Neusner, Brisk, and the Stam: Significant Methodologies for Meaningful Talmud Teaching and Study

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ABSTRACT

One of the major challenges in the teaching of Talmud is identifying pedagogic methods that can forge a connection between that literature and the student; the concerns and culture of the contemporary student differ significantly from those of the Rabbis, and differing culturally determined modes of discourse are used to discuss those concerns. In this paper, the author unpacks a pedagogic praxis that uses three modern approaches to the Talmud: Jacob Neusner’s approach to rabbinic literature, the “Brisker derekh,” and the historical-critical method. He demonstrates how combining these complementary frameworks helps construct bridges between students and the Talmud, helping them understand the need for knowing something about the Talmud, enjoy Talmud study more, and appreciate the Talmud as a literature that shapes Jewish culture in general.

The following challenges face teachers of Talmud in their teaching of students who are required to take a Talmud course:

1) Rationalizing and justifying the study of the Talmud, which is complicated by the difficulty of the Talmud’s form of expression for Western students;
2) Identifying specific pedagogical methods that help to create a sense of connection between students and the Talmud;
3) Creating enough of a positive attitude toward Talmud study so that students are likely to continue to study it in the future (or at very least, are genuinely interested in doing so).

This paper does not consider those students whose religious commitment to talmud Torah or whose cultural habituation regarding Talmud study makes it “part of them.” These students tend not to require attention to most of these issues, but they are clearly in the minority among academic students of the Talmud in Judaic Studies programs, seminaries, and adult education programs.

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THE RATIONALIZATION OF TALMUD STUDY

Rationalizing Talmud study must answer the question, “Why is it necessary or important to study the Talmud at all?” It is my experience from my early teaching in yeshiva high schools and from 34 years of teaching Talmud at HUC-JIR that most students who must take a required Talmud course explicitly or implicitly want to know why they must. The “why?” usually proceeds from the (correct) sense that the Talmud is an ancient and frequently arcane document. Indeed, in its own formative moment, the Talmud was the text of an elite and it remains so today. Why then do those who do not seek to be members of that elite need to engage this text?1

Talmud study is difficult at two levels: 1) the level of language and argument form and 2) the level of content.

1) The language of the Talmud is a mixture of Hebrew and Aramaic. Therefore, its language challenges even those who have full command of modern or even mishnaic Hebrew. If one studies the Talmud in translation, technical terms, even when translated into English, often remain mysterious. This is due to the failure of translators to explain these terms fully since they give primacy to brevity over clarity.

Subsumed under the issue of form is the Talmud’s distinct style of argumentation. The fact that its argument is not linear, but rather filled with questions, retorts, and rhetorical thrusts and parries, makes it confusing to Western readers. Even if language was not a barrier to comprehending the Talmud, its form of presenting issues is sufficiently foreign to almost all students of whatever nationality or cultural background to make them wonder whether the effort needed to grasp this work is worth expending.

2) At the level of content, the Talmud’s concerns are often (usually?) distant from those of the students. For most students, what “connect” is there between them and the ritual purity of pots and pans, animal sacrifices, or taking tithes? Even matters with which (Jewish) students may have some familiarity, such as Shabbat or tzedakah, are rarely discussed and analyzed in contemporary circles in the kind of depth found in a talmudic passage (sugya). It is this that often causes students of Talmud to ask, “Why so much detail?”

The beginning of rationalizing Talmud study as a necessary component in a broader Jewish studies curriculum is the recognition that rabbinic Judaism is the historical victor in the narrative of the Jewish people. While second commonwealth Judaisms may have been a story of sects, by the gaonic period one of these “sects”—namely, rabbinic (talmudic) Judaism—became the Judaism of the majority, despite challenges from groups like the Karaites. This development sets the stage for further advances

1Parenthetically, many students studying for the pulpit rabbinate, whether in seminaries of movements that do not see themselves bound by halakhah or in the batei midrash of movements that have a stake in halakhah, often do not feel the need to join the elite circle of those who can study the Talmud. This seems counterintuitive: Wouldn’t a rabbi want to be the master of the quintessential rabbinic document? Here we need to recall that the pulpit rabbinate calls for a host of skills unrelated to Talmud study, and it is not surprising that for reasons discussed below even future rabbis might wonder why Talmud study should take away precious time from learning how to counsel, administer a synagogue’s programs, craft a sermon, or create an uplifting worship service.
in Judaism and Jewish life from the early Middle Ages on. Therefore, the Talmud is the key to in-
depth understanding of most of the disciplines which constitute Jewish studies, because the culture it
created is the foundation on which they are built. Even the Bible, as crucial as it is for the understand-
ing of the Jewish experience, is significant for later Judaism only as it is interpreted by the Rabbis.

**The Role of Traditional and Contemporary Scholarship in Talmudic Pedagogy**

How then do we open this singly important work to Jewish students in high school, college, and in-
stitutions of advanced learning?

