, 1984. PP. 155-56. Goldenberg provides a good outline of a sugya that provides a summary of the shakla v'tarya; however, he offers no rationale for his method.

What is different (and better) about Rabbi Bakst's method is that the rubrics make clear what is going on in the sugya (shakla v'tarya) while also providing a

Baraita: Our Rabbis taught: 'Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from or added aught to what is written in the Torah save only the reading of the Megilla.'

The Gemara's Question: How did they derive it [from the Torah]?--(How is it דרוש--derived?)

The Answer of R. Hiyya bar Abin in the Name of R. Joshua b. Korḥa: R. Hiyya b. Abin said in the name of R. Joshua b. Korḥa: [Kal vahomer (words added by Hagahot Habah--the argument a fortiori) if for being delivered from slavery to freedom we chant a hymn of praise, should we not do all the more for being delivered from death to life?

The Gemara's Question (קושיא):⁸ If that is the reason, we should say Hallel also?

The solution (תירוצ) of R. Yitzḥak (name added by Hagahot Habah): [It is not said] because no Hallel is said for a miracle that occurred outside of the [Holy] Land.

The Gemara's Question (קושיא): How then do we come to say it for the Exodus from Egypt which is a miracle that occurred outside the [Holy] Land?

Solution (תירוצ) from a baraita: As it has been taught: Before Israel entered the [Holy] Land, all the lands were considered fit for a song to be said [if a

graphic format that makes it easier to understand. Goldenberg's use of Roman numerals and letters gives almost no information about rhetorical function, while Berman's writing in of "Function" and "Meaning" does not give enough information about what the different parts of the sugya are and how it is organized.

See also Jacob Neusner, "The Redaction and Formulation of the Order of Purities in the Mishna and Tosefta" in A History of the Mishnaic Law of Purities. Leiden: Brill, 1977. Jacob Neusner, The Bavli's One Voice. Atlanta: Scholars Press, 1991. P. xiv, n. 2. Jacob Neusner, How to Study the Bavli. Atlanta: Scholars Press, 1992. Pp. 43ff.

See Shamma Friedman, "פרק האשה רבה בבבלי", in H.Z. Dimitrovsky, ed. מחקרים ומקורות. New York: JTSA, 1981. Pp. 283ff.

⁸. קושיא - "difficulty", i.e. an objection raised against an Amoraic statement, whether on the basis of logical reasoning or a literary source (Mishna or baraita). Steinsaltz, The Talmud: A Reference Guide, p. 138.

⁹. תירוצ - "solution", the resolution of a difficulty. After the Gemara has raised an objection to a statement or an argument, it usually attempts to provide a solution...by some other logical method. Ibid., p. 142.

miracle had occurred in their boundaries]. Once Israel had entered the Land, no other countries were considered fit for a song to be said [for miracles done in them].

R. Nahman's Statement: The reading [of the Megilla] is [equivalent to] Hallel¹⁰.

Rava's קושיא: Rava said (Rava demurred to this [Bah]) מתקיף לה רבא מי דמי בשלמא: There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], "Praise ye O servants of the Lord," and not servants of Pharaoh¹¹. But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus!

A Question to Rava and to R. Nahman: Whether on the view of Rava¹² or on the view of R. Nahman,¹³ there is a difficulty in what has been taught (in the baraita), that 'after Israel had entered the Land, no other land was considered fit to sing a song [for miracles done in it]'?¹⁴

The Gemara's Answer: After Israel went into exile, they (the other countries) were restored to their original fitness.

I would then review the apparent sense of the sugya following the outline. There are several ways of interpreting the baraita. The peshat appears to be that the forty-eight prophets and seven prophetesses who prophesied to Israel added only one halakha

¹⁰. The Hebrew words קרייתא זו הלילא, i.e., "the reading of it is Hallel." I would therefore bracket the words "of the Megilla" and "equivalent to" in order to leave the interpretation of the text more open-ended. The Soncino edition is here suggesting one of several possible interpretations, thereby not leaving any room for the ambiguity that encourages thoughtfulness.

¹¹. The Soncino translates, "who are no longer servants of Pharaoh." This is the meaning of the words, but not the literal translation.

¹². Who holds that Hallel would be said were we not servants of Ahasuerus.

¹³. Who holds that the Megilla is equivalent to Hallel (and of course we do say that).

¹⁴. According to the principle of "after they had entered the Land...", Hallel should not be said for a miracle that occurred in Persia. However, both Rava and Rav Nahman imply that under certain conditions, Hallel would be said for this miracle.

to the Torah, and that was the commandment to read Megillat Esther (on Purim). There are also those who explain that what the prophets did was to write the Megilla, or that they were the ones who included it in the canon.¹⁵

The Gemara then asks: How did the prophets derive this halakha (to read Megillat Esther on Purim)? What is the source of its derivation? It is evident that the Gemara here holds that no one invents a halakha from nothing; a "new" halakha must nevertheless be derived from the Torah through a process of interpretation.¹⁶ So, how is this one derived? The answer comes from R. Hiyya bar Abin in the name of R. Yehoshua b. Korḥa, a tanna of the fourth generation. It is derived or substantiated through one of the hermeneutical principles (that is legitimate for innovating halakha).¹⁷ The principle is kal vahomer --the argument a fortiori.¹⁸ If, when the

¹⁵. See Halivni, Sources and Traditions, Seder Moed [Hebrew], p. 486, n. 1, for references to this controversy. See especially Megilla 7a on the question on the canonization of the Book of Esther based on whether or not it was written ברוח הקדש.

¹⁶. "The phenomenon of a legal system which demands that the determination of its law and its solutions to legal problems be founded on the past...is found to be true of Jewish law in all periods of its history....Menahem Elon, "Mishpat Ivri", Encyclopedia Judaica, (1971) 12:131.

¹⁷. "The rabbis saw the Pentateuch as a unified, divinely communicated text, consistent in all its parts. It was consequently possible to uncover deeper meanings and to provide for a fuller application of its laws by adopting certain principles of interpretation (middot; 'measures,' 'norms')." Louis Jacobs, "Hermeneutics", Encyclopedia Judaica, (1971) 8:366.

¹⁸. The printed text reads ומה...לא כל שכן (if for x we do y, should not we do all the more for z?), which is the formula for a kal vahomer argument. The Hagahot Habah adds the words קל וחומר themselves.

Kal vahomer is the first of the thirteen middot enumerated by R. Ishmael. It belongs to the general category of analogical interpretation (midrash hamekish)--i.e. that which is concerned with the drawing of analogous conclusions from one matter to another with a view to widening the law and solving new problems... (underlining mine). The rule of kal vahomer is a process of reasoning by analogy whereby a reference is drawn in both directions from one matter to another, when the two have a common premise. Menahem Elon, ed. The Principles of Jewish Law. Jerusalem: Keter, 1975.

Israelites went from slavery to freedom (in the Exodus from Egypt), they sang a song of praise, i.e., the Song at the Sea (Rashi)¹⁹, how much the more so should we sing on the occasion when we were delivered from death to life, i.e., on Purim when Haman's decree was repealed. Hence, Megillat Esther, which is here viewed as a song of praise equivalent to the Song at the Sea, is read on Purim.²⁰ This reasoning becomes the answer to the question, מאי דרש?

The Gemara then asks, if we accept the *kal vahomer*, then shouldn't we also say Hallel (which is also a שירה [Rashi *ad loc.*]) on Purim, the way we say it on Passover (to commemorate the Exodus), for the same reason (if, when from slavery to freedom, how much more so when from death to life?). Since it is implied that it is already known that Hallel is not said on Purim, this question challenges the force of the *kal vahomer* of R. Hiyya bar Abin.

The answer to this question is given anonymously.²¹ Hallel²² is not recited in commemoration of miracles that occurred outside the land of Israel. Therefore, saying

For a fuller treatment see Menahem Elon, *Ha-Mishpat Haivri, "Kal vahomer"*, pp. 271, 292 ff., or, in English, *Jewish Law: History, Sources, Principles*, vol. I, pp. 347-351.

19. Rashi, Megilla 14a *incipit* "From slavery to freedom..."
ד"ה: מעבדות לחרות: ביציאת מצרים אמרו שירה על הים.

20. See the commentary of Maharsha:
היינו שירת "או ישיר" שהוא ספור הנס דקריעת ים סוף שיצאו מעבדות לחירות ומיניה ק"ו לשירת מגילה שמספר בו ג"כ הנס ממיתה לחיים. (מהרש"א, חידושי הלכות ואגדות, מס' מגילה, ח"א, דף יד ע"א, ו"ה ומה מעבדות לחירות אומרים שירה כו')

21. The *Hagahot Habah* calls attention to the fact that our *sugya* has a parallel in Tractate *Arakhin* and that there the answer is attributed to R. Yitzhak. (More on this below.)

22. In the version in *Arakhin* and in the Vatican ms. R. Yitzhak says that שירה (song) is not recited over miracles that occurred outside of Israel. The שיטה מקובצת in *Arakhin* corrects the text to read 'Hallel'.

a שירה (song of praise) in the form of Megillat Esther is appropriate and fits the kal vahomer analogy. Nonetheless, saying Hallel on Purim is inappropriate for a different reason: נס שבתו"ל.

The next question that the Stam (anonymous) Gemara asks is extremely obvious (and I therefore encourage students to raise it themselves): It is clear that the Exodus from Egypt is a miracle that occurred outside the land of Israel. Accordingly, if we resume the analogy between Purim and Passover, how can we say Hallel on Passover?²³

The Gemara answers the question with a solution (תירוץ) from a baraita:

As it has been taught: 'Until they entered the land of Israel, all lands were counted as proper for chanting a hymn of praise [for miracles done in them]. After they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]'. (Megilla 14a)

Accordingly, the Exodus, which occurred before the conquest of the land of Israel, can be commemorated by Hallel.²⁴

The Gemara, which, as we saw in the preceding chapter, tends to extend a discussion through a dialectical argument, then cites a statement of R. Nahman, who seems to equate the reading of Megillat Esther with Hallel, thereby implying that we do

²³. That we do say Hallel on Passover is taken as a given.

²⁴. Another possible solution to this problem is that the miracle of the Exodus from Egypt was only begun outside the Land of Israel and was consummated with the entry into the Land. See Yerushalmi Pesahim at Mishna 10:6-7, p. 37d. This solution is logical but is not referred to here at all and is therefore irrelevant to our discussion. For a new and brilliant translation, see Baruch Bokser, trans. and ed. Yerushalmi Pesahim: The Talmud of the Land of Israel, Vol. 13. Chicago: University of Chicago Press, 1994, p. 501.

read a Hallel on Purim. If so, his view is in apparent disagreement with R. Yitzhak's "inside-the-land"/"outside-the-land" distinction.

Swinging the argument back toward R. Yehoshua ben Korḥa's position, the Gemara then has Rava ask: **מי דמי?** --Are they really the same (Passover and Purim)? There, in the case of the Exodus from Egypt, it makes sense to say "Praise ye servants of the Lord" (one of the theme phrases of Hallel) because after the Exodus the children of Israel became free servants of the Lord alone, and were no longer servants of Pharaoh. But on Purim can the Jews honestly sing praise to the fact that they are servants of the Lord alone? Even after the miracle of Purim which saved their lives, they were still subjects of the Persian king Ahasuerus, and therefore not completely free! They were redeemed from the enemy, but not from foreign rule. (Note that Rava does not see Hallel as equivalent to Megillat Esther as Rav Naḥman does. He is giving a reason for not reciting Hallel on Purim, but he is not questioning the Prophets' establishment of the reading of Megillat Esther on Purim; nor is he questioning R. Ḥiyya bar Abin's derivation of the mitzvah of reading.)

The Gemara now restates a difficulty that occurs with respect to Rava's and Rav Naḥman's positions. Rava implies that were the Jews not still subjects of Ahasuerus, Hallel would be said on Purim. R. Naḥman implies that Hallel is said on Purim because the reading of the Megilla is Hallel (**בין לרבא בין לר' נהמן קשיא**). The difficulty arises from the previously cited baraita, stating that "after they had entered the land, other countries were not counted as proper for chanting a hymn of praise (Hallel) [for miracles done in them]!?" How then can a Hallel be said on a miracle that occurred in Persia (according to R. Naḥman and to Rava)? The answer of the anonymous Gemara is: **כיון שגלו חזרו להכשירן הראשון** --"When the people went into exile, the other countries became proper as at first."

So, the *sugya* in Megilla ends with the resolution of the "inside-the-land"/"outside-the-land" problem, implying that with respect to that issue Hallel could be said on Purim. The reason, then, that Hallel is not said on Purim can be explained according to either of two positions: Rava's, that Hallel is not said because the Jews remained subject to Ahasuerus; and R. Nahman's, that we in fact are saying a form of Hallel when we read the Megilla. The הלכה למעשה, that is, the practical halakha--what we actually do--preexists the Gemara's discussion and therefore turns out the same according to either position.

In accord with my goal of integrating the teaching of Jewish norms with textual study,²⁵ I would here pursue the practical halakha relating to the recitation of Hallel on Purim. Since, as we have seen in the preceding chapter and again in our *sugya* in Megilla, the Talmud tends to leave halakhic discussions open-ended, in order to follow the history of practical halakha we must turn to the post-Talmudic decisors. The different medieval halakhists explain the פסק--the decision--variously. For example, Rabben Asher quotes Rava and then says: הילכך לא אמרין הלילא בפוריא. Therefore (due to Rava's reasoning) we do not say Hallel on Purim.²⁶ Maimonides follows R. Nahman and says: ולא תיקנו הלל בפורים שקריאת המגילה היא ההלל. Hallel was not required on Purim because the reading of the Megilla is the Hallel.²⁷ R. Menahem Hameiri also decides the issue on the basis of R. Nahman and then adduces an interesting additional law on the basis of Rav Nahman's reasoning.

²⁵. See Introduction, pp. 6-11.

²⁶. רבינו אשר בן יחיאל, הלכות הרא"ש, דף לג ע"ב אות ח'. Rabben Asher, ad loc. 32b, H.

²⁷. Maimonides, Mishneh Torah, "Hilkhhot Megilla ve-Hannuka", 3:6.

נראה לי לטעם זה שאם היה במקום שאין לו מגילה שקורא את ההלל, שהרי לא נמנעו קריאתו אלא מפני שקריאת המגילה במקומו.

