DEVELOPING STUDENT AWARENESS OF THE TALMUD AS AN EDITED DOCUMENT: A PEDAGOGY FOR THE PLURALISTIC SCHOOL

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Developing Student Awareness of the Talmud as an Edited Document: A Pedagogy for the Pluralistic School

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Abstract
This paper explores the ways in which pedagogy that asks students to confront editorial choices in manipulating and recontextualizing source materials, and helps students appreciate the complexity and multivocality of the talmudic text, is especially well suited to the needs of a pluralistic day school. Through analysis of student work on the sugyot (passages) on excommunication and on human dignity in Bavli Berakhot, chapter 5, the author examines the ways in which ninth-grade students learn to make judgments about editorial intention and the meaning of the Talmud. In a postscript, the author explores the ways that his own teaching and research into student learning is in dialogue with that of his colleague Susie Tanchel, who teaches Bible at the same pluralistic Jewish high school.

Talmud is a unique literature and in many ways, it takes the novice student by surprise. I have often initiated students to the study of Talmud by asking them, “What do you think the Talmud does when two rabbis contradict each other?” The first answer is usually, “It says which one’s right.” More sophisticated students say, “It says why that one’s right.” The most sophisticated students suggest, “They try to find a compromise.” The responses to the answer I give—“It shows why both are right”—are varied. Again, the less sophisticated students ask, “Why doesn’t it tell you what to do?”, and the more sophisticated students ask, “If the rabbis are contradicting each other, how can they both be right?” Only once did I have a student simply ask, “Why would it do that?”

I assume that most teachers of Talmud have come across this kind of response from beginning students. This is because students come to Talmud with a prior conception based on their experience of previous Jewish study. For many, this means some kind of exposure to halakhah or dinim, decided Jewish law. Talmud, however, is decidedly not a law code.

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1See http://www.brandeis.edu/mandel/pdfs/TanchelPaper6_73109.pdf.
When students are exposed to the *shaqla vatarya*, the dialogical give and take of talmudic discussion, they frequently assume that it is like a screenplay. I’ve even heard experienced teachers present this model to their students: “It’s like you’re being transported back to the yeshiva in Pumbedisa!” It is true that generations of studying Talmud have created cultures in which discussions like the *gemara* get acted out in real time; in some ways, those discussions are extensions of the talmudic process. But the Talmud itself is a highly edited document with a very serious and subtle editorial agenda.

My goal as a teacher is to introduce my students to Talmud in a way that is engaging so that they want to continue studying. And the most engaging approach that I have discovered is by not hiding or glossing over the sophistication and complexity of the text. I want my students to live in conversation with our sages of blessed memory, but also in conversation with the editors of the Talmud who inherited a tradition and reshaped it for the generations to come. The challenges facing the editors of the Talmud are comparable to the challenges facing us as teachers of rabbinic literature, and comparable to the challenges which our students will face as future members and leaders of the Jewish community.

**TRUSTING MY STUDENTS AS READERS**

My ninth-grade class is composed of strong students from a variety of backgrounds; most of the students come from two local Conservative day schools, with some students from an Orthodox day school, and occasionally students from a Reform day school or a community day school. They have reasonably good Hebrew translation skills, and some background in Mishnah. With the exception of the students from the Orthodox day school, while they have had a little exposure to isolated passages from the Talmud, it has not been systematic. We study from Tractate Berakhot, using the “Vilna Shas” (the standard printed edition of the Babylonian Talmud, a/k/a “the Bavli”) and a coursepack that I’ve prepared. Although I place a strong emphasis on skills, my focus here will be on how students develop a conception of Talmud as a literature—specifically, as an edited text.

I begin our study of Berakhot with the first mishnah. In this famous mishnah, the children of Rabban Gamliel return home late from a party and report to their father that, in apparent violation of the ruling of the sages, they neglected to recite the Shema by midnight. When the students reach this point, I ask them whether the children knew their father’s opinion that one is obligated to recite until dawn, or that the opinion of the sages is simply a “fence around the Torah” (s’yag latorah). With the one exception of a group of students who had already studied the gemara on this mishnah, I have never had a student who assumed that the children knew their father’s opinion. Indeed, I believe the pshat, the plain and obvious meaning of this mishnah in its own context, is that the children did not know their father’s opinion. Indeed, I believe the pshat, the plain and obvious meaning of this mishnah in its own context, is that the children did not know their father’s opinion.

We then proceed to two related questions: Why had Rabban Gamliel not told them his opinion prior to this, and why does he choose to tell them now? After a lot of discussion, I usually to share with them my own reading; they don’t come to this position on their own. My reading is that s’yag latorah is a very dangerous concept. Once you find out that what you thought was the law was simply a fence around the Torah, you open up the possibility that people will begin questioning any and all aspects of Jewish law. Maybe four sets of dishes is only a s’yag? If the balakkab lets me have a second
chance, why can’t I just do that in the first place? Knowing about this basic aspect of rabbinic activity is dangerous and potentially subversive, so it is quite reasonable that Rabban Gamliel (who, we know from elsewhere, has “issues” about rabbinic power), might want to hold off on letting people in on this secret.