This paper outlines the development of a pedagogical praxis based on three traditional and academic
methods of interpreting the Talmud: first, Jacob Neusner’s approach to rabbinic literatures, second,
the so-called “Brisker derekh,” and third, the reigning academic theory that the anonymous voice (the
*stam*) of the Talmud is that of post-amoraic redactors. I have developed and used this three-fold ap-
proach to create a successful encounter between student and text. Once this encounter occurs, the
student understands the need for knowing something about the Talmud, gets more enjoyment out of
Talmud study, and acquires an appreciation of the Talmud as a literature that helps one to understand
Jewish culture in general.

**Neusner’s Analysis of Mishnaic and Talmudic Literature**

Jacob Neusner (1932 - ) is the author of voluminous and provocative studies of formative rabbinic
texts. His work has revolutionized the study of early rabbinic literature. Its main thrust is to view
rabbinic literature, whether halakhic or aggadic, as statements of theology or philosophy. In order
to accomplish this, Neusner and his students bring an interdisciplinary approach to the text. That is,
they analyze rabbinic literature using methods like form criticism, history of religion methodologies,
anthropology, economics, and the like. In a certain way, Neusner’s contribution and that of his circle
is a form of conceptualization similar to the *Brisker derekh*, but one that conceptualizes issues differently
from the way purely legal analysis does.

**The “Brisker Derekh”**

R. Hayyim Soloveitchik (1853-1918), who eventually became rav of Brest-Litovsk (Yiddish, Brisk),
initiated a new trend in Talmud study. Possessed of remarkable analytic powers, he would carefully
scrutinize a halakhic (Jewish legal) subject under discussion in the Talmud and divide it into what
he felt were its component legal conceptual parts. Concomitantly, he developed terminology usually
based on existent talmudic rubrics with which to describe these legal concepts. For him, the evidence
of the correctness of his hypotheses about these concepts was that they could explain what underlay
the debates found in the Talmud and between its early commentators (*rishonim*) in a clear and orderly
fashion. His approach to the Talmud spread and was adopted as the method *par excellence* of Talmud
study in the Lithuanian yeshivot.

**The “Stam”: Recognition of the Talmud’s Significant Redactional Stratum**

Among the most important developments in twentieth-century academic talmudic scholarship has
been the recognition of an anonymous stratum of the Talmud that creates the characteristic talmudic
argument out of individual units of tannaitic and amoraic traditions. Though this later stratum of redaction had already been recognized by medieval and \textit{Wissenschaft} scholars, the sense of its pervasiveness was not.\textsuperscript{2} Hence the idea that the Talmud is primarily the result of the work of anonymous, post-amoraic redactors is relatively recent, and it has significant implications for approaching the talmudic text.

The most important of these implications for a methodology of textual analysis is the separation of the original units of tannaitica and amoraica from their redactional matrix. This makes understanding the structure of the Talmudic argument easier and also allows teachers and students to consider what might have been the original meaning of these teachings independently of the meaning that their anonymous interpreters assigned to them. By separating strata, students can see how early rabbinic ideas were transformed as time and place necessitated. This became the template for use of the Talmud as time went on. Because of this tradition of interpretation and development, post-talmudic interpreters felt “licensed” to offer novel interpretations (hiddushim) of a talmudic passage’s original and plain meaning. This allowed them to use the Talmud to address the contemporary concerns of the Jewish community. Consequently, the Talmud remained the Jewish communities’ basic constitutional document for a millennium and a half. It remains that for some Jews even today.

\textbf{The Pedagogical Impact of the Use of These Methods}

\textit{Neusner}

Though Neusner’s methodology is the youngest of the three methods, it is the one that has the most immediate effect on teaching. The impact of using Neusner’s approach is that it reduces the “disconnect” between the student and the Talmud. Because Neusner dealt with rabbinic literature in a Western philosophical/theological and interdisciplinary way, a teacher can help students understand issues dealt with in the Talmud using a Western prism. Thus, what is likely to be viewed by a student as an odd and irrelevant discussion can be presented as a reasonable one if one uses Neusner’s approach. For example, the talmudic discussion about the time for reciting the \textit{Shema} in the evening—“much ado about nothing” on the surface—can be viewed, according to a Neusnerian approach, as a discussion about a philosophical point of some significance.

Let us analyze a snippet of the very first passage in the Talmud (bBerakhot 2a) that discusses this issue. Analyzing the text as Neusner might, we can generate an approach that neither skirts the technical issues in the passage nor leaves the student disconnected from it:

The mishnah provides three answers to the question, “When do we recite the Shema` in the evening?:

1. R. Eliezer: From when the priests enter to eat the food dedicated to them by the populace (terumah) until the end of the first night watch in the Temple (approximately 1/3 of the hours of darkness);
2. The Sages: Until midnight (1/2 of the hours of darkness);

The continuation of the mishnah informs us that the Sages actually agree with Rabban Gamliel. However, they enacted a requirement that any mitzvah that according to Torah law one may perform until dawn should be performed only until midnight. This was to prevent people from deferring the performance of the mitzvah, falling asleep, and thereby missing the opportunity to observe a Torah obligation by sleeping past dawn.