It seems to me according to this reason, that if one were in a place where he did not have a Megilla, he should read the Hallel, because the reading of Hallel is prohibited only because the reading of the Megilla comes in its place.²⁸

Examination of a Parallel Sugya

After drawing out the halakhic implications of our *sugya*, I would turn back to the text of the Gemara. In this particular lesson, the student has been made aware (see above) of a textual difficulty in the *sugya* in Megilla. The answer to the Gemara's crucial question, why should we not say Hallel on Purim in praise of our deliverance as we do on Passover?, is provided anonymously. The textual apparatus (in both Masoret Hashas and Hagahot Habah) indicates that there is a parallel *sugya* in *Arakhin* in which the speaker is identified as R. Yitzhak. In fact, as I noted above, the Masoret Hashas²⁹ says ערכין י: ע"ש היטב. A scholar will examine the entire *sugya* in *Arakhin* in order to compare and contrast it with our *sugya* in *Megilla*, seeking to exploit its full potential for clarifying--or possibly complicating--our *sugya*. A scholar such as David Weiss Halivni, who seeks to explicate the sense of the Talmud by reconstructing its textual history and explaining the compositional strategies of the various compilers and redactors, will certainly deal with the relationship between parallel *suygot*.³⁰ The

²⁸. Menahem Hameiri, Bet Habehirah, Moshe Hershler, ed. Jerusalem: Mak-hon Hatalmud Hayisraeli Hashalem, 1968. ad loc. p. 43. My translation.

²⁹. Masoret Hashas, incipit. Reference added by later scholar, probably R. Yeshayahu Pik, Berlin, Breslau, 1725 to 1799 (Steinsaltz, p. 54.)

³⁰. For Halivni's own description of his method, see Introductions to David Weiss Halivni, Sources and Traditions: A Source Critical Commentary [Hebrew], *Seder Nashim*. Tel Aviv: Dvir, 1968; *Seder Moed* from *Yoma* to *Hagiga*. Jerusalem: JTSA, 1975; *Seder Moed: Masekhet Shabbat*. Jerusalem: JTSA, 1982; *Masekhtot Eruvin* and *Pesahim* Jerusalem: JTSA, 1982; *Masekhet Bava Kamma*.

teacher who researches and follows through Halivni's analysis of our *sugya* in its two rescensions will be in a position to open up an entirely new--and, as we shall see, illuminating--perspective that bears on the interpretation and significance of our text. This type of preparation is what we have been referring to as the first step in the Schwab-Shulman model of teacher competence described in the Introduction. The second step--the process of transforming one's understanding of the scholarship into a lesson--will be described in what follows.

We turn then to the parallel *sugya* in Tractate Arakhin 10b which reads as follows:

Jerusalem: Magnes Press, 1993. Also, David Weiss Halivni, "Contemporary Methods of the Study of Talmud," Journal of Jewish Studies, vol. XXX, no. 2, Autumn, 1979, pp. 192-201; and, David Weiss Halivni, "'Whoever studies laws....' The Apodictic and the Argumentational in the Talmud," Rabbinical Assembly, Proceedings of the 1979 Convention, pp. 298-303. For a brief description of Halivni's textual method, see Louis Newman, "The Work of David Weiss Halivni," in Law as Literature, ed. by William Scott Green, Semeia, 27, 1983, Society of Biblical Literature. Pp. 93-102. Also, Robert Goldenberg, "Ketuvot," Shama Kanter, "Qiddushin," David Goodblatt, "Gittin," in Jacob Neusner, ed. The Formation of the Babylonian Talmud. Leiden: E.J. Brill, 1970, pp. 134-173; Jacob Neusner, "A Debate with David Weiss Halivni: Did the Talmud's Authorship Utilize Prior Sources or Traditions?" in Understanding Seeking Faith: Essays on the Case of Judaism: Vol. III, Society, History, and the Political and Philosophical Uses of Judaism. Atlanta: Scholars' Press, 1988. Pp. 193-217; Baruch Bokser, "Talmudic Studies," in The State of Jewish Studies, pp. 84, 89-90, 98.

The relevant *sugya* in Arakhin 10b follows a discussion of the establishment of the rule that Hallel is said on days that are called מועד and that are sanctified by dint of the fact that work is forbidden on them. The *sugya* continues thus:³¹

The Gemara's Statement: But there is Hanukkah, on which neither one nor the other [condition applies] and the Hallel is said?--That is due to the miracle.

The Gemara's Difficulty Concerning Purim (קושיא): Then let it be said on Purim, on which, too, a miracle occurred?

The Solution (תירוץ) of R. Yitzhak: Said R. Yitzhak--[We do not do so] because no song (Hallel) is said for a miracle that occurred outside the [Holy] Land.

R. Nahman b. Yitzhak's Question (קושיא): To this R. Nahman b. Yitzhak objects (מתקיף)--But there is the Exodus from Egypt, which is a miracle that occurred outside the [Holy] Land, and yet we say Hallel?

Solution (תירוץ) from a baraita: [There (התם--שיטה מקובצת) it is due to the fact] as it has been taught--Before Israel entered the [Holy] Land, all the lands were considered fit for song to be said [if a miracle had occurred in their boundaries]; once Israel had entered the Land, no other lands were considered fit for song to be said [for miracles done in them].

R. Nahman's Statement: R. Nahman said--The reading [of the Megilla] is [equivalent to] Hallel.

Rava's Difficulty (קושיא): Rava said--There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], "Praise ye O servants of the Lord", and not servants of Pharaoh. But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus!

Solution (תירוץ) for R. Nahman from the baraita: According to R. Nahman who says the reading [of the Megilla] is [equivalent to] Hallel, was it not taught (in the *baraita*) that after Israel had entered the Land, no other land was considered fit to sing a song of praise [for miracles done in them]?--After Israel was exiled they (the other lands) were restored to their original fitness.

³¹. *Masekhet Arakhin*, translated and annotated by Leo Jung, ed. I. Epstein. London: Soncino Press, 1948.

Before turning to Halivni's analysis of the two *suygot*, the teacher should work through the *sugya* in *Arakhin* alone, as was done at first with the *sugya* in Tractate *Megilla*.³² The *sugya* in *Arakhin* deals with the question of when to read Hallel. Here are delineated a variety of criteria that are important for the understanding of Hallel. For our purpose of understanding the issues concerning the reading of Hallel on Purim, we will focus on the part of the *sugya* in *Arakhin* beginning with the question of whether or not to read Hallel on Hanukkah (the holiday most similar to Purim).

It has already been established in the *sugya*, that Hallel is read on days that are called מועד, and on days that are sanctified by dint of the fact that work is forbidden on them. The question is accordingly asked: "What of Hanukkah that is not this and not that?" That is, since Hanukkah is not a מועד and work is not forbidden on it, why is Hallel read? [That Hallel is read on Hanukkah is a given.] The answer is that on Hanukkah a miracle took place, thereby establishing an additional criterion for the reading of Hallel. At this point the Gemara poses the question that is pertinent to us: On Purim, on which there was also a miracle, why is a song³³ not read? R. Yitzhak answers: Hallel is not recited for a miracle that occurred outside the land of Israel.

R. Nahman bar Yitzhak questions this position by asking: Wasn't the exodus from Egypt a miracle that occurred outside the land of Israel, and don't we nevertheless say Hallel (on Passover, the holiday that commemorates the Exodus)? The answer is that התם, there³⁴ (with respect to the Exodus) the principle is that until the

³². See Appendices A and B, pp. 139-140, for worksheets on *Megilla* 14a and *Arakhin* 10b.

³³. The שיטה מקובצת corrects this to read "Hallel". See above.

³⁴. The word "there" (התם) is added according to the reading of the שיטה מקובצת as signified by the bracketed letter ך in Rashi script in the printed text.

Israelites entered the land of Israel, all the lands were כִּשְׁר --fit or eligible for the singing of a song of praise if a miracle occurred there; since the Israelites entered the land of Israel, the other lands ceased to be fit for the singing of a song of praise.

The Gemara then cites that statement of R. Naḥman who seems to equate the reading of the Megilla with the Hallel, implying that on Purim a type of Hallel is recited.³⁵ The Gemara now brings Rava's demurrer: There, in the case of the Exodus from Egypt, it makes sense to say "Praise ye O servants of the Lord," and not servants of Pharaoh, because after the Exodus, the children of Israel became the servants of the Lord alone. But, in the case of the miracle of Purim, can the Jews honestly sing praise to the fact that they are servants of the Lord alone? Even after the miracle of Purim which saved their lives, they were still subjects of the Persian king Aḥasuerus, and therefore not completely free! Therefore Hallel can not be said. And according to R. Naḥman, who says the reading of the Megilla is Hallel, was it not taught (in the *baraita*) that after Israel had entered the Holy Land, no other land was considered fit to sing a hymn of praise (for miracles occurring inside their boundaries)?--After Israel was exiled, they (the other countries) were restored to their original fitness. So again, here in *Arakhin*, both according to R. Yitzḥak as explained by Rava, and according to R. Naḥman, Hallel per se is not recited on Purim.

³⁵. It is unclear why the Gemara cites R. Naḥman here. Is it to support the view that Hallel is not read on Purim, or that it is read on Purim?

Halivni's Analysis

Having reviewed the *sugya* in *Arakhin*, the teacher will observe the substantial overlap between it and the *sugya* in *Megilla* and consider whether this *sugya* explains the *sugya* in *Megilla*, or whether it is merely a repetition in a slightly different version. The *sugya* in *Arakhin* is much simpler.

At first glance, one might think that the two *suygot* are essentially the same. Closer inspection reveals that they differ although many teachers will not realize the import of this observation. In my view, each *sugya* must therefore be studied carefully, and its component parts outlined.

Let us return to the *sugya* in *Megilla*, and to the outline of it presented previously. As explained above, issues pertaining to the differences between this *sugya* and its parallel in *Arakhin* are treated by Halivni. The research-smart teacher will take advantage of Halivni's analysis and draw from it issues and observations that could be incorporated into a lesson. In the present case, Halivni's analysis can explain the textual difficulties a student may find in the *sugya* in *Megilla*. As we shall see, the analysis can also lead to more substantive curriculum. Following the model of teacher use of scholarship presented in the Introduction, we turn first to the teacher's "digestion" of the scholar's work and then afterwards to a curricular adaptation/exploitation of it.

Halivni analyzes the *sugya* in *Megilla*,³⁶ using philological, comparative, logical, and historical techniques. He points up the following problems, which competent teachers can help their students to see for themselves:

³⁶. David Weiss Halivni, Mekorot U-Mesorot, *Moed*, pp. 486ff.

1) According to this Gemara, an anonymous speaker--but R. Yitzhak in the parallel *sugya*--answers the objection raised against the kal vahomer of R. Ḥiyya bar Abin in the name of R. Yehoshua ben Korḥa, that if the kal vahomer is so, let us say Hallel on Purim as well as on Passover. R. Yitzhak's answer, that a shira is not said for a miracle that occurred outside of Israel, has too obvious a flaw, i.e., that the Exodus, too, took place outside of Israel.

Moreover, the *baraita* which solves the "inside-the-land"/ "outside-the-land" problem by distinguishing historical periods (before-the-Conquest/after-the-Conquest) still leaves a question for R. Ḥiyya bar Abin and R. Yehoshua ben Korḥa's kal vahomer which holds that a shira should be said on Purim. This problem can be solved by understanding that the kal vahomer uses שירה to refer only to Megillat Esther, while the R. Yitzhak-Gemara-*baraita* "conversation" uses שירה to refer to Hallel. This solution is problematic, however, because of the variant readings pointed to by the *Hagahot Habah* on the *sugya* in *Megilla*, the שיטה מקובצת on the *sugya* in *Arakhin*, and others. Another problem with R. Yitzhak's solution resolving a difficulty with R. Ḥiyya bar Abin is a generational one. R. Yitzhak was an amora of the third generation and R. Ḥiyya bar Abin of the fourth.

In order to resolve these difficulties, Halivni hypothesizes³⁷ that R. Yitzhak's statement about Hallel not being said for a miracle that occurred outside the land, was not originally intended to answer the objection to R. Ḥiyya bar Abin and R. Yehoshua b. Korḥa, and to bolster their kal vahomer. Rather, it originally served to explain why Hallel is not said on Purim even though the Purim story is based on a miracle in the same way that the Ḥanukkah story is. This is the context in which R. Yitzhak's state-

³⁷. David Weiss Halivni, Mekorot u-Mesorot, *Seder Moed*, pp. 486-7.

ment appears in the *sugya* in *Arakhin*. That is, R. Yitzhak's statement works as an explanation for why Hallel is not said on Purim, but is not an appropriate תירוץ for R. Ḥiyya, who implies that Hallel is said on Purim. Therefore Halivni feels that the R. Yitzhak statement, plus the R. Nahman bar Yitzhak attack (והרי יציאת מצרים דנס) (שבח"ל הוא ואמרינן הלל),³⁸ plus the answer from the *baraita*, originated in *Arakhin* to answer the question פורים דאיכא גיסא לימא (then let it be said on Purim, on which, too, a miracle occurred?), and were transferred en bloc to the *sugya* in *Megilla*.

In this interpretation then, R. Yitzhak himself disagrees with R. Ḥiyya bar Abin in the name of R. Yehoshua ben Korḥa. He feels, as does the *baraita*, that *Megillat Esther* is not a שירה and that a שירה is not said for a miracle that occurred outside the land of Israel after the entry of the children of Israel into the land. (They do not, of course, disagree that *Megillat Esther* is read on Purim.) Note also that the word "לפי" (because, since) in R. Yitzhak's statement, implies that his rationale אין אומרים שירה על נס שבח"ל is a known and accepted principle.³⁹ The *kal vahomer* is not needed in order to derive the prophet's permission to write the *Megilla*, because there are many other derivations for it.⁴⁰

We see, therefore, that R. Yitzhak's explanation for the fact that there is no Hallel on Purim is reasonable, but that his statement is no longer a תירוץ (solution) for R. Ḥiyya's question which implies that Hallel could be said on Purim. R. Ḥiyya does think that the *Megilla* is a שירה and that a שירה, and by extension Hallel, should be chanted on Purim. So, whereas, it was originally thought that R. Yitzhak's statement

38. In *Megilla* this question appears anonymously.

39. Halivni, p. 487.

40. *Ibid.*, p. 486, note 1. See *Megilla* 7a.

was the answer to the difficulty with R. Ḥiyya, it now appears that R. Yitzḥak is in conflict with R. Ḥiyya.

2) Following from the above explanation, we assume that R. Yehoshua ben Korḥa thinks that even after the Israelites entered the land of Israel, all the other countries were fit for saying שירה. This fitness is, in fact, the basis for his kal vahomer, and the reason that it works both for Passover and for Purim. This view puts him in direct conflict with the *baraita* (which is possible because R. Yehoshua ben Korḥa is a *tanna*)⁴¹ [משנכנסו ישראל לארץ לא הוכשרו כל הארצות לומר שירה]. The Gemara presents an answer to this disagreement: בין שגלו הוכשרו כל הארצות לומר שירה--"When the people (the Israelites) went into exile, the other countries became proper as at first"-- and Purim happened after the exile.