So why does he let them in on it now? I speculate that it is because his children demonstrated that they were mature. Coming home late from a party, they could have sneaked up the back stairs and gone to bed, or they could have greeted their father with a, “Great party, Dad, but we’re zonked. See you in the morning.” But what they do is say, “We didn’t recite the Shema”, apparently unprompted and without any apparent motivation other than to be honest. At this point, Rabban Gamliel realizes his children are mature and responsible, and he tells them about .tryag latorah, and lekhatchilah and b’di’eved (ideal and sufficient; the articulated standard before the fact and the minimal standard that fulfills the requirement after the fact).

What is more, the editor of the Mishnah chooses not to start this particular mishnah (that is, this single unit of Mishnah) with the basics of what the Shema is, but (implicitly) with this potentially subversive concept, and with this tale of how teachers are transformed by the awareness that their students can be trusted with dangerous knowledge. The Mishnah recognizes that some people are not necessarily ready to study rabbinic law from the inside, but it welcomes those who are studying this Mishnah as part of the “in crowd”, with an assertion of trust that the students will indeed treat rabbinic law with care and not abuse the knowledge that comes from understanding the sources of the law. As we study this text, I in turn tell my students directly and without ambiguity: “You are in this class, and it will change how you understand Jewish law, and it will give you powerful tools, and I trust you enough to let you inside, and let you read for yourselves.”

**Berakhot 19a: Excommunication for an Affront to the Dignity of a Rabbi**

We continue our study of Berakhot not with the common choices of the first or fourth chapters, but with the end of the second chapter on 17b, dealing with exceptionalism and the concept of yobara, pious arrogance, and then the third chapter, which deals with the topic of kavod, dignity, in a variety of different ways. The latter chapter begins with k’vod hamet, the dignity of the dead body and k’vod ba’avel, the dignity of the mourner. By February, we arrive at a fascinating sugya on Berakhot 19a dealing with niddui al k’vod harav, excommunication for an affront to the dignity of a rabbi.

Rabbi Yehoshua ben Levi asserts that there are 24 cases in the Mishnah of excommunication for an affront to a rabbi, and R. Elazar asks where these cases are and suggests three cases. Then the anonymous voice of the gemara, the stam, the editorial level of the gemara, presents selected versions of those alleged cases of excommunication and then suggests two additional cases.

By the time we study this sugya, the students have already become accustomed to identifying the four historical layers of the Talmud. Whether they use markers or highlight the text on their computers using Word, the students routinely use the method I’ve taught them in class, marking p’sukim with pink, baraitot and mishnayot with blue, the gemara of the amoraim in green, and the stam with (sunshine) yellow. They know to look for technical terms as keys for the flow of the argument. In
this case, the highlighting looks easy. R. Yehoshua ben Levi already announced that we were looking for cases in the Mishnah.

When they study this sugya, I have them compare how our gemara on 19a presents the case, (what I call “the front story”) with the source for the case, (what I call “the back story”). When students compare and contrast the front and back stories, they come to some interesting conclusions.

According to the front story, Akavia ben Mehalalel is excommunicated for having made some kind of negative posthumous aspersions about Shemaiah and Avtalion. According to the back story, Akavia is excommunicated for his intransigence concerning his four traditions. When I ask the students to explain what happened, they quickly determined that selective citation of the mishnah changes the focus.

According to the front story of Honi haM’agel, he is threatened with excommunication for being obnoxious towards God, which Rashi glosses with the comment that God’s dignity is like a rabbi’s dignity. In the back story, my students come up with all kinds of reasons for his threatened excommunication, like his flooding Jerusalem, or his lack of consideration for the consequences of his actions, none of which appear in the front story. But they also point out that even in the front story, the claim that Honi acts petulantly towards God is part of Shimon ben Shetach’s explanation of why the rabbis don’t dare excommunicate him, not a reason for his excommunication.

In the case of Todos, the students are first struck by the repeated appearance of Shimon ben Shetach and his use of almost identical language with Todos as he used with Honi. When they look up the back story from Tosefta Betzah, they are usually stunned to see that the material that so closely resembles the mishnah about Honi from tractate Taanit doesn’t actually appear anywhere in Tosefta Betzah. In fact, in the Tosefta, no rabbi ever interacts with Todos; he is cited as a support for Rabban Gamliel’s minority position concerning roasting a gedik mekulas (a whole lamb) for Passover, and the rabbis critique his position, but it makes no reference whatsoever to excommunication. When faced with this case, each time I teach this class, the students rapidly arrive at the obvious conclusion: the editor has manipulated his source and imported the language from the Honi story into the Todos story.

After studying these texts for about two weeks, we pause to process. It is one thing to selectively cite a source, my students assert. It is quite another thing to radically manipulate a source and make it say something that it doesn’t. Students frequently find this confusing; some students find it disturbing.