How many actual debates are there in this mishnah? According to the Talmud, only two: Eliezer and Gamliel actually debate what is the temporal end point for the fulfillment of the recitation of the evening Shema`. The Sages merely enact a “fence around the Law,” but actually agree with Gamliel:

The gemara raises the following questions:

1. What is the biblical source for reciting the Shema` at night? (Implicitly: How do we even know it’s an obligation?)
2. Why do we discuss the evening Shema` before the morning one?

A biblical source is brought — “…When you lie down and when you arise” (Deut. 6:7) — and it answers both questions that the gemara raises: It explains the source of the obligation of the evening and morning Shema` recitations; and why we begin with the evening Shema` first (“when you lie down…when you arise”) — i.e., we begin with the Shema` recited at the time when people are going to sleep.

The gemara continues:

I might also say that the biblical source is derived from the Creation, as its says, “It was evening, it was morning….” (Gen. 1:5).

This second prooftext gives a different explanation for why the mishnah discusses the evening Shema` first. After all, the “Jewish day” begins at night, as we can see from the Creation narrative. But this Genesis passage does not provide a source for the recitation of the evening Shema`, since it is not in the locus of the Shema` at all. Why would the Talmud provide us with a verse that answered its two questions well, and then provide us with a verse that answered only its second question?
A Neusnerian approach to the problematic order of the sugya’s argument and to the mishnah on which it comments would be to suggest that both the mishnah and the Talmud present two schools of philosophical thought about the nature of time. Is time imbedded in the cosmos and determined solely by Nature, or put more theologically, by God? Or is time defined by human conventions like eating, lying down to sleep, arising for work, or by human determination that a certain thing should occur, for example, guarding the Temple or reciting the Shema?

Philosophically, is time independent of us (Rabban Gamliel), or do we have a role in shaping time’s meaning even if in the long term it is independent of us (Rabbi Eliezer)? If we have such a role, how do we exercise our meaning-making dominion over time? That is, to what extent does human consciousness and intention shape temporal reality for the individual and the community? (e.g., Are the first Tuesday and last Thursday of November any different from other days in November? If so, is their significance inherent or an act of intention and will? In Jewish terms, why is the seventh day of the week any different from the fifth or the sixth?)

In terms of Jewish religious thought, the power of humanity to shape reality by using our intentional ability to define situations—for example, to define sacred time—makes us partners with God in the ongoing creation of the world. From the standpoint of Judaism, this confers infinite worth on humanity created in God’s image and with some of God’s power. These questions and thoughts are not beyond a Western student’s horizon of thinking. They reflect classical philosophical concerns and some of the concerns of Jewish theology and ethics. As such, they bring what would otherwise be a discussion of the fine points of ritual law in a distant and foreign context (that of priestly practices and Temple observances) into the intellectual and spiritual world of the student. Thereby, the emotional and intellectual distance between talmid and Talmud is reduced.

**Brisk**

The “Brisker derekh” gives the student a conceptual grasp of the debates that appear on every page of the Talmud. The “Brisker derekh” proposes that every Talmudic debate is dependent on each side of the debate being rooted in different halakhic rubrics or in different facets of a single halakhic framework. This approach is important because the Talmud frequently does not rationalize its tradents’ opposing positions. This makes these positions less memorable because they become a jumble of “exempt/obligated” or “permitted/forbidden”. Therefore, arguments often get blurred, especially in a particularly detailed and logically complicated sugya. When there are clear distinctions between the views of the disputants, students have a fighting chance at organizing and remembering what is happening in the talmudic discussion, and are not left without real reasons for any of the opinions in the Talmud.

In order to show how the Brisker derekh works in solving some of the pedagogical problems mentioned above, let us apply it to the following passage in bBerakhot 17b:
Mishnah: One whose dead lies before him [i.e., someone whose relative has died and for whom s/he is responsible to bury, henceforth referred to by the Hebrew term `onen] is exempt from reciting the Shema` and the Tefillah [the Amidah], from tefillin, and from all the [time-oriented] commandments of the Torah….

Gemara: [The Mishnah implies that when the corpse] is in the `onen’s presence, he is exempt; and when [the corpse] is not in his presence, [the `onen] is obliged [to recite the Shema`, etc.].

But isn’t this Mishnah contradicted [by the following baraita]?:

One whose dead lies before him [i.e., one who is an `onen] should eat in another room. If one has no other room, one should eat in a friend’s room. If one does not have a friend’s room, one should make a partition and eat. If one cannot make the partition, one should turn one’s face away and eat.