However, as Halivni observes, this answer responds to the same question (והא תניא משנכנסו לארץ לא הוכשרו כל הארצות לומר שירה?) posed against R. Naḥman and Rava, who reiterate different formulations of our same dispute, i.e., is Megillat Esther equivalent to Hallel, and are Passover and Purim really analogous? This observation leads Halivni to ask concerning the editing of the *sugya*: Why was this response not presented as a direct answer to a question asked by R. Yehoshua ben Korḥa?

Halivni surmises that this bloc (R. Naḥman-Rava-question from the *baraita*-answer) was also transferred from its original context in *Arakhin*. In the *sugya* in *Arakhin* it makes sense to ask the question of both R. Naḥman and Rava since R. Yehoshua ben Korḥa is not mentioned at all.

⁴¹. That authorities may differ with their contemporaries but not with their predecessors is a commonly known principle of Talmudic discourse.

3) In the *sugya* in *Arakhin* the final question is not formulated as בין לרבא בין לר"נ קושיא "Whether on the view of Rava or on the view of R. Naḥman there is a difficulty", but is asked only against R. Naḥman: ויל"נ דאמר קרייתא זו היא הלילא התניא "According to R. Naḥman who says the reading [of the Megilla] is Hallel, was it not taught (in the *baraita*) that...." In fact, Rava's words fit well into the *sugya* in *Megilla* because they answer this question: אי הכי --If we learn about the song of Purim, ie. *Megillat Esther*, from a kal vahomer about the Exodus from Egypt (according to R. Yehoshua ben Korḥa), then הלל נמי נימא? What about saying Hallel on Purim as we do on Passover?

Rava's answer is that with respect to Hallel we cannot analogize Purim to Passover because in the miracle of the Exodus we were freed from subjugation to Pharaoh and left to be subjects of God alone. After the Purim miracle our lives were saved, but we remained subjects of Aḥasuerus. So Rava explains why we do not say Hallel on Purim, but leaves aside the accepted view that we do read Megillat Esther on Purim.

Rava's words fit less well in *Arakhin* because there the opening question is פורים דאיכא ניסא לימא "then let it [Hallel] be said on Purim, on which, too, a miracle occurred?" There Purim is being compared to Ḥanukkah. Rava's point could have been made with respect to the Ḥanukkah analogy as well because following the miracle of Ḥanukkah the Israelites were also freed of a temporal ruler and left only to worship God. However, the assumption is that if Rava had wanted to address the content of the *Arakhin* controversy he could have said הללו עבדי ה' ולא עבדי גוים or מתעבדים or עבדים (not servants of the gentiles, or the Greeks, or the Hellenizers).

Halivni is cautious here, but he suggests that although the entire bloc from ר' until the end of the *sugya* may have originated in *Arakhin*, the Rava statement may belong to the *sugya* in *Megilla*.

4) R. Naḥman's statement קרייתא זו הלילא --"the reading [of the Megilla] is [equivalent] to Hallel," seems to fit the content in both of the *suygot*. It is difficult to ascertain its original place, although it is likely that it originated in *Arakhin*, since in *Megilla* his statement would sound like a תירוץ of R. Ḥiyya's question which is not likely since (as was noted above) he lived before R. Ḥiyya.⁴²

Reconstructing the Sugyot

In light of all these problems, and the solutions that Halivni suggests for them in attempting to reconstruct the original versions of the two *suygot*, we can rewrite the two *suygot* as follows:

I. (*Megilla*)

ת"ר: ארבעים ושמונה נביאים ושבע נביאות נתנבאו להם לישראל לא פחתו ולא הויתרו על מה שכתוב בתורה חוץ ממקרא מגילה.

מאי דרוש?

אמר רבי חייא בר אבין אמר רבי יהושע בן קרחא (קל וחמר) ומה מעבדות לחירות אמרינן שירה, ממיתה לחיים לא כל שכן?

אי הכי הלל נמי נימא.

⁴² R. Naḥman--3rd generation; R. Ḥiyya bar Abin--4th generation. Alternatively, it might be possible for R. Naḥman's statement to be a solution for R. Ḥiyya's difficulty if the correct reading of the text is R. Naḥman bar Yitzḥak who was a 4th generation Amora slightly after the time of R. Ḥiyya.

רב נחמן אמר קרייתא זו הלילא.

רבא אמר: מי דמי בשלמא התם הללו עבדי ה' ולא עבדי פרעה, אלא הכא "הללו עבדי ה'" ולא עבדי אחשירוש?! אכתי עבדי אחשירוש אנן.

Our rabbis taught: 'Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from or added aught to what is writted in the Torah save only the reading of the Megilla.'

How did they derive it?

R. Hiyya bar Abin said in the name of R. Joshua ben Korḥa: *Kal vahomer*, if for being delivered from slavery to freedom we chant a hymn of praise, should we not do all the more for being delivered from death to life?

If that is the reason, we should say Hallel also?

R. Nahman said: The reading [of the Megilla] is Hallel.

Rava said: There is a good reason in that case [of the Exodus from Egypt] because it says, "Praise ye O servants of the Lord," and not servants of Pharaoh. But can we say in this case, Praise ye, servants of the Lord and not servants of Aḥasuerus? We are still servants of Aḥasuerus!

II. (*Arakhin*)

פורים דאיכא ניסא לימא?
אמר רבי יצחק: לפי שאין אומרים שירה על נס שבחוצה לארץ.

מתקיף לה רב נחמן בר יצחק: והרי יציאת מצרים דנס שבחוצה לארץ הוא ואמרינן הלל? התם כדתניא עד שלא נכנסו ישראל לארץ הוכשרו כל הארצות לומר שירה; משנכנסו לארץ לא הוכשרו כל ארצות לומר שירה.

ר' נחמן אמר: קרייתא זו היא הלילא.

ולר"ג דאמר קרייתא זו היא הלילא התניא משנכנסו לארץ לא הוכשרו כל ארצות לומר שירה?

כיון שגלו חזרו להיתרן הראשון.

[Then let it be said] on Purim, on which, too, a miracle occurred?

Said R. Yitzḥak: This is not said because no song is said for a miracle that occurred outside the Holy Land.

To this R. Nahman ben Yitzhak objects: But there is the Exodus from Egypt which is a miracle that happened outside the Holy Land, and yet we say Hallel?

There as it has been taught: Before Israel entered the Holy Land, all the lands were considered fit for a song to be said; once Israel had entered the Land, no other countries were considered fit for a song to be said.

R. Nahman said: The reading is [equivalent to] Hallel.

And according to R. Nahman who says the reading [of the Megilla] is [equivalent to] Hallel, was it not taught that after Israel had entered the Land, no other land was considered fit to sing a song of praise [for miracles done in them]?

After Israel was exiled they were restored to their original fitness.

Educational Implications

Because Halivni is primarily concerned with establishing the original sources of the Talmudic traditions, he contents himself with unravelling the strands of the *suygot* and the ways in which they have been edited into the final form of the Gemara, with evaluating the originality of traditions and of who quotes whom, and with resolving logical inconsistencies in the text through tracing the text's history of redaction. Says Neusner, "because the Bavli's editing makes sources subservient to their new context, we can probe what does and does not appear to fit within its content."⁴³

The teacher, having analyzed and assimilated Halivni's treatment of the two parallel *suygot* (step one), then considers ways in which to draw on the scholar's treatment of the texts (step two).

⁴³. Jacob Neusner, The Bavli and Its Sources, 1978, cited in Bokser in "Talmudic Studies," The State of Jewish Studies, p. 85.

What is of primary import for the teacher is the clarity that the "new" or "clean" versions of the *sugya* contribute to the educational enterprise. This contribution of scholarship to pedagogy includes, first of all, how to negotiate textual difficulties in understanding *suygot* in the Babylonian Talmud. It also includes, however, how to interpret the larger meaning of the *suygot*. This can occur because when one is able to look at the "clean" *suygot*, one can much more clearly discern the conceptual bases of the arguments for and against reciting Hallel on Purim. Some teachers with considerable experience in unravelling the argument of a difficult *sugya* may have been able to distinguish these issues even when they were embedded in the more complexly edited version of the *sugya* in *Megilla*. But it will be considerably easier to explain the *suygot* to students, and to prompt them to discover the issues for themselves, if the teacher presents students with what now appears to be a simplified Gemara text.

In the reconstructed *Megilla* text, the issue behind the controversy is the comparison of the essence of the events of the Exodus from Egypt and of the miracle of Purim. The question of the transition from slavery to freedom as well as the deliverance from death to life is addressed. If, when we commemorate our delivery from slavery to freedom, we sing a song of praise (Hallel on Passover), how much the more so when we are delivered from death to life (having been saved from Haman's evil decree)? Compare and contrast the Exodus and the miracle of Purim. Are there analogies between these two instances of "deliverance"? If they can be compared, should the ritual that grew up around each of them be compared?

Here, also, is a discussion of the nature of subjugation to an earthly ruler vs. subjugation to the Divine. If we, justifiably, praised God when we were delivered from our subjugation to Pharoah, the earthly ruler, and remained as servants to God alone, can we similarly praise God when we, albeit saved by God's hand, remain under

the sovereignty of another earthly ruler (Ahasuerus)? And what does this say about those of us today who, having the option of living with our own Jewish sovereignty under God alone in the State of Israel, choose to remain servants of other powers?

In the Arakhin version the controversy revolves around other issues entirely. Here the Gemara is talking about the nature of miracles and whether or not the locale where the miracle takes place is determinant. Miracles, then, are place-bound. The Land of Israel is a special place and therefore, miracles that take place in Israel have a special quality. But the people of Israel have a special relationship with the Land, and this relationship, too, is determinant. This relationship has changed over time, due to the vicissitudes of Jewish history. The relationship, we may say, is time-bound. Before Israel entered the Land, any land where they lived was worthy of a song if a miracle took place there. Once they entered the Land, other lands were no longer worthy. After the Exile, the lands in which the children of Israel found themselves, became worthy again. And what of now, when we have the place and time--the special relationship in the special place?

All of the above are important philosophical, theological and values issues which should be the stuff of a good Jewish education. What we have accomplished with the restructuring of the *sugya* according to Halivni is to make the issues jump, as it were, out of the texts themselves instead of being imposed upon them. Thus we have used Halivni's approach to the subject matter as a tool to facilitate inquiry into texts and issues that we, the educators, deem important. In fact, it makes little difference whether or not Halivni is "correct", or judged to be correct by scholars, on some or all of the details of his analysis. Reconstructing coherent arguments has heuristic value regardless of whether or not the reconstructed text actually represents earlier sources. Halivni's analysis is certainly legitimate, and its outcome serves the educator well.

This *sugya* is particularly important because following the clarification of the above issues there is a clear opening for the analysis and possible resolution of one of the interesting halakhic issues of our time--the question of whether or not to say Hallel on Yom Ha'atzmaut, Israel's Independence Day. The events of 1948 seem to satisfy all the criteria for the enactment of the saying of Hallel.

Rabbi Shlomo Goren, former Chief Rabbi of Israel, used these sources in the הלכה פסק he wrote concerning the ritual for Yom Ha'atzmaut.⁴⁴ After having established that Hallel is recited when a miracle has occurred, he asks the Gemara's question, "Then why is Hallel not recited on Purim?" In answer to this question he brings quotations both from the *sugya* in Arakhin and from the *sugya* in Megilla.⁴⁵ He implies that both these *suygot* are basically the same. He uses the phrases ובעין זה מובא and יבעין זה מובא. ומתרצת כמו בערכין הנ"ל and במסכת מגילה. He then goes on to say

From these *suygot* it is clear that when there is a miracle that saves us from death to life there is an obligation to say שירה and Hallel....Because it is clear that we would be obligated to say Hallel on Purim if it were not that the miracle occurred outside of the Land of Israel and if it were not for the substitution of the reading of the Megilla. [Translation mine.]

Goren goes to cite the "wonderful innovation" of the Meiri to show that, in fact, there is an implied obligation to recite Hallel on Purim, as on every other miracle and redemption.

Rabbi Goren uses the *suygot* in Megilla and Arakhin as if they were similar. He therefore emphasizes the redemptive nature of the miracle but does not notice the prob-

⁴⁴. Shlomo Goren "יום העצמאות לאור ההלכה" in תורת המועדים: מחקרים ומאמרים על מועדי ישראל לאור ההלכה. Tel Aviv: Avraham Tzioni Publishing, 1964. Pp. 568-597.

⁴⁵. Ibid. pp. 577-578.

lem of אַחשֶׁרְרוּשׁ ("we were still servants of Ahasuerus"). The tone of Rabbi Goren's responsum implies that the questions surrounding Yom Ha'atzmaut revolve around whether or not the founding of the State is a messianic event that signifies the "beginning of the redemption". He does not deal with the question of the nature of sovereignty or the problem of the continued existence of the Diaspora even when the Jews have sovereignty. This question alone is worth many hours of educational discussion that could take place under the headings of several different subject areas. It is my contention that had Rabbi Goren unravelled the *sugyot* using the methods of Halivni, instead of treating them merely as parallel, he could have isolated the diverse rationales, thereby adding a dimension to his discussion of the issues.

The isolation of arguments and principles which characterizes the critical study of Talmud serves the teacher by highlighting individual values. Placing certain arguments and principles in different contexts suggests how those values can be applied.⁴⁶ The specific example I have portrayed in this chapter could be broadened to reflect a larger issue facing the Jewish educational community. The crisis of modernity for the religious tradition gives rise to varying approaches to the study of classical texts.

As Rosenak suggested in his "participant-observer" description of my teaching of the texts in this chapter to a diverse group of educators:

For some in our group, the subject matter--the text--was seen as constituting the spiritual reality being encountered. They indicated, by intonation and idiom as well as by argument, that Judaism should be seen as a language, a method, a "sea" that requires competent navigation. Their approach was largely deontological, that is, geared to internal "ground rules" by which the system "functions"; the teacher, it was implied, could be evaluated largely in light of his or her

46. For more values questions and issues that can be generated from our *sugyot* and my treatment of them, see Rosenak, Commandments and Concerns, pp. 129-133, especially p. 131.

ability to teach Judaism, i.e., *this* language as exemplified in *this* text. These members of our group accepted as *Jewishly self-understood* that the recitation or non-recitation of the Hallel on Purim was deduced from a legal context and that theological significance was intrinsically located in that context. Their sensibility was one of loyalty, of taking the tradition as a measure of their understanding, of appreciation for the perennial and a satisfaction at knowing how to participate in it.