The processing session forces students to reflect on what they think they know about rabbinic literature. Earlier in the year, students study Mishnah Eduyvet, chapter 1, including the claim that “one

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2The texts of the sugya in Berakhot 19a and the parallel “back stories” are found in Appendix 1.

3Manuscripts (which I display on the Smartboard in class) exclude the reference to Shimon ben Shetach but still repeat the language from Mishnah Taanit.
must speak in the language of his teacher” (1:3), and they usually raise this as well as other claims from Mishnah Avot 1:1 about the idea of mesorah—the ongoing, accurate transmission of tradition. For the past several years, students have also studied the sugya at the end of chapter 2 of Berakhot on yohara where R. Yochanan suggests that the attributions of positions in a mishnah have been accidentally switched. Students usually raise this example, but just as quickly dismiss it. Students realize that there is a big difference between errors in transmission and conscious manipulation. Some students expressed a kind of diffuse anger at the editor, some were simply puzzled, and others seemed to take it in stride. Most years, someone remarks, “How could he do this? Wouldn’t he get caught?” This serves as a perfect introduction to the topic of the paper that they would write on this sugya:

Did the editor of this sugya believe that his readers knew the back stories or did not know the back stories, and how does that affect what you think the point of this sugya is?

Although this short-circuits their emotional response, I prefer to let my students grapple with the challenge of identifying the editor’s intent with the sugya as a whole rather than respond to this one particular case.

Finally, we study the fifth and final case, the excommunication of Rabbi Eliezer over the tanuro shel Akhnai. This case is particularly complex, since the front story is hard to understand as a case of niddui al k’vod barav without knowledge of the back story, but the back story seems to argue against excommunication. When we finish the sugya, students have about two more weeks to sort through all of the evidence and write their papers.

THE STUDENTS AND THE EDITOR
Having looked at how the learning generally proceeds, we will now focus on the experience and work product of my ninth-grade class during the 2006-2007 academic year.

For those of us with training in reading classical Jewish texts, some assumption of rabbinic intertextuality or at least talmudic intertextuality is usually a given. But by adopting a pedagogy that trusts a student to compare and contrast without imposing the assumption that the texts need to be harmonized, students are forced to confront the editor as a creator of meaning through the sometimes radical reworking of tannaitic texts. Leah wrote:

Much of the Gemara is devoted to finding the “truths” that govern our lives. In the case of Todos, the editor makes a clear choice to willfully corrupt the “truth”, in order to maintain

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4The sugya on yohara (17b, at the end of the pereq) raises a double-contradiction between two mishnayot where R. Shimon ben Gamliel and the sages seem to contradict themselves. R. Yochanan’s suggests (as is the positions are reversed.

5Rabban Gamliel is killed because of his role in excommunicating R. Eliezer.

6All of the names of students are pseudonyms. The student authors of the papers cited have all provided consent for the use of their work in this study. Spelling errors and ungrammatical usage have also been preserved.
the principle of k’vod barav. I think that this shows how important a concept k’vod barav is, even if it does not lead to nidui.

This comment needs unpacking. We can presume that Leah’s first step is to recognize that in some way, the manipulation and reformulation of the baraita from Tosefta Betzah was a “corruption” of the truth. It is not clear whether she assumed that the Tosefta’s version was historically true or not; even the introduction of the language from Mishnah Taanit into the Bavli’s version of the Todos baraita would have been a corruption. But then, Leah tries to integrate her awareness into a larger conception of the traditionality of the editor. In her construction, the editor’s willingness to “corrupt” the source is a “choice” that “shows how important a concept k’vod barav is.” And finally, Leah makes a judgment about the nature of the Gemara itself, which she highlights as the introduction to her paragraph: “Much of the Gemara is devoted to finding the ‘truths’ that govern our lives.” This use of the possessive plural “our” clearly indicates that Leah sees herself and her classmates as the intended readers of the text who are meant to learn great truths.

Other students more directly assessed the editor’s assumption about his readers. A striking claim by Dov reveals somewhat less reverence for the gemara, but his insight is quite astute:

Although, making such obvious changes to text may seem stupid, the editor is actually quiet [sic] clever. He knew that even without any historical or even seemingly real evidence supporting his statements, they would still be accepted as true, simply because of the attitude towards mishna like materials…The editor counted on this faith in religious text to use false evidence and prove his points in this sugyab. He knew that instead of disproving the piece he wrote, rabbis would either ignore or do whatever possible to explain the inconsistencies in the Talmud.

Dov saw the editor as clever and manipulative, relying on his readers’ assumptions about authority and traditionality. In class, Dov went further, arguing that the editor has a personal interest in manipulating the sources that put coercive social power to support his own demand for respect.

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1David also argued that the editor’s manipulation of the Todos baraita shows the seriousness with which he held the concept of kvod barav, although he did not go as far in making a global judgment about the gemara: I think that the editor thinks that kvod barav is very important, thus is viable grounds for excommunication. To emphasize this, the editor brings many cases for nidui al kvod barav that simply do not exist. This shows that he thinks it important enough to try to bring cases that prove its seriousness and importance, too, even if they are fabricated or selectively quoted.