And [the `onen] should not recline and eat or eat meat or drink wine. He should not bless [food], nor recite the invitation to Grace. Nor should others bless on behalf of the `onen, nor should they count the `onen to the quorum for Grace after Meals [i.e., according to traditional usage, three or ten men].

[And the `onen] is exempt from reciting the Shema` and the Tefillah, from tefillin, and from all the [time-oriented] commandments of the Torah)….  

In sum, the implication of the mishnah is that when an `onen is not in the presence of a relative’s corpse, he or she is required to observe a variety of mitzvot; in contrast, the baraita exempts the `onen even from these mitzvot when he or she is not in the corpse’s presence. The gemara’s problem is how to resolve the conflict between the mishnah and baraita. This conflict must be resolved since, according to the hierarchy of authoritative texts that the Talmud sets up, a baraita cannot usually disagree with a mishnaic dictum.

The gemara resolves the conflict thus:
R. Papa said, “Explain [that the exemptions mentioned in the baraita] refer only to the ‘onen who turns his/her face away [from the corpse in order to eat. Under those circumstances, since s/he remains in the corpse’s presence, s/he is exempt from the various mitzvot listed in both the Mishnah and baraita].”

R. Ashi said, “Since it is incumbent upon the ‘onen to bury his/her [dead relative], it is as if that relative was always in his/her presence…. [Hence, the Mishnah and baraita agree: One is exempt from the mitzvot listed in both texts, since as long as one is responsible for the burial of one’s dead relative, it is as if that relative is in one’s presence.]

The confused reader of this passage should not feel unintelligent. Consider the amount of information that it contains: 1) issues of exemption with a hefty list of commandments attached; 2) issues of the location of a corpse; 3) issues of the location of the relative responsible for the corpse’s burial; 4) rules about eating in front of a corpse; 5) a longer list of eating and liturgical restrictions in the baraita than in the mishnah; 6) the positing of a discrepancy between the mishnah and baraita; and 7) the resolution of that discrepancy in two different ways by two different amoraic Sages, R. Papa and R. Ashi.

According to the Brisker derekh, the key to unpacking the passage lies in identifying the most obvious debate that it contains. Therefore, for the student, the focal point of the passage should be the disparate resolutions of the “conflict” between the mishnah and baraita that R. Papa and R. Ashi suggest.

The Brisker derekh would conceptualize the difference between R. Papa and R. Ashi thus: R. Papa rests his view on the halakhic rubric of kevod ha-met (the honor due the dead); R. Ashi undergirds his view with the halakhic consideration of mitzvat kevurah, the obligation to bury the dead, and its relationship to the talmudic principle that “one engaged in one mitzvah is exempt from another.”

For this purpose, kevod ha-met is defined by the Talmud in “geographical” terms. That is, one may not carry out the normal activities of a living human being in the presence of a dead person. To do so shows a lack of sensitivity for the dignity of the person who, when alive, could do those things. As the Talmud puts it later in the passage, there is a mocking quality about such behavior, one similar to showing off a physical capability in the presence of a person with a disability. If, however, people entirely remove themselves from the corpse’s presence, they may carry out regular life activities because they have demonstrated that they are sensitive to the honor of the dead.

As noted, R. Ashi sees the obligation to bury the dead as the foundation of the exemptions mentioned in the mishnah and baraita. For him, the corpse’s locus is a metaphor. That is, whether one removes oneself entirely from the deceased’s locale or not, one is exempt from the mitzvot listed in

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3Recall, the opening gambit in this talmudic discussion was that the Mishnah implied that an ‘onen was exempt from certain mitzvot only when in a relative’s corpse’s presence. By having the baraita’s exemptions apply only to the case where an ‘onen was forced to remain in the corpse’s presence squares the baraita with the Mishnah.
the mishnah and baraita because of the talmudic principle that “one who is involved in one mitzvah is exempt from another.” Thus, since there is an obligation to bury incumbent on the relatives of the deceased, their primary duty is to that obligation. Therefore, they are exempted from all other mitzvah-obligations in order to see the mitzvah of kevurah (burial) performed with all due haste. Since this exemption is so thoroughly directed to the person of the deceased, it is as if he or she is always present until burial occurs. Consequently, the mishnah’s and baraita’s exemptions are informed by a single concept: “One who is involved in one mitzvah (in this case, burial of the dead) is exempt from another.”

This reduction of the details of the sugya to concepts (kevod ba-met, mitzvat kevurah, “one who is involved in one mitzvah is exempt from another”) eliminates the need for the student to keep each and every detail of the mishnah and baraita in mind once the analysis of the text has been completed. The student should be able to reconstruct the sugya in broad strokes on the basis of the more succinctly stated concepts we have described. The concepts also give a reasoned basis for the otherwise unexplained views of R. Papa and R. Ashi.

The “Stam”
Dividing the sugya into its chronological components helps the student see how historical forces may have influenced the development of talmudic law and rabbinic thought, and how talmudic law and rabbinic thought have influenced the history of Jewry and Judaism. The identification of a redactional level in the Talmud also means that we can help the student account for the Talmud’s discourse style—and take control of it—by separating the original material from the redactional matrix into which it has been placed (or forced).