On the other hand, there were those in our group who raised questions that indicated their concern with the pupil and the environment as valuative issues for the teacher. They asked about the relevance and significance of the Talmud; they tended to see the talmudic text and its mode of reasoning as a historical datum. They maintained that although the Talmud admittedly was a central expression of Judaism in its historical development, and thus of the Jews' dialogue with God through practice and faith, it must be evaluated anew in new situation. These group members gave expression to their orientation by intonations of perplexity. They countered the (self-conscious) competence of their text-oriented colleagues with (overly) patient reasonableness. They intimated that competence may be mis-channeled and that scholarship may be religiously flawed when it becomes a substitute for religious sensitivity.⁴⁷

My approach to the teaching of Talmud takes the text as an authoritative source for Jewish values and demands rigor in unlocking its language, method, and meaning. It also understands that a teacher must be equipped with a sensitivity to the values inherent in pupils and their environments, in order to apply those methods of study that will make the Jewish values evident. The scholarship, both of Talmud and of education, enable the teacher to translate that text and those values pedagogically.

47. *Ibid.* pp. 131-132.

Appendix A

Student Worksheet for Megilla 14a

ת"ר — תנו רבנן: בטוי פתיחה לציטוט ברייתא (סתמית) אינה מתחילה בשם תנא. בדרך כלל ב"תנו רבנן" נפתח ענין.

אי הכי: פתיחה לקושיא על הסבר שקדם לו.

תניא: מילת פתיחה לציטוט ברייתא.

מידמי התם...הכא...: בטוי מסגרת להפריך דמיון בין שני ענינים או מצבים.

בשלמא התם...אלא הכא...: כאשר התלמוד מציע שני דברים, האחד מתקבל על הדעת והשני בלתי מסתבר, פותח התלמוד במתקבל על הדעת תחילה ומציע אותו בבטוי "בשלמא...".

קשיא: בטוי המציין כי קיימת סתירה בין שני מקורות.

ברייתא:

שאלת הגמרא:

תשובת ר' חייא בר אבין בשם ר' יהושע בן קרחה:

קושית הגמרא:

תירוצו של ר' יצחק:

קושית הגמרא:

תירוץ מברייתא:

מאמר ר' נחמן:

קושית רבא:

קושיא גם לרבא וגם לר' נחמן:

תשובת הגמרא:

Appendix B

Student Worksheet for Arakhin 10b

מתקיף לה: בטוי פתיחה לקושיא של אמורא על דברי אמורא אחר או על גמרא שלפניו. (קושיא שאינה ממקור הלכתי אלא מסברה הגיונית.)

"והא חנוכה דלא הכי ולא הכי וקאמר משום ניסא"...

קושית הגמרא על פורים:

תירוצו של ר' יצחק:

קושית ר' נחמן בר יצחק:

תירוצו (הוכחה) מברייתא:

מאמר ר' נחמן:

קושית רבא:

תירוצו לר' נחמן מהברייתא:

Appendix C

"Reconstructed" *Sugyot* According to Halivni

מגילה יד.

ת"ר: ארבעים ושמונה נביאים ושבע נביאות נתנבאו להם לישראל ולא פתחו ולא הותירו על מה שכתוב בתורה חוץ ממקרא מגילה.

מאי דרוש?

אמר רבי חייא בר אבין אמר רבי יהושע בן קרחה (קל וחומר) ומה מעבדות לחירות אמרינן שירה, ממיתה לחיים לא כל שכן? אי הכי הלל נמי נימא.

רב נחמן אמר קרייתא זו הלילא

רבא אמר: מי דמי בשלמא התם הללו עבדי ה' ולא עבדי פרעה, אלא הכא "הללו עבדי ה'" ולא עבדי אחשוורוש?

ערכין י:

פורים דאיכא ניסא לימא?

אמר רבי יצחק לפי שאין אומרים שירה על נס שבחוצה לארץ.

מתקיף לה רב נחמן בר יצחק: והרי יציאת מצרים דנס שבחוצה לארץ הוא ואמרינן הלל

התם כדתניא עד שלא נכנסו ישראל לארץ הוכשרו כל הארצות לומר שירה; משנכנסו לארץ לא הוכשרו כל הארצות לומר שירה.

רב נחמן אמר: קרייתא זו היא הלילא.

ולר"נ דאמר קרייתא זו היא הלילא התניא משנכנסו לארץ לא הוכשרו כל ארצות לומר שירה

כיון שגלו חזרו להיתרן הראשון.

Chapter Three

History in the Sugya: Pesahim 116a

In the present chapter we shall demonstrate the need for a teacher to delve into history in order to address a question that will arise in interpreting a *sugya*. Our *sugya* begins in the middle of page 116a of Tractate Pesahim. In this instance, "history" involves both the history of the text and its later literary uses in the Passover Haggadah (textual and literary history),¹ and the history of Jewish practice that lies behind the textual history (history in the more conventional sense). In order to demonstrate the need for an historical approach in dealing with this *sugya*, it will not be necessary to analyze and present a pedagogical method for teaching the entire *sugya*, brief as it is. We will content ourselves here with treating that part of the *sugya* that requires the two above-mentioned types of historical criticism.²

¹. See Chapter 1, pp. 21-22.

². In an actual teaching situation, I see no reason why a teacher would not cover the entire *sugya*, but in order to deal with the latter part of the *sugya*, one would have to deal with other matters, such as the comparison of part of another, nearby *sugya* (Pesahim 115b) and the possible need for textual criticism.

The difficulty that would need to be addressed is the fact that the Mishna and Gemara posit that the questions that are asked are put by a less informed person, such

The Teacher's Preparation: Identifying the Problems

The typical Talmud teacher prepares the Talmud text from a printed edition of the entire Talmud, ordinarily from the Vilna Shas. This seemingly trivial observation takes on special significance in the present case. In the *sugya* beginning with the Mishna in Pesahim 116a, the text of the Mishna that is presented in the Talmud is different from the Mishna text that appears in a standard edition of the Mishna alone. In the Introduction to the present work, I called attention to the question the Talmud teacher must consider, whether to teach the Mishna separately from the Gemara, or to teach it as part of the running Talmud text.³ For the purposes of this discussion, I am going to assume that the Talmud teacher begins, as usual, with the text of the Mishna as it appears in the Talmud.

as a child, to a better informed person, such as a parent. Toward the end of the *sugya* in Pesahim 116a, an anecdote is related in which it is the senior party (Rav Nahman) who asks a question of a junior party (his servant, Daru). When the servant answers him, Rav Nahman declares that this particular exchange of question and answer fulfills his obligation to engage in questioning at the Passover seder: "'You have exempted me from reciting Mah nishtana!' So he (Rav Nahman) began to recite 'We were slaves' (עבדים הינו)." ²

On the preceding page in the Vilna edition of the Talmud, page 115b, we find a similar story, with a very similar ending, but one in which it is the less informed party (Rava) who asks a question of the better informed party (Abbaye), as one might expect. One would have to consider the possibility that the anecdote introduced on page 116a, where the questioning of a junior party by a senior party is anomalous, (a) is out of place, or that (b) the declaration by Rav Nahman is out of place, mistakenly "borrowed" from its more appropriate context on page 115b.

³. See Chapter 1, pp. 30-32.

The Mishna describes what happens at the Passover seder when the second cup of wine is filled. A son whose understanding of what is going on is sufficient and who is sophisticated enough to formulate a question, is meant to ask the famous "Four Questions." The first two questions appear on the Talmud page as they do in the Haggadah. The teacher will immediately notice that the last two questions differ from their familiar formulations. The third question in the Mishna (as it appears in the Talmud) is:

On all other nights we eat meat that is roasted or stewed or boiled; tonight we eat only roasted (meat).

This question, of course, is no longer recited as part of the Four Questions at the seder. The fourth question in the Mishna (as it appears in the Talmud) is:

On all other nights we are not obligated to dip even once; tonight we dip twice.

This question appears in the Haggadah, but its language is somewhat different. Most significantly, the formulation in the Haggadah does not include any terms of obligation (*hiyyuv*), as the Mishna's formulation (in the Talmud) does. What is more, the Haggadah has this fourth question as the third of the Four Questions and has an entirely different question as its fourth.

The competent teacher will already begin to think about some of the pedagogical issues that must be considered in teaching this *sugya* to students. Chief among the difficulties that students will have, or questions that students will raise, is the dissonance between the version of the Four Questions that is found in the Talmud and the Haggadah's version that is familiar to virtually all students who have reached the stage in their educations in which they study Gemara. The teacher will begin to chart the various versions of the Four Questions.

The careful teacher has also noticed another curious fact about the way that the Mishna is presented in the Talmud. In the printed text, the fourth of the Mishna's questions, the one concerning dipping, includes two sets of parentheses. The teacher who has had any proper basic training in Talmud knows that such parentheses are a warning that there is something difficult or controversial about the wording of the text. At this stage, the teacher, made suspicious by the unexpected version of the Mishna's formulation of its fourth question may already compare the Mishna as it appears in an edition of the Mishna alone. The teacher will discover there yet another version of the question.

.. .. Such a teacher will not be surprised to find that in the Gemara that discusses this Mishna, the language of the fourth question becomes a bone of contention between Rava and Rav Safra. Surely the teacher will see the need to look closely into the nature of the differences among the various formulations of the question--in the Talmud, in the Haggadah, and, as we have seen, in the Mishna alone.

Furthermore, the alert teacher will notice another odd phenomenon with respect to the language of the fourth question as it is variously formulated in the Talmud. The discussion of this part of the Mishna in the Gemara is introduced, as usual, by a *dibbur hamathil*, a quotation from the passage that is being explained or discussed. Ordinarily, the language of the *dibbur hamathil* reproduces the exact language of the text being cited. In this instance, the language of the fourth question that is presented in the *dibbur hamathil* is not the language of the Mishna (as it appears in the Talmud).

Any teacher with some exposure to textual criticism and to the fact that the texts of the Talmud, the Haggadah, and other classical Jewish texts have a history, will realize that both the peculiarities of the Talmud text at hand and the substance of the

Gemara's discussion involve the history of the text. Dealing with textual history will need to be on the teacher's curricular agenda.

In addition, the teacher may realize or guess that the explanation of the facts that one of the Mishna's questions does not appear in the Haggadah and that the Haggadah contains one question that does not appear in the Mishna must have some historical basis. It is reasonable to surmise that the dropping and adding of a question must have a cause, and that that cause has to do with a historical change.

Even a teacher who has not been trained to think historically but only traditionally, by means of the traditional commentaries, will, in this case, be alerted to an historical explanation. Any standard printed edition of the Talmud will be accompanied by the commentary of Rabbi Samuel ben Meir, Rashbam, who completed his grandfather Rashi's commentary on the Talmud in the mid-12th century. The traditional student of the Talmud, like any competent student of the text, will routinely seek the guidance of the commentaries of Rashi, and sometimes Rashbam, who tend to provide a peshat explanation of the text. In explicating the third question of the Mishna (as it is presented in the Talmud), Rashbam accounts for the fact that this question is present in the Mishna's version of the Four Questions but absent in the Haggadah's formulation by reference to an historical change:

Tonight we eat only roasted (meat): During the time when the Temple (Beit Ha-mikdash) was standing, he (i.e., the son) would ask thus.⁴

The teacher will understand that the restriction on eating the meat at the seder cooked any way other than roasted has to do with *korban Pesah*, the Passover offering.

4. Rashbam, *Pesahim* 116a, ad loc.

That is the way that offerings in the Temple were prepared.⁵ After the Temple was destroyed by the Romans in 70 C.E., there was no longer any sacrifice, and any type of cooking might have been employed.

Nevertheless, the thoughtful teacher will still have some questions about the difference between the Mishna and the Haggadah. In Jewish liturgy in general, there is a tendency to preserve ancient formulations and not altogether to replace them with more up-to-date language. To take an example that is closely related to the case at hand, the traditional Musaf service refers to the sacrifices that contemporary Jews will bring to the Temple, even when there is no Temple. Why, the teacher may--and should--ask, was reference to eating roasted meat dropped from the Mishna's formulation of the Four Questions and replaced in the Haggadah with another question? And why was the question about leaning, which is in no way reflected in the Mishna or the Talmud, added to the questions?

To summarize, the teacher will have identified two sets of historical questions. One set involves the history of the text, as it is manifested in the different printed versions--Mishna, Talmud, Haggadah. Another set involves the change in the content of the questions, mainly, the historical change in which the Mishna's third question was dropped from the Haggadah and another question was added to the Haggadah.

⁵. For a discussion of differing versions of the Mishna's third question in terms of different views of the prescription of eating roasted meat, see David Weiss Halivni, Mekorot u-Mesorot: Pesahim. New York: Jewish Theological Seminary of America, 1982. P. 481.

The Teacher's Search for Answers

The teacher will recognize that the two kinds of questions--the textual and the historical--are somewhat different. The fact that the Mishna contains a question about eating meat and the Haggadah a different question about leaning will properly be attached to the question about historical change, with which it is obviously bound up. The textual problem concerning the Mishna's fourth question, the question about dipping, demands a different approach.

With respect to the textual question, the teacher will examine all the available sources. For the well-trained teacher, these will include not only the printed editions of the Mishna and Babylonian Talmud, as well as the Haggadah, but also the Tosefta, manuscript versions of the Mishna and Babylonian Talmud, the Palestinian Talmud, and early documents concerning the Haggadah. Then the teacher will begin to organize the data by making a chart of the different formulations of the question. A very basic chart will include at least the following:

- a. the version in editions of the Mishna;
- b. the version in the Talmud edition's version of the Mishna;
- c. Rava's version in the Gemara;
- d. Rav Safra's version in the Gemara;
- e. the version in the *dibbur hamathil* in the Gemara;
- f. the version in the Haggadah.

The teacher will read through the primary sources--the Mishna, the Gemara, and the Haggadah--as well as the standard commentaries on them,⁶ and will seek an explanation for the differences in formulation among the sources.

In the present case, the discussion in the Gemara provides a rationale for the differences. They turn out to revolve around certain thematic issues that are made explicit in the Gemara.

The Mishna, as presented in the Talmud, presupposes that people dip once during a meal. Accordingly, what is special about the seder meal is that during it, one dips twice. In the Gemara, Rava, a Babylonian sage (amora), challenges the assumption of the Mishna. In his experience, people don't dip at all at a meal. Rava therefore changes the formulation of the Mishna's fourth question to read as follows: "On all other nights we are not obligated to dip even once; tonight (we dip) twice." But in this reformulation, Rava introduces a new element into the fourth question, or at least makes this element explicit. This is the element, and language, of obligation (*hiyyuv*).