Against Leah, David concludes that the editor believes that nidbi al kvod barav is justified.

8Interestingly, Dov’s primary argument about this kind of traditional harmonization comes from his reaction to Rashi’s comment about the baraita on Honi—that Honi’s petulance towards God is actually a case of kvod barav.

9Similarly, Nehemiah wrote: This makes me think, if I am right, then the editor is willing to do whatever is needed to prove his point, so what if he did this in other parts of the Talmud, and if he did, should we always be wary of the editors influence’s on the text?
For Ariana, even the front stories as they appear in Berakhot 19a are weak, in that they don’t actually present cases of excommunication from the Mishnah.\(^{10}\)

The way he compiled it makes it so that even if you have never read any of the back stories before, you could see how weak the cases of *c’vod barav* are. Then, if you were compelled to investigate the direct sources or had studied them in the past, you would truly recognize and understand that Rav Yehoshua ben Levi’s statement was false, and that niddui al *c’vod barav* is not at all a common occurrence.

That is, the back stories support her claim that the editor is opposed to excommunication, but the evidence is already present in the *sugya* in Berakhot.

Faced with evidence that R. Yehoshua ben Levi’s contention is contradicted by the evidence of the back stories, several students came to a very talmudic conclusion: *La kaoanya*, there is no contradiction—the editor intended both to support *k’vod barav* and to delegitimize excommunication. When considering whether the readers would know the back stories, these students came to the conclusion that some would and some would not. Alex wrote:

> My theory is that the editor is trying to reach the beginning students to the Talmud and the great scholars who have been learning the texts for years in different ways.\(^{11}\)…The new students to the Talmud would just see these front stories and take from them that *niddui al K’vod barav* is extremely necessary and that it should be top priority for them. They would never know that these cases are not exactly what they seem…However, the great scholars would look at the whole story and come to the same conclusion I came to and say that there really is no basis to the *niddui al K’vod barav* cases, so it must not be so important.

That is, by design, the editor wrote for two audiences: younger students, who need to learn the value of *k’vod barav* and would be convinced by the *sugya* in Berakhot that *k’vod barav* is of paramount importance, and more experienced talmudists who, according to Alex, would come to the conclusion that *niddui al K’vod barav* has “no basis.” It is worth noting that Alex understood that our methodology in class was something different than what beginning students do. He saw himself in the company of the great scholars of Talmud, and saw this kind of study as authentic.

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\(^{10}\)Of the mishnaic cases, only one of the first two cases can be true, and Honi is threatened with *niddui*. Of the non-mishnaic cases, Todos is threatened (repeating the language from the Honi text), and Eliezer is excommunicated.

\(^{11}\)Akiva also argues that only the learned may be aware of the back stories: By looking at the front stories it appears that niddui is a practiced reality and a just rabbinical punishment. However by bringing in the back-story the editor is hinting to us that there are very few cases of actual niddui. The editor was aware of both stories and fashioned them two [sic.] show the learned that even though by law niddui [is] an OK thing it is not implemented very often.

Akiva does not explicitly claim that the front stories are intended for new students, as Alex, Michael, and Joseph do.
Joseph came to a similar reading but drew a more general conclusion:

I think that [the editor’s] choice to show the severity of Nidui al C’vod Ha’Rav to those new to studying Talmud and those who don’t know the back stories was to send them the message that C’vod Ha’Rav is one of the most important concepts in our religion. On the other hand, it seems like the editor could have been trying to tell the more learned individuals that one of the great things about our religion is to speak up, and go against the authorities, provided it is in a polite and mannered way.

For Joseph, new students should be compliant, but the goal of learning is to be able to speak up in dissent. In this, he has gone further than Alex; not only should one learn that excommunication is illegitimate, but that the goal of Talmud study is to empower one to speak up for truth even against the authority of a rabbi, as long as it is done with kavod. It is probably not too much of a leap to say that Joseph identifies with the editor, struggling to navigate between faithfulness to tradition and individual expression.

For all of these students, the meaning of this sugya extended beyond the typical question of what makes one liable for excommunication or how it is that R. Yehoshua b. Levi could make his claim about twenty-four cases. The process question about editorial intent and the exercise of looking at how the editor of the gemara uses and manipulates sources expanded their sense of the relevance of the text. This sugya, then, is—in both content and process—engaged with issues of authority and community and respect for learning and the responsibility that comes with learning.