While I have mentioned the redactional level of the Talmud, I have not yet offered a detailed picture of what its redactors did. There are a number of redaction theories, but for clarity’s sake I will present only one. It proposes that originally the “proto-Talmud” consisted of more or less chronological lists of tannaitic and amoraic material closely or loosely connected to the Mishnah. The basic elements of these lists generally had attributions and were formulated in Hebrew. The anonymous redactor(s) (the stam) took the elements of these lists and transformed them into a running argument called in Aramaic sugya. The connectives necessary to create this argument were in Aramaic, which is one of the identifying marks of stammaitic intervention, and were anonymous. Once we remove the redactional “glue” holding together the individual pieces of tannaitic and amoraic material, we restore the original extra-mishnaic tannaitica and amoraic dicta in Hebrew and the basic infrastructure of what became a sugya. This has the effect of showing that the Talmud’s discourse was, without its redactional level, more linear, and therefore more understandable. For those familiar with mishnaic Hebrew, a talmudic passage’s essential content becomes immediately visible. Students not familiar with Hebrew can have a similar experience if we take the time to use separate fonts or colors for the tannaitic, amoraic, and stammaitic strata in a translated sugya.

Once we are in a position to recognize how the Talmud’s redactors created a discursive matrix out of individual tannaitic and amoraic teachings, we can reverse the process and separate those strands of teachings out of the Talmud as a completed product. This allows us to consider what might have
been the original meaning of tannaitic or amoraic teachings, independent of the meaning anonymous later interpreters assigned to them. This contributes to a less mythical, more historical understanding of Jewish law and rabbinic thought. Once students see clearly that halakhah and aggadah are developing and changing entities, re-interpreted over and over, teacher and student can consider together the developments in Jewish practice, ethics, and thought that have taken place throughout Jewish history, as well as the paths that Judaism might take today as it tries to navigate between the Jewish past, present, and future.

To illustrate the pedagogic approach that emphasizes how the redactors have created a sugya out of earlier talmudic strata, and why this makes a difference, let us turn to the sugya in bBerakhot 26a. The issue here is the set times for prayer, which in talmudic literature is identified as the Eighteen Benedictions (the Amidah), or Tefillah.

Below, I distinguish between tannaitic, amoraic, and anonymous material as follows: 1) tannaitic material’s Hebrew and translation I present in bold face, 2) amoraic material I underline, and 3) anonymous material I present in italics.

Mishnah: The morning Tefillah [may be recited] until midday. R. Judah says: Until the fourth hour [of the morning]. The afternoon Tefillah [may be recited] until evening. R. Judah says: Until “half Minnah”…(i.e., 1 ¾ hours before evening). The evening Tefillah has no set time....

Gemara:

[Challenge:] But this [Mishnah] is contradicted by [the following baraita]: Its proper performance [i.e., the proper recitation of the Shema] is at the first light of the sun in order to
attach the [benediction about the Egyptian] Redemption to the Tefillah so that one will be praying [the Tefillah] when it is [fully] day.\textsuperscript{4}

[Response:] That baraita was taught in reference to the especially pious.

[Documentation for that response (an amoraic source used by the anonymous redactor)]: As R. Yohanan said: The especially pious would finish it [the recitation of the Shema'] with the first light of the sun.

[Continuation of the documentation material by the anonymous redactor, including a new question:] And everyone else prayed [i.e., the morning Tefillah] until midday. But no further [into the day]?

[Documentation for the new question (an amoraic tradition used by the anonymous redactor)]: But didn’t R. Mari, the son of R. Huna, the son of R. Jeremiah, the son of Abba citing R. Yohanan say: “One who forgot the evening Tefillah should repeat it twice in the morning. One who forgot the morning Tefillah, should repeat it twice at [the time of the afternoon Tefillah [minhaba]]’”?

[Anonymous comment that sharpens the question: On the basis of this amoraic tradition it appears that] one can pray continuously all day.

[Anonymous response to the new anonymous question above: Yes. One can pray all day], but until midday they give one a reward for prayer [recited] on time; from then on, they reward one for prayer [alone], but not for prayer in its proper time….

\textsuperscript{4}The proper time for the Tefillah was when it was fully day since at least the time aspect of its balakhot followed the times of the sacrificial system.
[An anonymous question:] It was problematic to them [e.g., those in the bet midrash, or academy, or student circle]: If one erred and did not pray the afternoon Tefillah [minhah], what is the rule in regard to [making it up by] praying the evening Tefillah [arvit] twice?