Rav Safra, another Babylonian sage, implicitly agrees with Rava that people do not customarily dip at a meal. However, he objects to Rava's introduction of the idea of obligation concerning the Four Questions. In line with the overall context of the questions and their explicit function in the seder, the notion of obligation does not belong. It is clear from this Mishna, that the purpose of the dipping is to arouse the curiosity of the child, who is meant to ask questions about the unusual behaviors that

⁶. The asterisk preceding the word "obligated" in the version of the Mishna that is presented in the standard Vilna edition of the Talmud refers the competent Talmudist to the Masoret Ha-Shas, printed in the right-hand margin, which advises the student to consult the standard commentary on the Mishna, Tosefot Yom Tov (Lippmann Heller): רע"י תוי"ט ובמשנה שבמשניות וכן בפיסקא בגמ'. ad loc.

he⁷ witnesses at the seder. This understanding of the Mishna is presented by Rashbam (see above) in commenting on our passage in the Gemara: "This is on account of children's awareness (היכרא דתינוקות), so that (the child) will ask." Accordingly, Rav Safra reformulates the question as follows: "(On all other nights) we do not dip even once; tonight (we dip) twice." In Rav Safra's view, the double dipping is a pedagogical tool for arousing the curiosity of the children present, but it need not carry the halakhic weight of a *hiyyuv*. The teacher will, of course, recognize that Rav Safra's formulation is the one that is adopted by the Haggadah and that it is this familiar formulation that was used by the editor of the Gemara as the basis of the *dibbur hamatḥil* that immediately follows this part of the *sugya*.

The teacher will have an answer at hand to the question of why Rav Safra's formulation was preferred by our tradition to the formulation of Rava. The notion of obligation does not belong in the question concerning dipping. However, how will the teacher explain the change in the Gemara and the Haggadah from the Mishna, where the assumption is that dipping once did take place at a meal? The answer will have to be deduced from the fact that Rav Safra accepts the assumption of Rava, holding that people do not dip at a meal.

This question can be answered in more than one way. On the one hand, one can apply a typical Talmudic technique of interpretation: the apparent contradiction is not really a contradiction because the two propositions (in this case, formulations) in question are dealing with two different situations. In this way of thinking, the Mishna and the Amoraim Rava and Rav Safra are speaking about two different things. The Mishna is speaking about dipping of vegetables during the course of a meal, and the Amoraim

⁷. The Mishna and the later literature specify "the son" (בן).

are thinking of dipping not during the meal but prior to the meal proper, as we now do at the seder. One will find an explanation of this type in the modern traditional commentary on the Mishna by Pinḥas Kehati.⁸

The teacher who has been sensitized to an historical approach, and who has already seen the need for historical analysis in dealing with the present *sugya* in light of the difference in the content of the Four Questions between the Mishna and the Haggadah, may seek an historical answer to this question. The difference between the Mishna's and the Gemara's formulations of the question concerning dipping boils down, in the end, to a matter of eating customs. The Mishna assumes that people dip during a meal, the Gemara assumes they do not. One could surmise that the Mishna simply reflects a different time and place from the Gemara. The Mishna was produced in the Land of Israel around 200 C.E., in Roman Palestine. The Gemara was produced in Babylonia, beginning only in the century after the Mishna was completed. One might therefore conjecture that in Roman Palestine Jews were accustomed to dipping during a meal, but that in Babylonia Jews were not so accustomed.

In fact, research into the modern historical scholarship on the Talmud would turn up this very hypothesis, proposed by a leading Talmudic scholar of the mid-20th century, J. N. Epstein. Epstein maintains that Romans dipped vegetables into sauce as the first course of every main meal, and that the Jews of Roman Palestine unsurprisingly did the same.

Now that the teacher has identified and solved the textual puzzles of the *sugya*, concerning the Mishna's fourth question, the teacher may turn to the historical question of why the Mishna includes a question concerning eating roasted meat at the seder but

⁸. Pinḥas Kehati, Mishnayot Mevo'arot. 9th ed. Jerusalem: Keter, 1977. Vol. 3, p. 391. See Chapter 1, p. 31, n. 86, for some remarks on Kehati's commentary.

of why the Mishna includes a question concerning eating roasted meat at the seder but the Haggadah has an entirely different question. The reader will recall that the major question has to do with why the reference to eating roasted meat at the seder was not preserved even after the Temple was destroyed.

To seek an historical solution, the teacher will be advised to look into the historical scholarship of the so-called rabbinic period. The teacher who deals with Tractate Pesahim may well have already begun to consult an historical treatment of Passover as it developed from Biblical to medieval times. Such a treatment is provided by the Baruch Bokser in The Origins of the Seder.¹⁰ Bokser is mostly concerned with the history of the ritual and deals only tangentially with the history that lies behind the rituals. Nevertheless, teachers will find references to the pertinent historical scholarship in Bokser's discussion and/or notes. In the present case, the teacher may turn either directly, or by means of a reference in Bokser's book, to one of the few extensive histories of the Jews in the rabbinic period, Gedaliah Alon's The Jews in Their Land in the Talmudic Age.¹¹ There one finds an in-depth discussion of the history of Passover observance among the Jews following the destruction of the Temple by the Romans.¹²

Alon, too, begins from the obvious fact that the Mishna's description of the Passover ritual contains a reference to the roasted meat of the Temple sacrifices even after

¹⁰. Baruch M. Bokser, The Origins of the Seder. Berkeley: University of California, 1984.

¹¹. Gedaliah Alon, The Jews in Their Land in the Talmudic Age (70-640 C.E.). Trans. Gershon Levi. Jerusalem: Magnes Press, 1980.

¹². *Ibid.*, pp. 261-65. In fact, Bokser, Origins of the Seder, pp. 101-6, carries Alon's analysis even farther and suggests that the sources indicate a greater variety of views than Alon finds. For our purposes, it is enough to note that Bokser confirms Alon's approach to the question and his main thesis.

the Temple no longer exists. This might be merely a commemoration of the historical past, but--as was said above--such a commemoration would be out of place in this part of the seder, in which the child's attention is drawn to the living ritual. Accordingly, Alon combs the available textual sources for some clarification of the rite that is described in Mishna Pesahim. He finds such clarification in two *mishnayot* connected with Rabban Gamaliel, the same Rabban Gamaliel whose declaration, "Whoever has not said (i.e., explained) these three things on Passover has not fulfilled his obligation....," is incorporated from the Mishna (Pesahim 10:5) into the Haggadah.

In one of the above-mentioned *mishnayot*, it is related that Rabban Gamaliel, who lived after the destruction of the Temple, ordered his servant Tabi: "Go out and roast us the *pesah* (i.e., the roast lamb offering) on the grill!" (Mishna Pesahim 7:2). In other words, it was the custom of Rabban Gamaliel, and anyone else who had the same practice, to roast a lamb on the eve of Passover even following the destruction of the Temple. Alon is able to shed further light on this practice by adducing Mishnah Bezaḥ 2:7, according to which Rabban Gamaliel permitted the preparation of a "helmeted kid" (גדי מקלס) on the eve of Passover, while the majority of sages forbade this practice. The "helmeted kid" is explained in Tosefta Bezaḥ 2:15 as "A kid roasted whole, with its head and shanks placed with its entrails."¹³

From these and a few additional references, Alon makes a plausible reconstruction of the issue that lay between Rabban Gamaliel and the sages. Once the Temple was destroyed, no proper sacrifice could be performed. Sacrifice was only permitted within the Temple. Rabban Gamaliel, however, whose name is associated with the special ancient rituals of Passover in the Mishna and the Haggadah, as was said above,

¹³. Translated so in Alon, *ibid.*, p. 263, n. 33.

sought to preserve something of the ancient Passover ritual, by specially preparing a roasted kid in place of the Passover offering. The helmeted kid served this purpose. The sages feared that the practice of roasting a kid on the eve of Passover would smack of sacrifice and become misinterpreted as an allowance of animal sacrifice outside the precincts of the Temple. Accordingly, they forbade this practice. It is this practice of roasting a kid that is rejected in the post-Talmudic age, in which the Mishna's third question, concerning the roasted meat, is dropped, and another question is added (more on which below).

Alon is able to corroborate his hypothesis by pointing to some fragments of the Passover eve liturgy discovered in the Cairo Genizah and published in 1898.¹⁴ From these fragments, dating from the post-Talmudic age, it is clear that the child asks three (not four) questions at the seder, including the question from the Mishna concerning the roasted meat. As though to reiterate the importance of the roasted meat in this version of the seder, it includes a special blessing that is not part of the Mishna ritual or the Haggadah. In it we bless God for commanding "our ancestors to eat unleavened bread, bitter herbs, and meat roasted on fire...." The Genizah material shows that there continued to be Jews like Rabban Gamaliel for whom roasted meat was an integral part of the seder. The fact that the traditional Haggadah eliminates the question concerning the meat, and includes no blessing stating that we are commanded to eat roasted meat at the seder, shows that the position of the sages prevailed.

The teacher, now having an explanation of why the question concerning the roasted meat was dropped in the Haggadah, must consider the question of why the Haggadah added a fourth question, and why that question deals with leaning at the

¹⁴. See ibid., p. 265 with n. 38.

seder. The teacher who has read Alon, or another history of the Passover rituals, will know that there was an option, taken by the ritual preserved in the Cairo Genizah (see immediately above)--and long before that by the Palestinian Talmud's version of our Mishna--of having only three questions in the seder rite. What is the purpose, or the function, of having four questions? There is probably no one answer to this question, but we may consider a few possible ones.

First, there is the motive of conservation: if one question is to be dropped, another is to be added. Second, aside from the Biblically ordained triad of the paschal lamb offering (*pesah*), matzah, and the bitter herb (*maror*) (Exodus 12:8), it is not the number three that is used to organize the different parts of the seder; it is, rather, the number four that stands out in the rhetoric and rituals of the Haggadah. There are, in addition to the Four Questions, four cups of wine, four languages of redemption, four sons. The pattern of fours may well follow from the way that the Mishna structures the seder with respect to the four obligatory cups of wine.

On the other hand, I have heard from the late Professor Moshe Zucker an ideological explanation for the seder's tendency toward four, or, more precisely, its aversion toward the number three.¹⁵ According to Zucker, early medieval Judaism was already sensitive to polemics with Christianity. The number three took on a Christian association, on account of the Christian trinity, so that Jewish tradition opted for the number four at the seder. It will be recalled that in Christian typology, the paschal lamb is a prefiguration of Jesus, the sacrificial offering of God in Christian theology, who was crucified on Passover (see, e.g., John 19:31-36, and compare Exodus 12:10 and 46).

¹⁵. Moshe Zucker, presentation at the Jewish Theological Seminary, New York, Passover 1976(?).

In any event, after considering the question of why another question needed to be added, the teacher may proceed to seek an answer to the question of why the question that was added deals with leaning while sitting at the seder. To answer this type of question, involving the history of practice that is associated with the Talmud's content, well-trained Talmud teachers will turn to a resource that serves them well in this as in many other matters, the edition and commentary of Adin Steinsaltz.

Steinsaltz takes note of the post-Talmudic, Geonic version of the Haggadah that appears within the 9th century order of the liturgy (seder) of Rav Amram Gaon.¹⁶ There the Mishna's, and Talmud's, question about the roasted meat has already been dropped, and a new fourth question, asking why "we all lean" at the seder, has been added. Steinsaltz here adopts an historical approach, one that responds directly to the teacher's question of why, now, this question is appropriate to ask among the Four Questions. In Roman times, the period of the Mishna, people routinely reclined during meals. This is taken for granted in Tosefta Berakhot 5:5,¹⁷ which mentions that "Rabban Shimon ben Gamaliel, Rabbi Judah, and Rabbi Yose were reclining (מסובין) in Acco" on the eve of a certain Sabbath. It goes on to mention a situation in which "guests were reclining (אורחין שהיו מסובין) in a certain householder's (house)." In the time and place of the Mishna, therefore, when people typically reclined during meals, it would have made little sense to characterize leaning as a distinctive feature of the seder. The question concerning leaning at the seder would become relevant only at

¹⁶. Adin Steinsaltz, Masekhet Pesahim. מנוקד ומבואר ע"י הרב עדין שטיינזלץ. Pesahim, vol. II, 116a. ירושלים: המכון הישראלי לפרסומים תלמודיים.

¹⁷. M. S. Zuckerman, ed. Tosefta. New ed. Jerusalem: Wahrmann Books, 1970. P. 12.

some time after the destruction of the Temple,¹⁷ and perhaps even after the period of the Mishna.

The teacher is now equipped with an answer to the historical question, of why the question of reclining at the seder came up relatively late in the evolution of the seder.¹⁸ This, then, may more or less complete the teacher's analysis of the *sugya* with respect to the two sets of historical questions that were delineated above, the question of the versions of the Mishna's fourth question, concerning dipping, and the question of the change from the Mishna's third question, concerning the roasted meat, to the Haggadah's fourth question, concerning reclining at the meal. The teacher must now reflect on the material and consider some ways of transforming the subject matter, in the twofold sense of content (Schwab's "substance") and methodologies by which the content is organized in the field (Schwab's "syntax"),¹⁹ into curriculum, into a plan of what to teach and how best to teach it.

17. This, somewhat narrow view, is actually the one expressed by Steinsaltz.

18. Steinsaltz raises a further question. According to him, the Four Questions follow a general chronological sequence that corresponds to the order in which things are introduced at the seder. Thus, the question concerning leaning should take first place among the Four Questions because it is the first thing that occurs at the seder, of the various things mentioned in the Four Questions. This, however, is not exactly so. It is true that reclining is mentioned first, in Mishna Pesahim 10:1. However, dipping, which in the Mishna is the fourth and last question, is mentioned as a seder activity ahead of matzah in Mishna 10:3. Steinsaltz's generalization does not therefore seem to work.

19. See the Introduction, Chapter 1, p.37.

The Teacher's Transformation of the Subject Matter into Curriculum

The *sugya* with which we are dealing is very rich from a number of perspectives. It discusses a key part of the seder, where the ritual is explicitly made into an educational experience by insisting on the asking of questions--even, as the Gemara says, when only scholars are present. It goes on to describe the nature of the narrative that is recited at the seder, beginning with the degraded state of our ancestors before they emerged from idolatry, and proceeding to the grandeur of God's redemption of Israel from bondage. This alone contains a good deal of stimulating curricular material. Here, however, I shall restrict our discussion of curriculum to the types of historical issues that have been delineated above, in keeping with the focus of this chapter on the use of historical approaches in the teaching of Talmud.

It will be recalled that we organized the various historical issues that we identified above into two sets. The first set, involving the dropping of the Mishna's third of the Four Questions in the Haggadah and the addition of a different, fourth question, is a matter of historical change. We referred to it, by way of shorthand, as the historical issue. The second set of issues involves the various wordings of the Mishna's fourth question, concerning dipping. It is a matter of textual development, and we referred to it concisely as the textual, or text historical, issue.