**THE SUGYA ON HUMAN DIGNITY**

Turning to the next sugya, we began our study of k’vod habriyot, human dignity. This sugya presents Rav’s claim that preventing a hillul Hashem, a desecration of God’s name, overrides concerns of kavod. Rav’s claim is challenged five times with five baraitot, each of which at face level claims that kavod overrides some Torah law. In the first three cases, the baraitot are reinterpreted with narrow readings, okimtot, that state that what is described only puts kavod over rabbinic law. The last two cases narrow the definition of hillul Hashem to progressively narrower areas of violation of Torah law.12

As the students studied this sugya, they marked up the text according to its historical layers. As a paper topic, the students were asked to assess whether the editor of the sugya agrees with Rav’s claim that preventing a hillul Hashem overrides kavod or not. Students used a variety of different strategies to assess the editor’s intention:

- They looked at the literary structure of the sugya and the sequencing of the arguments.
- They made comparisons with parallel treatments in the Yerushalmi.
- They made judgments concerning what materials they assume might have existed in an earlier version of the Talmud and what the editor must have added.

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12The text of the sugya on Berakhot 19b20a is in appendix 2.
They contrasted the sugya with their reading of the aggadot, the narratives which follow the sugya.

They compared their assumptions about the editor to what they knew of talmudic literature in general.

Our analysis of the students’ papers here will focus on how they imagined the work of the editor. Some students made arguments about the perceived weakness of the okimtot [narrow readings] of the baraitot that ostensibly remove the challenges to Rav’s statement. Leah wrote:

The okimta comes to the conclusion, that the place that the baraita stated was impure, is only tameh derabanan [rabbinically impure]. This makes sense. However, the okimta then continues with “beit hapras shenidash tahor” [a beit hapras which is trodden down is pure]. Adding that the area is actually pure undermines the baraita, because there is no dispute in the first place. This is because a Cohen is able to walk through a pure area from the start…. [The] amoraic treatment of the baraita, before this problematic comment about a trodden graveyard being pure, is indirectly in support of Rav. … If the Stam agreed with Rav, then the baraita would end with the okimta that was consistent with the [Rav’s] statement. But because the Stam chooses to leave the comment of “beit hapras shenidash tahor”, we can figure that the Stam does not agree with Rav.

Leah’s argument is complex; essentially, she claims that the amoraic okimta to the first baraita is adequate, but that the stam’s imported support for the amoraic comment actually weakens the okimta by reducing the baraita to a meaningless claim. In this, and in other cases of what she perceives to be “weak” okimtot, Leah finds evidence that the editor does not actually agree with Rav.

Alex, whom we recall identified two audiences in the excommunication sugya, suggested the same approach in this sugya:

In this Sugya, the editor brings in a lot of evidence going against the Baraitot, so the inexperienced reader would see all of this evidence and believe that the editor agrees with Rav and that Chilul Hashem is more important the Cavod. However, the experienced Talmud learner would recognize that the editor brings in weak evidence so they might believe that the editor really does not agree with Rav.

13That is, R. Abba’s comment would have been adequate on its own.

The following portion, which Leah realized was editorial because of the multiple references in the mesorat hashas, actually weakens the okimta because if the path of the kohen following the mourner is pure, what has it taught?
Michael is more explicit about how the aggadic text presents a counter-voice to the halakhic sugya:

A student of Rav, [Ada bar] Ahava acted on what he thought was Hillul HaShem, as he saw a woman wearing shatnez...[H]e ripped off her clothes in public, causing her unbelievable embarrassment. [Ada bar] Ahava thought he was acting correctly as that is what his teacher, Rav, had taught him. Unfortunately for Ada, the woman whose clothes he ripped off was not Jewish. Instead of acting in the name of G-d, he grossly violated a woman's dignity. [Ada bar] Ahava was fined a great amount and the whole situation was very costly to him. This story puts Rav in a very negative light, as by following him, his student got into serious trouble.... The editor must have known this story while creating the sugya, thus causing him not to agree with Rav's statement completely.

Ariana also read the story of Ada bar Ahava as an indictment of Rav's position and as an indication of the editor's true opinion:

Ada bar Ahava followed Rav’s principle, and the result was the humiliation of a woman as well as being fined 400 zuz. Once again this seems to be the editor’s subtle way of communicating his true feelings. At first glance Rav’s student is portrayed in a good light, being faithful and dutiful to God’s will, however, upon a closer examination, one realizes how important kavod truly is.

The editor’s motivation in not stating directly his opposition and allowing the baraitot to overturn Rav’s claim was clear to Ariana:

In order to guard the Torah commandments and to keep people from using kavod as an excuse, the editor chooses not to reveal the fact that some cases of kavod supersede even negative Torah commandments.