[Anonymous explanation of the issues that generate the question above:] If you say that one who errs and does not pray the evening Tefillah can [make it up by] praying the morning Tefillah [obabrit] twice, that is because [one prays the evening and morning Tefillah within] a single day, as it says, “It was morning; it was evening; one day” (Gen. 1:5). But in this case [of the afternoon Tefillah we might propose that] the Tefillah replaces the daily offering, and once its day has passed its sacrifice is forfeit. Or perhaps [we might say], since the Tefillah is a request for mercy, whenever one wishes he may pray it.⁶

[Answer to the question based on an amoraic source:] Come and hear: R. Huna son of Judah cited R. Yitzchak who cited R. Yohanan: If one erred and did not pray the afternoon Tefillah, he should pray the evening Tefillah twice.

[The anonymous redactor clarifies which principle of the two that undergird the question has been rejected in light of the answer:] And [the rule that] “once its day has passed its sacrifice is nought” does not apply.

As we can see, the anonymous material shapes the tannaitic and amoraic material into a format of questions and answers. While doing so, however, its discursive form complicates talmudic passages, including this example, by introducing ideas that are not inherent in the earlier strata on which it comments. It is this overly complex discourse that makes it difficult for students to follow what is going on and often leaves them wondering whether “talmudic logic” is in fact logical. Removal of the stam’s contribution usually reveals the basic building blocks of the sugya making grasping its essence more feasible.

In short, deconstructing the sugya by removal of the anonymous Aramaic elements gives the student control over the basic issue(s) with which the sugya deals. Once this control is established, students can then participate with more comprehension in the reconstruction of the entire sugya. They are also in a better position to understand how the anonymous redactor may have changed the meaning of earlier sources by commandeering them for a new, perhaps highly significant agenda.

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⁵This may be an amoraic question known to and introduced by the anonymous redactor. See David Weiss Halivni, נֵסֵנְה בּרִסִיק (New York-Jerusalem: Jewish Theological Seminary of America, 1982), p. 347, n. 3. Idem., נֵסֵנְה בּרִסִיק (New York-Jerusalem: Jewish Theological Seminary of America, 1985), p. 11, n. 21. There are however cases where the question itself is the redactor’s. In that case the question forms an introduction, frame, or reconstruction of a question believed to be the generative source of an amoraic tradition. Idem., נֵסֵנְה בּרִסִיק (Jerusalem: Magnes Press-Hebrew University), pp. 77, 78 n. 2.

⁶In this passage the anonymous redactor tries to explain the basis for the initial, probably amoraic question of whether one may recite a missed evening Tefillah with a repeated morning one. According to the stam the reason the amoraim have this question is because they do not know whether the Tefillah follows the rules of the daily offerings, which are time bound, or whether the Tefillah’s nature as a request for God’s mercy, which is always available, allows one to pray it at any time.
How might this work in our present example? Taking away all the elements that are anonymous and in Aramaic, this is what we get starting with the mishnah:

Mishnah: The morning Tefillah [may be recited] until midday. R. Judah says: Until the fourth hour [of the morning]. The afternoon Tefillah [may be recited] until evening. R. Judah says: until the “half Minnah.”

[Baraita:] Its proper performance [i.e., the proper recitation of the morning Shema'] is at the first light of the sun in order to attach the [benediction about the Egyptian Redemption to the Tefillah so that one will be praying [the Tefillah] when it is [fully] day.

R. Yohanan said: The especially pious would finish it [the recitation of the Shema'] with the first light of the sun.

R. Mari, the son of R. Huna, the son of R. Jeremiah, the son of Abba cited R. Yohanan [thus]: “If one forgot the evening Tefillah, he should repeat it twice in the morning. One who forgot the morning Tefillah, should repeat it twice at the [time of the Afternoon Tefillah (Minhah)].”


The baraita’s comment appears here because it shares the mishnah’s concern for the proper time for the Morning Tefillah. All it adds is that the best way to perform the obligations of reciting the Shema’ and reciting the Tefillah is to start the Shema’ at first light. This in no way contradicts the mishnah.

R. Yohanan’s comment shows knowledge of the baraita or a source similar to it. All that he says is that the especially pious followed the baraita’s view, but no more. Yet, the anonymous stratum of the Talmud views this baraita’s remark as a challenge to the mishnah’s dictum. This is because the stam understood the term meaning “best way” (mitzvatah) in this context in its literal sense of “obligatory” (i.e., “its mitzvah is to recite it at first light”). The stam adds that “everyone else prayed until midday,” and propounds a question on the basis of that observation.

What follows are several statements ultimately attributed to R. Yohanan about what to do if one missed one of the required daily prayers. The general principle that emerges is that one may make

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7 See tBerakhot 1:2. and pBerakhot 1:2 (5a). The latter Palestinian talmudic source parallels the Babylonian sugya in regard to the baraita and the explanation that only the most pious conducted themselves in the way that the baraita suggests. There are no anonymous connectives in the Palestinian Talmud’s presentation this material, and the explanation of the baraita is in the name of Mar’Uqba (second generation Palestinian amora) rather than in the name of R. Yohanan. Many Palestinian traditions appear in R. Yohanan’s name in the Bavli even though he may have not been their author. See Abraham Weiss, Studies in the Literature of the Amoraim (Heb), pp. 247-8.