How and to what extent teachers will address the two sets of historical questions we have delineated will depend in part on what other aspects of the *sugya*, and the Passover ritual, they will want to highlight, and on the importance to them, or to the ideology their institution represents, of history and historical change in general. However, I have chosen this *sugya* in order to illustrate the use of historical scholarship in the

teaching of Talmud because there is no way in which a competent teacher can altogether avoid the subject matter of history in dealing with this *sugya*. On what we have called the historical issue, students will surely recognize the fact that the ritual we use today has changed from what is described in the Mishna. Similarly, on what we have called the textual issue, students will easily discern the differences between the question about dipping as it is formulated in the Mishna and as it is formulated in the Haggadah. These facts are noted and given historical interpretations in the classical, as well as the modern, commentaries.

The teacher, then, will need in some way to curricularize the history in the *sugya*. A teacher will decide in what context and sequence to address the matter of history depending on what else the teacher wants to achieve in teaching the *sugya* and according to the teacher's--and the students'--comfort with the topic of historical change. A teacher may, for example, choose to deal with the less complicated textual issue first, particularly because the explanation of the textual differences will be provided by the discussion in the Gemara. Then, having already exposed the students to the history of the text, in treating the child's question concerning dipping, the teacher can proceed to the issue of historical change in the Passover ritual. The alternative is to teach the issues according to the sequence in which they arise in the course of reading the *sugya*, beginning with the Mishna.

My own approach to teaching the *sugya* and the many and diverse topics that may be connected to it is to read the text in sequence and to raise questions and issues as they occur. I would do this for three reasons.

1. It will be clear from the Introduction and the two preceding chapters of this work that I regard Judaism as a text-based tradition and that, accordingly, I am inclined

to begin the discussion of any topic (in a Jewish educational setting) with a pertinent textual source. Theoretically, one might begin with a topic of history, or current ritual practice, for example, and then seek the textual sources that might give background or depth to them. However, in keeping with my textual orientation, described in the Introduction, I would begin the other way around.

2. I would teach the Mishna, at least at first, without revealing any of the questions or issues that will emerge in the Gemara's discussion,²⁰ in order that students "discover" at least some of the Gemara's questions--and answers, too, perhaps--on their own. Apart from the pedagogical advantage of enlivening class by allowing students to find and ask their own questions (more on which below), and the psychological advantage of enabling the students to second guess the Talmudic masters, allowing students to anticipate the questions and issues of the Gemara by themselves can have the salutary effect of demystifying the Talmud for them--a virtually universal concern in teaching Talmud, especially to beginners. The Talmud's accessibility and relevance to the students is enhanced to the degree that they find the Talmud's questions and issues to be their own.

3. The Mishna at hand expresses an extraordinary appreciation of the value of asking questions. Participants at the seder must ask questions. The questions arise in the course of the seder's activities, in sequence. The explicit purpose of much of the Passover ritual is to encourage inquisitiveness.²¹ It would be a sad irony indeed if a

²⁰. On the teaching of Mishna independently of the Gemara, see above, pp. 143.

²¹. For a more in-depth analysis of the seder in this regard than we can present here, see Bokser, The Origins of the Seder, pp. 67-71.

teacher teaching our Mishna would fail to elicit question after question as the text is read with one's students!

Questions are, in general, prompted by curiosity, which is in turn aroused by the sense that we are encountering something unfamiliar, something that, for some reason, appears to be new and different. We do not raise questions about the expected but about the unexpected. The Mishna begins with an exemplary instance of questioning, and it is with this that I would begin teaching the *sugya*.

The Mishna opens with what might at first blush seem like an ordinary fact: "They pour him a second cup (of wine)." Yet, it is precisely at this moment²² that, the Mishna stipulates, "the son asks his father" the Four Questions. Why, the teacher may ask the students, does the son ask the questions at this point in the seder? The timing could be attributed to nothing more than coincidence or to the practical matter of having the child ask before he falls asleep. However, the prepared teacher will have an answer ready at hand, the one that is given by the standard commentaries.²³ The teacher should be able to elicit the "standard" answer to the question before turning the students toward commentaries.

The question arises out of the dissonance between the ordinary function of a cup of wine at a ritual meal and the lack of an overt purpose for the second cup. The first

22. The Mishna as printed in the standard Vilna edition of the Talmud reads here וְכֵן, "and here," but the best manuscript of the Mishna, the Kaufmann Manuscript (described and reproduced for Pesahim chapter 10 in Bokser, *The Origins of the Seder*, pp. 107-10), reads וְכֵן, which may mean "and here" (so translated by Bokser, p. 30) but may also mean "and thus" or "and rightly, properly" (see the commentary of Rashbam, who compares the use of כֵּן in Numbers 27:6).

23. Rashi; Rashbam; Rabbi Joseph ibn Haviv--author of *Nimmukei Yosef*, a commentary on Alfasi's Talmud explication; Rabbi Isaiah of Trani--author of *Tosefot Rid*; et al. ad loc.

cup served the distinct purpose of making *kiddush* at the outset of the seder. This one cup of wine is part of the ritual at the onset of every Sabbath and festival. A second cup might make sense in the context of a meal, if the meal were served at this point. But it is not. One must, therefore, wonder at the purpose of the second cup of wine.

Once the students have articulated the question and answer, one can turn for confirmation, and refinement, to the commentaries. Rashbam only hints at the answer:

Here the son asks his father. Here, at the pouring of the second cup (of wine) the son (if he is wise) asks his father, "What is different...", now that a second cup of wine is being poured before the meal?

One finds more explicit explanations in Nimmukei Yosef and Tosefot Rid. The latter, for example, comments:

Here the son asks. When he sees that they pour a second cup (of wine) before the food. Normally, they break bread after *Kiddush* (the blessing over the wine) and here dip a vegetable.

As the teacher and students proceed through the Mishna, they will find that the first two of the Four Questions do not give rise to matters of history; they hold no surprises. The teacher may choose to dwell on the symbolism of the matzah and *maror* and their Biblical bases. The teacher may also choose to train the students in close reading by making sure they ponder the fact that the second question does not say "only bitter herbs (כולו מרור)" in the manner of the first question's "only matzah (כולו מצה)" but rather "bitter herbs" alone.²⁴ However, it is only in examining the third and fourth questions that students will be startled and intrigued.

²⁴. On this question, compare the Tosafot at the words "On this night bitter herbs":

Note that it does not say "only bitter herbs" (as it does with respect to matzah) because we do eat other vegetables at the first dipping.

Teaching the Historical Issue

As was said above, the teacher may choose to delve into the historical issues of the Mishna's third question only after going into the textual issues of the Mishna's fourth question, which becomes a topic of discussion in the Gemara. In the approach I have adopted, one will deal with the questions in the sequence in which they are encountered. Accordingly, one would in this approach tackle the third question first.

The issues revolving around the third question, concerning the roasted meat, require the teacher to separate the two key historical issues--why was the Mishna's question about the roasted meat dropped, and why was a new question about reclining added later--and organize the various pertinent textual sources in accordance with these two issues. In the present instance, the key texts are from the Mishna and the Tosefta, on the one hand, and from the liturgical order (seder) of Rav Amram Gaon and the standard edition of the Haggadah, on the other (see above). The Gemara of our *sugya* does not deal with the historical question of the roasted meat. The entire historical issue can therefore be investigated in the course of studying the Mishna alone.

Traditionalist teachers may want to do no more than raise the simple historical question--why do we not say the Mishna's third question anymore?--and content themselves (and their students) with the answer provided in the commentary of Rashbam:

Tonight we eat only roasted (meat). During the time when the Holy Temple was standing, he would ask thus.

However, the teacher who has been informed by Gedaliah Alon's analysis of the historical question (see above) may want to go into a more in-depth and nuanced analysis. This teacher will, as was said, organize the textual sources according to the two key issues. The teacher may choose to retrace Alon's argument along with the students,

sharing with the students something of the scholar's method; or the teacher may choose to tease the historical questions out of the students by presenting them with some of the Tannaitic sources that indicate that there were Jews who continued to eat roasted meat on the eve of Passover even after the destruction of the Temple. The students' interest will then be piqued by the apparent contradiction between the straightforward explanation of Rashbam and the type of Tannaitic sources adduced by Alon. Contrast, for example, to Rashbam's explanation the Mishna, Pesahim 4:4:

In places where it was customary to eat roast [meat] on Passover eve, it may be eaten; where it was not the custom, it should not be eaten.

The teacher may trigger the students' questions and guide their search for answers by presenting the diverse, pertinent texts, as well as by suggesting possible answers to be examined. Of course, only by means of the teacher providing information, or sending students directly to Alon's treatment, will students discover the way that the practice of eating roasted meat on Passover eve continued into the Geonic period.

With the sources collected by Alon in hand, the teacher and students will be able to identify the controversy between Rabban Gamaliel and the Sages. In the course of discussing their results, the teacher and students may want to talk about the general issue that lies at the heart of the custom of eating or not eating roasted meat at the seder, even after the Temple was destroyed: Is this ritual, and are rituals in general, an effort to re-enact an historical experience by simulating it--in the way that the roasted meat simulates the Paschal lamb offering in the Temple of old? Or is this ritual, and are rituals in general, commemorations of the past that give rise to more symbolic and thematic types of meaning? The teacher will surely want to elicit from the students various examples of rituals that can be interpreted either as re-enactment or as commemoration, or both; and relate these rituals and their interpretations to the Tannaitic,

and post-Tannaitic, controversies over whether ancient rites should continue to be performed as much as possible (the position of Rabban Gamaliel) or not (the Sages). It will in this way be seen that the tension between Rabban Gamaliel and his colleagues remains an insoluble conflict of perspectives in trying to interpret the meaning of religious rituals.

In dealing with the second major historical issue--the question of why the question concerning reclining was added in the post-Talmudic period--the teacher will not need to articulate the problem. Students will know that our Haggadah has a fourth question that does not appear in the Mishna. Here the teacher will have two different tasks. First, the teacher will need to organize the Tannaitic (Toseftan) material that demonstrates the inappropriateness of our fourth question to the Mishna and present it to the students so that they themselves can draw the obvious historical conclusion. On the question of why a fourth question needed to be added, again it will probably suffice for the teacher to act as a resource. Suggesting the importance of the number four in the seder, the teacher should manage to elicit several examples from the students. On the other hand, the students will probably not realize that having a set of only Three Questions was an option, both in Talmudic and Geonic times, without the teacher providing them with the pertinent sources.

For many teachers, the symbolism of reclining at the seder, as a token of our freedom, will be the more important lesson to convey. Nevertheless, the fact that Jews have sometimes held by three questions instead of four (the Palestinian Talmud and Genizah source vs. the Babylonian Talmud and Haggadah), as well as by a somewhat different set of four questions (the Mishna vs. the Haggadah), contains an irresistible element of curiosity that many teachers might well wish to exploit, and satisfy, in teaching our *sugya*. The teacher who has looked into the history of the Four Questions

will simply have more interesting material to present than the teacher who goes little beyond explaining the *peshat* meaning of the text.

Teaching the Textual Issue

In teaching the text historical issue of the ways that the Mishna's fourth question underwent reformulation, the teacher's main curricular task is bound up with the pedagogical one. The reasons for the changes in the formulation of the question are apparent, and they are addressed directly in the Gemara. The effective teacher must be careful to generate surprise by permitting the students to discover the different formulations and their rationales by themselves. The teacher need only be a guide to the sources and to the textual signals embedded in the standard Vilna edition of the Talmud. Teachers of this *sugya* must practice the art of reticence, holding back the discoveries they have made and the answers they know in order to cultivate their students' powers of discernment--and not to spoil the surprises on which the *sugya* is constructed (such as Rava's reformulation of the question).²⁵

The teacher will be able to achieve the goal of delineating the textual variants and allowing the students to discover their interrelations and rationales by taking the students through the text one step at a time and by tracking the variants only as they are encountered.²⁶ "Taking the students through the text one step at a time" means, in this

²⁵. For suspense as a characteristic literary element in many sugyot of the Babylonian Talmud, see Louis Jacobs, Structure and Form in the Babylonian Talmud. Pp. 42-55 and *passim*.

²⁶. A simple yet effective technique for highlighting the differences within the formulations of the question is to write each on the board in a different colored chalk. Writing on the board and using colors to highlight differences as a visual memory aid would seem to be so obvious a strategy that it should need no mention. However, it is rare indeed to find this technique employed in any Talmud class.

context, pausing to take note of every formulation of the question and, as was said, charting it on the board; noting every printer's indication of a cross-reference or aid (such as the parentheses and the asterisk mentioned above); and making sure that the students keep the version in the Haggadah correctly in mind throughout the investigation.

The teacher may find it necessary to ask the students to think about the reasons behind the changes in formulation; but the teacher should not need to reveal the reasons put forward explicitly in the Gemara until they are encountered there. The one place where the teacher may need to intervene in the students' process of discovery is in the event that the students are too reverent toward the Talmudic masters, or too shy, to ask the critical question: How could Rava, an Amora, question the assumption of the Mishna, that people dip their vegetables during a meal?

It is this question that, once raised, by the students or, if necessary, by the teacher, leads inevitably to the historical observation that the two Amoraim, Rava and Rav Safra, share the assumption that people do not ordinarily dip during a meal while the Mishna assumes that they do. One does not need the scholarship of J. N. Epstein in order to propose that the difference has to do with the fact that different Jews living in different times and places have different customs. The teacher, however, independently, or with the help of Epstein or another historically oriented scholar, should be in a position to anticipate this historical solution. Students who have dealt with the historical issue involving the Mishna's third question, concerning roasted meat, will be disposed toward the relatively uncomplicated type of historical explanation that is called for in the case of the textual issue.

The teacher may choose to make the fact of textual change, and the ways such change can be tracked, the heart of the lesson. Alternatively, the teacher can, as in the instance described above in teaching what we have for convenience called the historical issue, relate the example of textual change and the reasons for it that we find in our *sugya*, in conjunction with our Haggadah, to other, perhaps even contemporary instances of textual change, in the liturgy, or in some other area of Jewish life. It ought to become clear to the student, if it is clear to the teacher, that the kinds of textual and historical change that we can "discover" through the study of our *sugya* are the same kinds of textual and historical change that have occurred throughout the growth of the Jewish tradition.

The effective teacher will know and use history in order to deepen and broaden students' understanding of texts. Such a teacher will also lead students to appreciate the fact that history is not only then--it is also now. The study of Jewish texts can erect bridges between the historical background of the traditional sources and the contemporary lives of the people who study them.²⁷

²⁷. See, e.g., the exemplary approach of Barry Holtz, Finding Our Way. New York, Schocken, 1990.