Ariana, who was not convinced by her classmate’s conception that there may have been two potential audiences in the niddui sugya, went to great lengths to find an analogue for her claim that the editor did not want to be open about his “true opinion.” She cited Mishnah Berakhot 1:1, where Rabban Gamliel did not reveal the concept of s’yag laTorah to his children:

Just as in this case [concerning the time for reciting the Shema], the editor of Berakhot 19b 20a is choosing not to reveal all of the information. Instead, he is pushing the limit back a little further than he knows it is, so that generally people put their d’oraiita obligations as

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14She also found a passage from BB 89b in the anthology Swimming in the Sea of Talmud, which is used as outside reading: Rabban Yohanan ben Zakkai said, "Woe to me if I speak, woe to me if I don’t speak. If I speak, perhaps deceivers will learn; if I don’t speak, perhaps the deceivers will say, ‘The scholars are not experts in what we do!’" (Swimming in the Sea of Talmud, p. 253) Rabban Yohanan ben Zakkai did not want to forbid using the leveling rod unfairly, for he feared that in doing so, he would bring the idea out into the open, and give people ideas of how to cheat their customers. Similarly, the editor would not have wanted to give people the idea that they could easily disregard their d’oraiita obligation. By saying that kavod takes precedence, the editor would be opening a possibility for people who did not want to perform their obligations to make excuses in the name of kavod.
first priority. Then, should they recognize an extenuating circumstance, perhaps they could be informed of what the true rule is.

Ariana’s comparisons to other rabbinic texts are used to find support for her claim that the editor wanted to conceal their true intentions.

What limits the editor’s creativity and power? David imagines some sense of tradition that binds the editor; most of the baraitot, he claims, were already collected around the theme of his death. He does not create the sugya out of whole cloth.

Which baraitot are chosen reflects on the editor’s perspective in several ways. Firstly, four of the baraitot relate to death, the topic of the preceding mishnah…. This tells how the editor probably did not bring in these statements, [and] … brings attention to the third baraita, “Gadol Cavod HaBriyot,” which was obviously added.

Since the third baraita, “So great is human dignity that it overrides a negative Torah commandment” is the only baraita that does not include a reference to death, David argues, it was brought by the editor into this context. Since this theme defines the sugya, David imagines that the editor can create meaning by recontextualizing traditional materials.

Joseph drew a much larger methodological point about the limits upon the editor.

But, we know that the Stām’s views must also fit with those of the Rabbis before him, HaZal. Our definitions of Hillul HaShem also must fit the realms of practicality. The Editor’s goal must be to create an understanding of Hillul HaShem that is reasonable for the community to act upon, but also one that fits within the guidelines of our Rabbis.

From Joseph’s perspective, the editor is bound not just by the texts of the tradition, but by his expectations about the community and by his responsibility to rabbinic culture, or, as he describes it, “the guidelines of our Rabbis.”

These students used a wide range of approaches to determine what the editor of this sugya intended. Although they all had different degrees of reservation about a straight, traditional reading of this sugya, the practical conclusions that they drew from their analysis varied widely. What is apparent from all of their papers, however, is an appreciation of the artistry of the editing of the Talmud, a sensitivity to the multivocality of the tradition in both its halakhic and aggadic voices, an awareness that the text of the Talmud reveals hints about its own history, a self-assurance in their own ability to make judgments about what they read, and an eagerness to engage in an authentic conversation with the text of the Talmud about issues that matter.
AN AWARENESS OF THE EDITING OF THE TALMUD AND THE PLURALISTIC DAY SCHOOL

The readings that these students develop are startling, and from some perspectives, they are probably disturbing. In many (probably most) educational contexts in which Talmud is studied, such readings would not be allowed. I do not “allow” such readings; I foster them, and revel in their creativity and complexity. It is precisely by encouraging my students to see themselves as creative and competent readers of Talmud that they come to see engagement with rabbinic texts as challenging and worthwhile. As a practical matter, I am not concerned that students who otherwise would not violate d’oraita law will begin to do so, or that they will start showing disrespect to rabbis simply because they realize that they will not be excommunicated. Rather, because they have been forced to confront an editor who takes both hillul Hashem and k’vod harav very seriously, students at Gann are perhaps more capable of understanding and valuing those concepts.

Gann Academy’s mission statement includes the claim that the school “challenges our students to understand and interpret Judaism as a source of religious obligation.” A traditionalist conception of that religious obligation is usually expressed in terms of a claim that the mesorah, the textual materials of our tradition, are passed along faithfully and accurately and therefore make a claim of authority. While students in my class frequently conclude that the editor of the Bavli manipulates his sources, they are also, as has been shown above, aware of the intense sense of tradition that the editor has. By introducing the Talmud as an edited document, and by encouraging students to analyze the motives of the editor, this class challenges my students to confront the claims of the mesorah in a very real way.

In my classroom, student interpretation is seen as the medium through which students confront that claim of religious obligation. At the same time, a pluralistic Jewish learning community requires nurturing so that the authentic voices of all students can emerge. Their voices, expressed in class discussion, provide a valuable social context in which they process these talmudic texts. Confronting the interpretations of their peers operates both at the level of what we might refer to as what the text meant as well as what the text means. In a pluralistic school, they are trained to hear both traditional claims and not-so-traditional claims with a sense of respect.

A conception of mesorah that values both reverence in receiving and creativity in conversation with the tradition is not the only model that my students experience. My colleagues can, and sometimes actively do, try to unteach what they perceive to be the erroneous approach that students learn in my class. I do not mind this at all; we’re a team, and none of my colleagues are out to eliminate the sense of ownership and engagement that my students develop. My colleagues may disagree on the contour of the conversation, but we all agree that nothing happens without the conversation.