8 See the use of mitzvatah/mitzvato in mMenahot 10:9; tHullin 10:7. Other sources indicate that mitzvatah/mitzvato means not merely “the best way” but the obligatory way. See tBekhorot 1:14; tParah 4:6; ibid. 12:12. R. Yohanan clarified that the baraita’s use of mitzvatah meant the “best way,” which was only observed by the particularly pious.
up the inadvertent omission by repeating the Tefillah again at the set time for the recitation of the next Tefillah. This general rule applies to all three Tefillot of the day. It is likely that these traditions were brought together here as an addendum to the basic mishnaic agenda about the set time for recitation of the Tefillah. These traditions answer the (amoraic?) question, “But what if one inadvertently missed one of the Tefillot that the mishnah requires to be said thrice daily and within a specific time frame?”

This deconstruction of the sugya into its tannaitic and amoraic infrastructure produces a well organized passage that proceeds logically from the Mishnah’s rules about Tefillah times, to the best way of performing the mitzvah of Tefillah, proved by it being the way the most pious performed it. The reverse situation is then addressed: What may one do when instead of punctilious observance of this obligation one fails to carry it out because of forgetfulness? One second generation Palestinian amora, R. Yohanan, cited initially by two different fourth generation Babylonians, allows some deviation from the mishnah: one may make up the missed Tefillah but only during the set time for the next Tefillah—not whenever one wishes. Thus, the mishnah’s concern for time orientation is partially supported and partially undermined.

If this was the “proto-sugya”, then it unfolds in a rather orderly fashion: mishnah’s rules; most favored way of performing those rules by the pious; least favored ways of performing those rules by the negligent. As stated above, this orderliness coupled with a lack of intricate give-and-take make for a more easily grasped piece of Talmud. Students get a chance to “get it” and thereby feel that they are not facing an uncomprehensible opaque text.

But it is unfair to the study of the Talmud and to students to avoid learning it according to its present day formulation. Hence, those who teach the Talmud by separating one stratum from another should feel obliged to reconstruct the sugya in order to understand the Talmud as we have it. Having gained control over the less discursive, more orderly “proto-sugya”, we may add the stam back into the passage in a fashion that should prove to be more intelligible. This what such a summative reconstruction might look like:

The teacher would use the present day text of the Talmud to point out how the stam uses the tannaitic and amoraic elements at his disposal to work his way to his major question and its answer. His small question (perhaps based on amoraic queries) is, “Are the times set in the mishnah absolute because they follow the set times for the daily sacrifice, or can one pray anytime one wishes because prayer is a request for ever-available Divine mercy?”

Twice, the stam answers that one can pray anytime, “all day long.” He uses the rulings cited in R. Yohanan’s name to prove this. But, of course, R. Yohanan never said that people can pray all day long at anytime. He said one can make up a Tefillah that one inadvertently forgot to say at the next set time for Tefillah.

It would also be important for students to understand that though the stam has read meanings into the original elements of the sugya that are distant from their peshat (plain meaning), this was in order
for him to make a statement of great import. This statement was never clearly articulated either in tannaitic or amoraic sources, and it comes down to this: Tefillah is a request for mercy, and Heaven’s doors are always open in order to hear that request. This is a great step forward in understanding the nature of prayer, one which apparently the stam did not wish to take without trying to root it in the traditions of the great Sages of the past.

In sum, the benefits of separating tannaitic, amoraic, and stammaitic material eases study of the Talmudic text. It also shows how the meaning of early material is reshaped by its placement in a redactional matrix. Recognizing the existence of strata within the Talmud and dividing Talmudic passages into them, allows students to chart the development of rabbinic Jewish ideas from period to period and often from generation to generation within periods.

**Impact of These Methods**

The pedagogical method describe above responds to the student-driven issues with which I started this paper: Neusner bridges the potential “disconnect” between the world of the Rabbis and the world of the student; the Brisker derekh brings the talmudic debates into sharp focus; and the recognition of the work of the redactors in the formation of the Talmud helps the student unravel the complicated discourse of the Talmud and to perceive it as a repository of a dynamic, multifaceted, and thought-provoking Jewish tradition. A joining of these methods into a teaching and learning format places Talmud study within the reach of the average student. Once a basic understanding of the Talmud is in place there is a greater likelihood of understanding how Talmud study is important intellectually and as a basis for understanding Judaism as we—the descendants of a millennia and a half of rabbinic Jews—know it today.