Chapter Five

Summary and Conclusions

The Thesis and Its Demonstration

The teaching of Talmud is an area of Jewish education that has received much less theoretical and critical reflection than most other subjects. There are no ready-made models by which to analyze it as a subject matter and begin the project of curricularizing it. This surely results, in part, from the fact that Talmudic study is quite unlike any other discipline. It is not like the study of literature, since Talmudic discourse does not fit within the types of literature for which the various types of literary criticism were developed. It is not like the study of law, since Talmud is not actually a lawbook. It is not like the study of history, although it is, as we have seen, a resource for historians.

Not only is the Talmud *sui generis*, its text presents a wide range of difficulties, including, but not limited to, the fact that it comprises different literary layers, different languages, historical background that is often impossible to recover or reconstruct, a special rhetorical code, a history of composition that is often hard to unravel with confidence, a long and sometimes obscure history of textual transmission, and an argument whose reasoning is not always (or no longer) clear.

It has generally been assumed among students and teachers of Talmud that the uniqueness of the Talmud and its special difficulties prevent the beginner from dealing with difficulties, relegating them only to more advanced stages of study. The teaching of Talmud to beginners is typically thought to involve little more than the translation and punctuation of the text and an understanding of the text's questions and arguments. As a consequence of this assumption, it has been thought that the more sophisticated methods of Talmudic research, such as textual criticism, source criticism, and historical analysis, need not play any role in the teaching of Talmud to beginners.

It has been our thesis that the aforementioned assumptions are false. We have set out to demonstrate that a strong familiarity with the diverse types of advanced Talmudic scholarship is valuable, if not essential, for the competent teacher of Talmud, even at the beginning level. We have founded this demonstration on two basic rationales. Both follow from the theory of teacher training delineated by Lee Shulman that is built on the philosophy of curricular development expounded by Joseph Schwab.

The first of the rationales is a general one, and it is articulated already in classic form by Schwab. It is clear in Schwab's theory that the data that are observed within a discipline and the ways that the data are organized into meaningful and useful structures by practitioners of the discipline ("syntax") both constitute the knowledge that characterizes that discipline. Knowledge entails the ways that data are organized into

structures. To understand a discipline in any fundamental fashion, one must know these structures--the organization of the substance of a discipline. Accordingly, a competent teacher of the subject matter of Talmud will not only be familiar with the "raw data" of the text but will also be familiar with (at least some) ways that Talmud text is analyzed to be understood.

In Schwab's classic model, it is the task of the scholar of a particular discipline, who has a superior understanding of it according to some theoretical model, to lay bare the organizational structures of that discipline. It is not necessarily the task of the teacher to analyze the discipline and understand its inner workings; that role can be played by a curriculum writer who is acquainted with the scholar's understanding of the discipline, on the one hand, and who is keenly attuned to the needs and realities of teachers and their students, on the other.

For Shulman, not only scholars and curriculum writers but teachers, too, must gain a first-hand understanding of their subject matter. Teacher training must, in his view, include in-depth training in a discipline. If, in order to know a subject, one must have a sophisticated understanding of its theoretical structures and principles, then a competent teacher must acquire that level of understanding. This, as was said, is the first rationale for claiming that any competent teacher of Talmud, even of beginners, must be familiar with higher levels of textual study, that is, with scholarly methods and their resources.

Shulman's approach to teacher training also provides the second rationale that teachers of Talmud, even of beginners, need to know the various scholarly approaches to Talmudic study. Each discipline has its own scholarly models, analogies, illustrations. These must become second nature to teachers, who will be called upon in the process of teaching to think on their feet, use this "pedagogical content" of their dis-

ciplines, and provide appropriate analogies and examples, as well as alternative perspectives, to their students. Moreover, critical thinking, a primary goal of education in the Schwab model, as well as in higher Talmudic study, can only be developed by teachers who are capable of looking at a problem or an issue in more than one way.

If, in a particular discipline, one will, even in introductory stages, encounter different types of difficulties, one will need to be familiar with the different approaches within the discipline in order to recognize, if not find an answer to, those difficulties. It is this point of understanding a discipline in its diversity that we have addressed in the three chapters of this study. We have sought to demonstrate that those *sugyot* of Talmud that belong to the standard repertoire in a basic Talmud curriculum contain difficulties for which diverse scholarly approaches are required in order to explain them adequately. We have sought to demonstrate, in addition, that the application of scholarly approaches to the treatment of these difficulties need not remain a matter of merely technical interest. To the contrary, we have seen that the resolution of the various difficulties according to one scholarly method or another can be used--no less than any other aspect of Talmud learning--as the foundation on which to build a meaningful, conceptual discussion.

The Anticipated Audience of This Presentation

We have presented and endeavored to demonstrate our thesis for the benefit of the diverse types of educators who are (or will be) engaged in the teaching of Talmud.

Teacher trainers may be particularly interested in our selection of the Schwab-Shulman theory of preparing teachers in the theoretical and methodological aspects of their discipline as well as in the subject matter of their discipline. Using several types

of Talmud text that are typically introduced to beginners, we have demonstrated that a variety of academic methods of Talmud study--for example, textual criticism, historical analysis, source criticism--need to be adapted to the teaching situation. Teachers must be trained to appreciate the rationale for and the practices of Talmud researchers in order to acquire the minimal competence of recognizing the type of question or issue that will require the application of one or another of the academic approaches to their subject.

Teachers, of course, may be interested in the demonstrations we have offered to argue for the need for all teachers of Talmud to become familiarized, in pre-service or in-service training, with the various academic methods they will find useful in dealing with the many sorts of questions and difficulties they are bound to encounter in the teaching situation. Each of the case studies that were treated in Chapters Two, Three, and Four were based on the author's own experience in teaching Talmud to beginners; and it is hoped that experienced teachers who have themselves taught this material will recognize the issues that we have treated and, perhaps, find some practical value in the ways we have addressed them. The utility of our solutions to textual difficulties or questions will substantiate the need for teachers to acquaint themselves with diverse methods of Talmudic study.

Curriculum writers may find our presentation useful for both theoretical and practical reasons. From a theoretical perspective, we explain the curricular task as one involving strong familiarity with (a) a subject matter and the various disciplinary approaches to its analysis; (b) the need for teachers to engage in two fundamentally different stages of preparation--the academic analysis of the textual material and the adaptation of their understanding of the material in the construction of a lesson; and (c) an awareness of the kinds of questions and issues that are liable to arise in the teaching

situation. From a practical perspective, in order to fulfill their full responsibilities to the educational process, curriculum writers must address each of the three areas mentioned above: (a) the subject matter and its methods of study; (b) the stages of teacher preparation necessary to formulate a lesson; and (c) sensitivity to the issues and questions that emerge in the act of teaching.

In addition, one may hope that at least some researchers in the area of Talmud will show an interest in the implications of their own work for the educational enterprise. Knowing the pedagogical uses to which their work may be put may induce some researchers to present the rationale for and nature of their methods of study in a manner that exposes more fully than is common in academic writing the processes of their thinking--their questions, decisions to try a particular approach, hunches, mistakes, revisions, etc. Schwab in particular saw the researcher as part of the curricular project, and our thesis--in which scholarship is translated into pedagogy--has shown the value that such a partnership might have, at least theoretically.

Finally, we may add that educators who work on the teaching of texts other than Talmud, may find our approach readily adaptable to their own tasks.

A Summary of the Cases in Point

Based on the Schwab-Shulman model of curriculum theory and teacher preparation we have, in each chapter, addressed either the academic analysis of a textual problem or a difficulty encountered by beginners and others on the one hand, and the ways in which a teacher might make use of that analysis in building a lesson, on the other. In Chapter Two, we looked at a sugya from Tractate Yoma in which the difficulty encountered--twice--involves dissonance between the classic rabbinic text (Mishna in

one case, Mishna and Tosefta in the other) and the text as it has been incorporated into the High Holy Day Maḥzor. In addition, the second textual dissonance, between the formula used by the High Priest to invoke God according to the Mishna and Tosefta, on the one hand, and in the High Holy Day Maḥzor, on the other, is explained in the Tosefta commentary by Professor Saul Lieberman as the reflection of a process by which an adjuration of God is transformed into a liturgical address. Following the Schwab-Shulman model, we analyzed the two instances of textual variation within the academic approach of textual comparison in which the different versions of a text are compared and contrasted. The scholar will often be interested in such textual comparison either to reconstruct an original text or to trace the history of related texts. Shulman, however, would have the teacher move from the first stage of "comprehension" to the pedagogical stage of "transforming" the academic data into a meaningful lesson for students.

In the training of advanced students, the teacher might want to curricularize the material by using the two instances of textual divergence as a case study in textual criticism. On the beginner's level, at which one is interested in finding more general and less technical significance in the text, the teacher may still use the evidence of different textual readings toward a curricular end. For this curricular purpose, however, teachers will need to have in their pedagogical repertoire a familiarity with an analytical approach in which textual information is looked at in order to abstract concepts and religious or moral values.

The competent teacher will therefore need not only an appreciation of the uses of textual criticism and an understanding of its applications. The teacher will also routinely need an approach, or approaches, to the conceptual analysis of the textual

material, for the sake of the second stage in Shulman's theory of teacher preparedness, "transformation."

For the purpose of conceptual analysis of the textual material from Tractate Yoma, we applied a method of seeking religious values or processes derived from the Shalom Hartman Institute in Jerusalem. In the first instance, we saw that the two alternative sequences in the order of verbs in the High Priest's confession (*viddui*) can be interpreted as the reflection of two different perspectives on how a person may go about the process of self-scrutiny and confession of sins. Looking for a conceptual approach, we found an incisive, as well as spiritually suggestive, explanation of the two sequences in the Brisker commentary on the Tosefta by Yehezkel Abramsky, the Hazon Yehezkel.¹ In the second instance, the comments of Lieberman on the difference between swearing to God and praying to God immediately lends itself to conceptual analysis. Treatment of this issue can readily be developed into a discussion of what it means to swear by, or to, God, on the one hand, and to pray to God, on the other.

In Chapter Three, the difficulty we encountered involved problems in following the line of argument in a *sugya* in Tractate Megilla. The *sugya*, it turned out, has a close parallel in Tractate Arakhin. The critical approach of Professor David Weiss Halivni, as one might have expected, deals with the two *sugyot* and their inter-relationship. Halivni proposes that the two *sugyot*, each of which has been edited with the other at least partly in mind, be reconstructed in order to represent two different, but now internally coherent, arguments. Thus, the reconstruction of the *sugya* in Trac-

¹. One might, of course, exemplify the Brisker model by means of other expressions of it, such as Rabbi Hayyim Soloveitchik's commentary on Maimonides at a particular *sugya*, or the commentary of Rabbi Yehiel Wasserman.

tate Megilla by Halivni "solves" the difficulty that even a beginning student would notice.

In keeping with our thesis that even an exercise in higher criticism such as Halivni's can be used by a teacher as the basis of a thematically oriented lesson, we then went on to show that the two *sugyot* that have been newly reconstructed, or restored, by Halivni each reflects a different conceptual issue in Judaism. We saw that the identification of the different themes can be appealed to directly in order to answer one of our contemporary questions of Jewish practice and ideology, namely, the question of whether we ought to recite Hallel on Yom Ha'atzma'ut. We moved, therefore, from Shulman's stage of "comprehension" to the pedagogical stage of "transformation" by applying the Talmud's two themes to a contemporary case in point.

The fourth chapter of this study began with a comparison of the Mishna and Gemara with the Passover Haggadah with regard to the questions a child is meant to ask at the seder. We distinguished between two approaches to the diverse versions of the questions--the textual, i.e., the charting of the textual versions in their development, and the historical, i.e., the historical explanations that might account for the textual differences and their development. This is in keeping with the Schwab-Shulman model, in which the teacher's first task is to analyze the material using appropriate academic methods. The historical investigation that engaged us in Chapter Four, by way of a study by historian Gedaliah Alon, provided a highly plausible explanation for perhaps the most blatant textual change--the dropping of the Mishna's question concerning the roasted Paschal offering in the Haggadah.

However, Alon's source material, as well as his discussion, also produced an intriguing twist: the fact that after the destruction of the Temple by the Romans in 70 C.E. Jews continued--as late as the Middle Ages!--to eat roasted meat on Passover.

The teacher who is alert to the next of Shulman's stages of teacher preparedness, "transformation," will see in this intriguing fact a basis for building an issue-related lesson. We saw that the difference between dropping the roast offering and maintaining it in some way can be construed as the difference between preserving a ritual and commemorating it. Although we did not digress from the focus of the present study in order to develop a curriculum for discussing the question of whether ritual serves to reproduce an experience or to commemorate one, it will be obvious to teachers that our analysis of the text from Tractate Pesahim will lend itself to that type of curricularization.

It has not been the purpose of this study to curricularize pieces of scholarship per se. There are, as any experienced and/or well-trained teacher knows, a plethora of curricular paths one might take. In the chapters of the present study, we have tended to utilize one pedagogical approach above all. In each and every chapter we identified two contrasting elements in which we indicated two contrasting concepts, and we highlighted the contrast between the two concepts as an issue for discussion. For example, in Chapter Two we contrasted two psychological views of confession and repentance; in Chapter Three we discerned two different conceptual issues deriving from the two reconstructed sugyot--one revolving around the axis of inside-outside Eretz Yisra'el, the other revolving around the question of whether we have moved all the way from slavery to freedom; and in Chapter Four, we identified the opposition between ritual as reenactment and ritual as commemoration mentioned in the preceding paragraph. This particular approach to curricularization is one that easily lends itself to the indication and discussion of concepts, or values, and it is applied routinely in the Jewish Values Project of the Melton Centre for Jewish Education in the Diaspora in which I have worked, and which is cited in the Introduction. It is also an approach that

lends itself easily to the building of curriculum in the field of Talmud because, as was said in the Introduction, the discourse of the Babylonian Talmud often leaves open two alternative arguments or principles.

Although our project is not, as was said, an exercise in developing scholarship directly into curricular planning, it is, nonetheless, very closely related to the curricular project. We have endeavored to give practical expression to the plan of Professor Seymour Fox within Jewish education to translate "scholarship and research" into curriculum. That project, adapting the curriculum theory of Joseph Schwab, began, as we saw in the Introduction, by inviting scholars to discuss ideas within their field in a manner that could lend itself to curricular development by educators. Lee Shulman, as we have seen, has made a cogent case for preparing teachers to be able to analyze the subject matter in which they achieve competence in a manner than can be useful in building curriculum and in teaching.