What brings a school like mine together is not that we agree on halakhic norms or Jewish philosophy. What brings us together is a commitment to argue passionately and respectfully about the great ideas and with the great ideas that come out of our classical texts. In that passionate and respectful conversation, all of the members of our community must feel that they can be part of the conversa-
tion and that participation in the conversation matters. And that only happens when people learn to read responsibly and to trust in their ability, individually and collectively, to read.

These exercises in thinking about the editor of the Talmud also force students to confront the many contradictory voices in rabbinic tradition. For the halakhist, the goal is to find a single voice in the pandemonium of the Talmud. But my students are not halakhists. Their task is to learn to listen to nuance and subtlety, and to argue with nuance and subtlety. They learn to receive tradition, interpret tradition, and communicate creatively and contribute to the ongoing conversation of torah she'b'al peh, of what is often called “the Oral Torah”. These are, of course, the underlying goals, the not-so-hidden curriculum of a pluralistic day school.

Finally, as has been shown, the students in my class identify with the editor of the Talmud. This is natural, because their tasks are quite similar. The editor of the Talmud created a world of meaning for his community, and if we take seriously the claims in this paper, he recognized that different segments of his community would read the texts differently. Similarly, all of our students are engaged in the process of constructing meaning out of a complex and multivocal tradition. But in pluralistic day schools, our students are challenged by the awareness that different segments of the community will interpret our classical texts in radically different ways. Learning to navigate the conversation of torah she'b'al peh in a community that does not share the same basic assumptions is a great challenge. Learning to be attuned to the nuance of how arguments are made and not just to what is said requires great skill. Developing these skills and meeting these challenges are, however, essential survival skills if we are to establish a pluralistic dialogue. I believe that this potential establishes a warrant for introducing this level of complexity into a ninth-grade Talmud curriculum.

**Postscript: Reflections on Susie Tanchel’s “A Judaism That Does Not Hide’: Curricular Warrants For the Teaching of the Documentary Hypothesis in Community Jewish High Schools”**

After completing my research and preparing this paper, it seems obvious that my work in teaching rabbinic literature at Gann Academy should be seen in the context of the larger Jewish studies curriculum, and in particular, in the context of Dr. Susie Tanchel’s work on teaching biblical criticism. Her work is summarized in the paper she wrote for the first of the seminars of the Initiative on Bridging Scholarship and Pedagogy in Jewish Studies.15

Tanchel writes:

A core part of Gann Academy’s mission is to be a pluralistic community—that is, to be a place in which different beliefs and opinions are not only actively valued, respected, and celebrated, but are also challenged and questioned.

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On this, as I have noted above, there is no difference between my approach to Talmud study and Tanchel’s approach to TaNaKh study. Tanchel continues:

Applying the method of source criticism to the biblical text helps students to discover the multi-vocal and layered nature of the Torah itself. This underscores the existence of diversity in ancient Israel and thereby illuminates a historical precedent for the pluralism that surrounds the students in their current educational setting. (p. 8)

Indeed, in the context of the rabbinic reading of TaNaKh, one does not need the study of “higher criticism” to support the school’s commitment to pluralism. The tenth and eleventh-grade TaNaKh curricula at Gann are dedicated to the analysis of how the various medieval exegetes interpret the biblical text in different ways. Tanchel would claim, and I would agree with her, that the significance of a critical perspective is that the multivocality is located inside the TaNaKh (and “the diversity [of] ancient Israel”) and not just in the diversity of the minds of the readers, whether classical or modern.

In the context of Talmud study, multivocality is a given. The text explicitly incorporates multiple voices from different periods and locales that are seen as supports or challenges to the other voices preserved in the text. An awareness of the biblical, tannaitic, and amoraic layers is necessary in any kind of study of Talmud. An awareness of the anonymous material as a later, editorial level complicates the study, but the text presents a vibrant conversation even without separating out the stam. For scholars like David Weiss Halivni16, much of the critical enterprise is defined by an attempt to recapture the original version(s) of traditions that then shaped the later discussions of the Talmud. In my class, however, the critical enterprise is to imagine the intention of the editor in constructing a literary document that preserves a great deal of tradition but is also strikingly creative. The goal is to make sense of the whole given a fairly clear awareness of the parts.

The contrast with critical study of the Torah seems obvious. The Torah does not mark out its sources, we have no separate documents that preserve different forms of the traditions, and the gaps in language are not as drastic as the radical shift from Hebrew to Aramaic. Although some modern redaction critics focus on the composition, the enterprise of biblical criticism at Gann is, as Tanchel put it, to help “students … discover the multi-vocal and layered nature of the Torah itself”. The goal of Talmud criticism is to explore the nature of the conversation that is constructed between well-articulated sources. It would be interesting to compare the experiences of students who begin Talmud criticism in 9th grade with their experiences of Bible criticism in 12th grade.