There is also a non-academic beneficial by-product of this multi-method approach. I consciously introduce the use of the Brisker derekh as a traditional, advanced yeshiva methodology for the study of the Talmud. In the case of HUC students (and probably some students at other non-Orthodox seminaries), the problem of “feeling authentic” is widespread and systemic. In those seminaries, many students have not had an intensive Jewish education before coming to the place in which they will study to become klei kodesh. While their sense of “inauthenticity” is right to some degree, it is also wrong. Our program is intensive and extensive, and if one puts in the effort, one can emerge with the tools to be a life-long learner, i.e., with the basics that a yeshiva student with the fairly standard 10 years of day school from seventh grade through college graduation possesses when he or she leaves the bet midrash and enters “real life”. Our students are motivated adult learners, which yeshiva students may not have been throughout their entire Talmud learning careers. With such learners, a lot of “catching up” can be accomplished in a short time.

That is why I let them know that studying Talmud using the Brisker derekh catapults them into the batei midrash of the best of the Lithuanian yeshivot. When they study this way, they do so as traditional yeshiva Talmudists study. If they succeed at this form of study, they have reason to be proud of themselves, and have no reason to view themselves as inauthentic as long as they preserve and extend their learning.
The major problem for students with the methods out of which I have carved a teaching praxis is whether they are “true.” This is a question that students almost always wind up asking at some point in my introductory course. What they mean by this question is whether the conceptualization of a debate a la Brisk is an imposition of “our” thinking on that of the Rabbis, similar to how the anonymous redactors imposed their thinking on that of the tannaim and amoraim. Or they ask, “Has Neusner gotten the Rabbis right when he says that the Mishnah and Talmud are works of philosophy and theology since they are so obviously works of law?” Or, “When an amora apparently responds to an anonymous question, why are you, Dr. Chernick, insistent that the question is a post-amoraic framing device for the amora’s earlier statement? Couldn’t it be that an amora is responding to an anonymous question that is actually older than the amora’s view?”

These are reasonable academic questions and my answers tend to run along the following lines: There is no way for us to know whether the Rabbis thought what Reb Hayyim or Jacob Neusner say they did. Further, the post-amoraic redaction theory is under attack by excellent contemporary academicians like Robert Brody, Leib Moscovitz, and Richard Kalmin. So, you have asked very good questions. But my interest in this course is not in academic “truth” but in communicating the Talmud to my students as best I can. Therefore, I am left with positing that the Rabbis got up each morning and took different sides on various questions for no other reason than they liked to fight about arcane matters; or I can posit that they had thoughtful theoretical bases for their disputes. For the sake of connecting my students with the Talmud in an interesting way, I take the positions I do in class. But who’s to say? You may be right, and these methods may not in fact reflect rabbinic thought as the Rabbis understood it. My concerns in this course are purely pedagogical, and the question I ask myself is, “Which way helps students understand and appreciate the Talmud most?”

Regarding the issue of post-amoraic anonymous redaction, it has an estimable foundation built on extensive research by excellent academic scholars. Furthermore, it has its roots in the testimonies of figures who were a lot closer to the Talmud’s creation than we are—namely, the geonim and early rishonim. It is also a wonderful heuristic device and, consequently, a benefit to good teaching and learning of the Talmud.

If and when scholars who question the post-amoraic anonymous redaction theory can produce more than a handful of examples (some of which are debatable) that support their view that the anonymous voice of the Talmud is older than the amoraic or tannaitic tradition, then, in the name of academic honesty, I will stop using this method for teaching the Talmud—but not until then.

A note on history: Despite my argument that recognizing stammaitic redaction allows for studying the impact of historical forces on developments in Judaism, in a sense my method is almost completely ahistorical. It does not make the assumption, or draw students’ attention to the ways, that any of the views expressed by talmudic sages are the products of their reactions to historical circumstances that affected their religious, economic, social, and political lives. I generally defer that kind of study for my most advanced and academically sophisticated electives, in which I explicitly think more historically—and urge my students to do likewise. Sometimes, certainly, disputes turn out to be differences of opinion reflecting different life circumstances in the locales in which particular
rabbis lived, rather than (only) conceptually-oriented disputes. But in teaching introductory Talmud courses, for reasons explored above, I want to give my students a feeling for what traditional talmudic learning can be, and history, for better or worse, has played virtually no role in that form of Talmud study. However, as a way of both hinting at and preparing students for a more historically-oriented study of Jewish law and lore, from time to time I do mention that all the conceptual fireworks that go on in class may go up in smoke if a Rabbi says directly that he ruled one way or another chiefly because of the conditions under which he lived rather than because of any conceptual framework that he constructed.

In short, the methods that I use to teach Talmud are certainly open to academic critique or disagreement, but they have served my students and me well in addressing the issues outlined at the beginning of this paper. This pedagogical approach, using one traditional method and two contemporary academic ones, has proved successful in inspiring several generations of my students to take the Talmud seriously, and to use it to deepen their understanding of rabbinic Judaism as it developed historically into simply “Judaism.” With appropriate modifications, such engagement can ultimately provide students, at a variety of levels and in various settings, with insights useful for understanding Jewish beliefs and practices of the past and considering what shape Jewish thought and behavior should take in the future.