Shulman's program is divided, as we saw, into six "aspects of pedagogical reasoning": (1) comprehension, (2) transformation, (3) instruction, (4) evaluation, (5) reflection, and (6) new comprehension. In the present study we have exemplified the first two stages in the process by which a teacher assimilates a subject matter. We have described, in some detail, the methods by which a teacher of Talmud might analyze the scholarship that could prove useful in handling different types of textual difficulties. These methods have included, in the main, lower (textual) criticism in two of its forms--comparison of variants, and textual history; higher criticism in the form of source and redaction criticism; and historical reconstruction and analysis. We have also exhibited some methods by which teachers might, after performing the research and analysis that are included in the stage of "comprehension," "transform" their material for use in an educational setting. The distinction between these processes is

made in all three chapters, but the relative attention to each one has differed in each chapter in order not to avoid unnecessary repetition in moving from stage to stage.

Even though our descriptions of what a teacher can do in the stages of "comprehension" and "transformation" of Talmudic curricular material are clearly doable--I, for example, have done them--we have not as part of the present study undertaken to test the viability of our approaches and analyses among a group of practitioners. The present study is not an effort in empirical research but rather a practical argument for the viability of a theory--the general educational theory of Schwab-Shulman, which holds that the understanding of subject matter in its deeper sense (see above) is required of teachers; and the application to the teaching of Talmud of the view that holds that scholarly approaches are pertinent to the handling of difficulties even at the beginner's level. We have not, in the limited scope of the present study, been able to sustain with practical arguments each component of Lee Shulman's model. We have, rather, been able to support with practical illustration a sector of that model. We have shown that a Talmud teacher who is responsible for teaching a number of different sugyot--all from the same Order of the Mishna, Seder Moed--will need to be well acquainted with a variety of scholarly approaches to the study of Talmud in order to handle the full range of textual, or philological, issues that will be apt to arise, even in a class of beginners.

In addition to sustaining the validity, or relevance, of the Schwab-Shulman theory of curriculum development to the field of Talmud, our findings have strong implications for pedagogical training. Teachers must be well educated in subject matter. What the Schwab-Shulman model, and our conclusions in its support, suggests is that: (a) teachers in training must be exposed to scholars who have a facility not only in sharing their results but also in explaining the various means by which they warrant their results; teachers must learn the structures in which scholars organize their knowl-

edge; and (b) teachers must be immersed in their subject matter both extensively--in order to learn a diversity of approaches--and intensively--in order to gain a relatively deep understanding of their subject.

This means that the shift from emphasis on "content" to "teaching skills" that has attended teacher education during the course of the past century must be reversed to a considerable degree. Teachers must become competent in the subject matter they will be teaching. The Talmud teacher needs the types of sophisticated understanding of advanced Talmudic study that we have described in Chapters Two through Four in order to begin to teach. There is, however, the added bonus, as we have seen, that lessons of conceptual interest and religious import can be built upon the results of academic scholarship. Indeed, it may be that some, if not all, of the lessons we have drawn in blueprint form can be effectively taught within a class in Talmud only by way of a scholarly approach. If research some day proves that that is so, then the translation of scholarship into pedagogy will not be merely an ideal of Talmud teaching, it will be a necessity.

Issues for Further Study

Throughout our presentation, we have endeavored to indicate that there remain many questions and topics that are closely related to, and at times even implicated in, our study. We have focussed in this work on the need for teacher competence according to the Schwab-Shulman model. Taking three sugyot in the Babylonian Talmud as our cases in point, we showed (a) that teachers would need to be familiar with such academic methods as textual criticism, historical analysis, and source criticism in order to deal with fundamental problems that are encountered even at the beginner's level;

and (b) that teachers would need to apply additional methods of conceptual analysis and treatment in order to move from Shulman's first stage of "comprehending" the text to the next, pedagogical stage of "transforming" that comprehension into teachable material. There are, as I said, several other matters that need to be addressed in depth in order to achieve a more comprehensive understanding of our topic, the translation of Talmudic scholarship into pedagogy. I shall delineate here those matters on which I touched but could not, in the limited scope of this study, fully pursue and discuss.

1. First, we need research on the question of what constitutes a textual difficulty on the *peshat* level in general. This question has begun to be addressed recently by literary theorists² and there is, of course, a large literature on the subject from the point of view of reading specialists whose interest is chiefly clinical.³ The results of research and theory in the area of general language and literature might provide useful hypotheses for testing in the field of Talmud study. This observation, however, only points to another basic desideratum for educational research related to Talmud teaching.

2. We need empirical research on the question of what beginning students of Talmud, coming from diverse backgrounds, find "difficult" in learning Talmud. My own treatment of difficulties in Talmud has been based on my years of experience in teaching Talmud to beginners. Lee Shulman, as we noted in Chapter One, has called for the collection of anecdotal evidence of teachers in the various disciplines. Such a collection would mark a good beginning for the research that I am describing, but the

². See, e.g., Alan C. Purves, ed. The Idea of Difficulty in Literature. Albany: State University of New York Press, 1991.

³. See, for example, Richard L. Thorndike, Reading Comprehension Education in Fifteen Countries. Stockholm: Almqvist and Wiksell, 1973.

preparation of teachers and the writing of curriculum in Talmud should be founded on research that is more systematic and based on controlled observations of many and diverse classes, comprising a variety of backgrounds, religious orientations and ages.

3. Without doubt, some of the problems that beginners encounter in Talmud study involve the diversity of special skills that are required in learning Talmud. I have enumerated ten of these problems in Chapter One above. Although I offered brief reflections on these ten problems there, they each warrant much fuller consideration and discussion. Let me summarize them here:

- a. The Talmud text is, in the original, unpunctuated. at what point, and how, should students learn to punctuate the text by themselves?
- b. The Talmud is written in Hebrew and Aramaic. How much Hebrew and Aramaic should a student know before beginning to study Talmud?
- c. Whereas Hebrew language learning is an integral part of virtually all serious Judaica study, Aramaic language learning is not. Should Aramaic be studied deductively, that is, systematically as a foreign language? Or should it be learned inductively, in the course of studying the Talmud?
- d. The Talmud incorporates the text of the Mishna. What is the place of Mishna study in the study of Talmud? Should it, for example, be studied as an autonomous text, independent of its use in the Talmudic discussion?
- e. The Talmud routinely refers to and sometimes discusses verses from the Bible. What approach to the Biblical text should be taken in connection with Talmud study?
- f. The Talmud tends to be dialectic in its arrangement of argument in the sugya. There is a tradition of studying Talmud dialectically, with a partner, in *havruta* fashion. Is this an effective method of Talmudic learning, and should it be introduced on the beginner's level?
- g. The Talmud abounds in terms and concepts. How should beginners be introduced to these terms and concepts (e.g., deductively--as background for Talmud study--or inductively--in the course of encountering them in the Talmud?
- h. The Talmud has a rich historical and cultural background. When and where should beginners in Talmud learn of this background (e.g., in a history course or as part of their ongoing Talmud study)?

- i. The Talmud has various extensive traditional commentaries, primarily from the Middle Ages. Should beginners be taught Talmud according to, or in conjunction with, any of those commentaries?
- j. The Talmud editions that are most widely used were produced in the past century and a quarter. To what extent should beginners become familiar with the earlier textual forms of the Talmud?

More generally, one may ask, which access disciplines are required for the study of Talmud, and how would they best be introduced to beginners?

Each of the above questions should be researched on its own, perhaps using new techniques of teacher-generated research as well as empirical studies.

4. The areas of difficulty enumerated in section 3 immediately above are matters that are especially pertinent to the teaching of Talmud. There are, however, a number of other, general types of teacher knowledge, familiarity with which would enable teachers better to anticipate students' misunderstandings of the text and to develop educational strategies for correcting them. I alluded to some of these in Chapter One, note 111, above; let me recapitulate here:

- a. research on thinking and cognition;
- b. varieties of learning styles and learning disabilities;
- c. language development and second language learning;
- d. varieties of pedagogical methodologies, such as cooperative learning, classroom management, and others.

These, and other general areas of teacher education, could, and indeed should, be studied with respect to their potential applications to the training of Talmud teachers and the pedagogy of teaching Talmud to beginners.

5. In the present study, we have made use of Lee Shulman's adaptation of Joseph Schwab's theory of curricularizing subject matter. We have addressed this component of Shulman's approach mainly with respect to its implications for teacher

preparation in "comprehending" a subject matter with respect to both its content and methods of study, and then "transforming" that understanding of the subject into one's structuring of the subject as curriculum for teaching. As we noted above in Chapter One, note 115, however, Shulman's definition of the curricular knowledge that a teacher should possess includes not only the subject matter immediately at hand and the curricular materials and programs that have been developed for teaching it, but also other subjects and disciplines that a Talmud student learns that could, and perhaps should, be interrelated with the study of Talmud. A comprehensive Talmud curriculum would need to entail both the "horizontal curriculum"--the other subjects that a student is learning alongside the study of Talmud, and the "vertical curriculum"--the subjects a student has learned before studying Talmud, and the subjects a student will be exposed to after one's initial exposure to Talmud. A teacher who is competent in Shulman's sense of the word will know and make continual use of such comprehensive curricular knowledge. Theory based on research and consultation with both academic specialists and teachers needs to be developed in order to establish the manifold options for inter-relating Talmud study with the various other disciplines such as, but surely not limited to, Bible, history, literature, and language learning.

6. Lee Shulman's theory of teacher preparation entails six "aspects of pedagogical reasoning."⁴ They are: (1) "comprehension," (2) "transformation," (3) "instruction," (4) "evaluation," (5) "reflection," and (6) "new comprehension." We have exemplified and attempted to demonstrate the value and utility of the first two of these in our presentation of three cases that adapt a Talmud text for teaching beginners. In fact, we have primarily focussed on the aspect of "transformation" in the

4. See Chapter One above.

first two of the five stages into which Shulman divides this process. The five stages are: (a) the critical preparation of the subject matter employing academically sound methods of study; (b) the "conversion" of the analysis into the forms teachers use in the act of teaching, such as analogies, metaphors, cases in point; (c) the selection of an appropriate method of teaching the desired material; (d) tailoring the material to the learning habits and needs of students in general; and (e) tailoring the material that results from stage (d) to the students with whom one actually works in a particular class.

The type of adaptation of Shulman's model of pedagogical reasoning that we applied only in part in our study of translating the academic analysis of three Talmud passages into curriculum (Shulman's notion of "comprehension" in a general way and the first two stages of his notion on "transformation" in a more specific way) should be tried and tested on the rest of Shulman's model as well. An in-depth study of the "comprehension" of a scholarly treatment of an issue or problem in the discipline of Talmud should perhaps be best accomplished by a Talmudist who is interested in analyzing the theory and method of a particular Talmudic analysis metacritically.⁵ It will be recalled that Schwab, Shulman's mentor, saw the academic specialist as the one who would best be in a position to analyze subject matter in terms of its "three faces": the content it conveys, the array of principles and methods by which that content is exposed and structured, and a delineation of the access disciplines that are requisite for studying the subject.⁶

⁵. See, e.g., the analyses of diverse approaches to Talmud research in William Scott Green, Law as Literature. Semeia, vol. 27, Society of Biblical Literature, 1983.

⁶. See Chapter One for references and discussion.

A natural sequel to the present study would be an application to our discussions in Chapters Two, Three and Four of the three last, and in a certain respect more practical, stages of Shulman's process of "conversion" of the academic analysis into pedagogy, namely, the selection of instructional strategies (step c above) and the two steps of adapting those strategies to the teaching situation (steps d and e). Researchers should also consider the ways that Shulman's notions of "instruction," "evaluation," "reflection," and "new comprehension" could be applied to the writing of Talmud curriculum and the preparation of Talmud teachers.

7. In applying the Schwab-Shulman theory of curriculum and teacher preparation to the teaching of Talmud, I did not mean to imply that there are no other worthwhile theories and that one could not, at least hypothetically, demonstrate the value of applying one or another of the alternative theories to the preparation of Talmud for teaching and the training of personnel to teach Talmud. We have worked with the Schwab-Shulman model because it is particularly sympathetic to the topic we have chosen to delve into: the translation of Talmudic scholarship into pedagogy. As was said in the introduction (Chapter One), since little has been written theoretically on the curricularization of Talmud study, it would seem to be a crying need of Jewish education to investigate the appropriateness, with respect to learning strategies as well as religious and Jewish cultural concerns, of diverse theories of curriculum and teacher training to the preparation of Talmud curriculum and the training of Talmud teachers.

8. I have not here touched on the religious/ideological issues that accompany the study and teaching of Talmud, particularly in the last century. For some, the study of Talmud--a "sacred" text--cannot be approached critically, lest issues of divine authorship or inspiration be called into question. If Talmud is not to be analyzed critically, then Talmud is certainly not to be taught critically. However, since I have shown that

sometimes, even a critical approach can highlight religious and spiritual meaning, perhaps the time has come to rethink some assumptions about what methods lead to which conclusions. An ideological "unpacking" of approaches to Talmud research would be a useful and fascinating precursor to the incorporation of these and other approaches into the training of Talmud teachers. Any exercise that would help teachers clarify their own ideological assumptions and religious beliefs would surely enlighten them and perhaps even open them up to the possibility of a pluralism of approaches. Once this notion of pluralism is further developed, in the field and among individuals, then my thesis that different types of scholarship can reveal different methods for explaining "difficulties" will take on new meaning.

9. Finally, we have maintained in our introduction (Chapter One) and throughout our analysis that teaching is, to a considerable extent, an intuitive enterprise in which no amount of training can provide sure-fire vehicles by which ideas will simply come. In our discussions in Chapters Two, Three and Four, we have attempted to describe the stages of teacher preparation by which a teacher would analyze a text for the purposes of teaching beginners and then adapt that analysis for the teaching situation, in accordance with the Shulman model of "comprehension" and "transformation," with its critical first two steps of "preparation" of the material and "conversion" of the prepared material for teaching.

In reality, however, my understanding of the texts that I prepared and my choices in how best to adapt them for presentation to students were not nearly so systematic as what I described in Chapters Two through Four. My ideas often resulted from various insights and intuitions which only in hindsight could be organized into a neat methodology or plan. In appreciation of the intuitive side of learning and pedagogy, I invoked in the introduction the work of Donald Schön, who has suggested a means for

practitioners to develop and enhance their abilities to think intuitively and find insight into the phenomena they observe. I formulated Schön's four stages to apply specifically to teachers. The procedures encourage teachers to pay attention to their own discoveries and then try experimentally to replicate the processes by which they made their discoveries.

Those who are involved and interested in the training of Talmud teachers, and indeed of any teacher, will want to adapt Schön's program or develop one like it for routinizing discovery among teachers. Teachers who become adept at getting insight and producing ideas will be in a better position both to anticipate and to appreciate the questions and insights their students will have and to encourage their students to think, learn, and gain insight on their own. That, after all, is the worthy goal of all education.

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