A second point of comparison between Tanchel’s work and my own lies in her concern about the risks involved in teaching and in not teaching biblical criticism. Tanchel stresses how learning the documentary hypothesis can “be a destabilizing religious experience for students” (p. 16). Given student’s own questions about the text and the experience of many students who are exposed to crit-

ical approaches in colleges that pay no attention to the religious implications of a critical approach, she concludes that “it is far riskier for Jewish high schools not to teach this material” (p. 20).

The risks faced by the student of Talmud criticism are real but perhaps not as obvious. It is possible to study lots of Gemara critically, with an awareness that the discursive anonymous layer is something quite distinct from the earlier materials, without facing questions about what the editor has done to fashion a sugya. Yet the particular texts which ninth graders study in my class raise a wide range of questions about how the editor related to the materials of the tradition. Some students who come to Gann with a traditionalist perspective find the idea of sources selectively quoted and even manipulated quite disturbing to their conception of the mesorah. On the other hand, many students imagine the editor of the Talmud in their own image, struggling to engage the tradition and to make sense out it. Much of the discussion of Talmud pedagogy in community high schools is about how to make Talmud relevant. By forcing my students to confront the editor’s own efforts to make tradition speak, they are given models that make the entire endeavor of torah she’b’al peh an ongoing conversation in which they are key participants.
## Appendix 1, Berakhot 19a

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<tr>
<th>The front story: Berakhot 19a Reasons suggested by students for the excommunication in the front story</th>
<th>The back stories: Mishnah Eduyot 2x, Mishnah Ta’anit, Tosefta Betzah, Mishnah Kelim and Bavli BM 59b What is the reason for excommunication</th>
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<tr>
<td>Slander against dead sages</td>
<td>Unwillingness to deny his traditions</td>
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<td>The case of Eleazar ben Hanokh is identical, but, as is clear, either Akavia or Eleazar are excommunicated, but not both</td>
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<td>Threatened with excommunication for feeding people holy things outside the Temple</td>
<td>No mention of excommunication. He simply supports Rabban Gamliel’s minority position.</td>
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| אַתָּה אָכָה אָכָה יְדַעַת אֵלֵי הַשֵּׂדֵה וְלֹא יִתְקַבֵּל תַּחַלָּא יְבַעְיָא (מָבְשָׁתָא נְטֵי) יָאו אָבָא אָמָר בַּעֲרֵה אָבָא שֵׁמֶרְדֵּי הַשָּׁבָתָא קָעָצֶא הָאָבָא יִתְקַבֵּל אָבֶנֶא הַשָּׁבָתָא כַּלּתָא שֶׁשְּׁכֵּהַב לֶאָבֶנֶא שָׁבָתָא קָעָצֶא שֶׁשְּׁכֵּהַב לֶאָבֶנֶא שָׁבָתָא קָעָצֶא. אֶפֶלֶךְ יִכְּדָה בַּדָּה בָּמֲתֵנִיתֵן לִכָּא. | בֶּבַל בֶּבַל פַּצֵּמָא וּנְאֵל |}

Excomunication is not explained

Excommunicated for violating norms of Rabbinic debate
APPENDIX 2, BERAKHOT 19B 20A

Rav’s claim about removing shatnez without regard to kavod

The first challenging baraita based on a kohen who is allowed to expose himself to tumah for the sake of kavod (of a mourner)

The second challenging baraita in which the kohen R. Eleazar bar Tzadok claims to have jumped over coffins (exposing himself to tumah) for the sake of kavod (of a king)

The third challenging baraita which states the meta-principal that human dignity, k’vod habriyot, overrides a negative precept in the Torah

Up to this point, each of the baraitot are interpreted as not presenting substantial challenges to Rav, because the stam reinterprets each baraita as a case of rabbinic law.

The fourth challenging baraita, a midrash halakakh, in which the kavod of an elder overrides a Torah obligation to return a lost item
At the conclusion of the fourth baraita, the editor allows that kavod overrides d’oraita law as well, but only property law, and not ritual law.

The fifth challenging baraita in which a nazir (or a kohen, depending on how one reads the sugya) is allowed to make himself impure by taking care of a met mitzvah (or is allowed to ignore his responsibility to offer the pesach or circumcise his child, again, depending on how one reads the sugya) for the sake of the kavod of the deceased.

This baraita is understood also as allowing kavod to override Torah law, but only by omission, not by commission. The issue of the nazir or kohen being exposed to the tumah of a met mitzvah is not addressed.

Rav Papa and Abbaye discuss why the previous generations merited to have miracles performed for them.

Ada bar Ahava, a student of Rav, mistakenly removes a karbitza (either an ostentatious or a shatnez garment) causing shame and a hillul Hashem.

This paper is one of a series of working papers on the teaching of Jewish studies, available for free download from the website of the Initiative on Bridging Scholarship and Pedagogy in Jewish Studies, a project of the Mandel Center for Studies in Jewish Education at Brandeis University.

http://www.brandeis.edu/centers/mandel/bridginginitiative.html