

WISDOM FROM ALL MY TEACHERS

CHALLENGES AND INITIATIVES IN
CONTEMPORARY TORAH EDUCATION

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HERMENEUTICS AND VALUES:
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TALMUD TEACHING

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HERMENEUTICS AND VALUES: ISSUES IN IMPROVING CONTEMPORARY TALMUD TEACHING

AVRAHAM WALFISH

IT IS SADLY PARADOXICAL that while the number of Talmud students in the Jewish community grows in unprecedented fashion, the difficulty with and alienation from talmudic study increases within major segments of the Orthodox community. In talmudic times, the study of Talmud was confined to an elite minority, as evidenced by the well-known midrashic statement:

It usually happens that out of a thousand who enter upon the study of Scripture a hundred are successful... out of these ten who proceed to the study of Talmud one emerges [who is fit to render legal decisions].¹

Today, study of Talmud encompasses all levels of Orthodox Jewish education, from the upper grades of elementary school through advanced yeshivah study, and all male students – and many female students – who have studied in Orthodox institutions of learning may be expected to have spent a considerable amount of time studying talmudic texts. The quantity – if not the quality – of competent talmudic scholars is far greater than at any previous time in Jewish history. But, the broad expansion of the scope of Talmud study has not had universally positive impact on Jewish education. The *haredi* world measures academic and social success (for male students) largely by the yardstick of talmudic proficiency, and the impact of this emphasis upon *haredi* society is beyond the scope of this essay. In the religious Zionist or centrist Orthodox camp, however, there is a growing sense of crisis in recent years regarding talmudic education and its discontents. A much-cited study of religious education in Israel revealed that, while Talmud was the subject to which the most hours were devoted, most

students rated it as the subject they liked the least.² Conferences, committees, and newspaper articles have been devoted to describing, diagnosing, and proposing solutions for an increasingly acute and pressing problem.

An educational problem of these proportions will, almost axiomatically, have many dimensions, encompassing all of Joseph Schwab's well-known four "commonplaces" of education: the subject matter, the student, the teacher, and (for our purposes) the community. Undoubtedly a full solution to the problem will require a multilayered approach that addresses issues such as teacher training and the relation between the school and the community. In this essay I will address primarily the subject matter aspect of the problem, although this examination will touch on the other commonplaces as well. More specifically, I will discuss certain hermeneutical issues underlying the study of Talmud that, I believe, have a significant impact on the problems students face in grasping the subject and appreciating its value. Identifying and addressing these hermeneutic issues will help me to outline a program of Talmud study that, in my view, will make it more accessible and more attractive for Modern Orthodox students.

In order to clarify the centrality of these hermeneutical issues to Modern Orthodox Jewish education, we need to address a central question: why should Talmud continue to serve as a focal point of Jewish education? Our discussion of this question will lead us into an investigation of the nature of religious authority, an issue with profound impact on the way in which we should approach religious texts in general and the Talmud in particular. Our conclusions from these two discussions will guide us in our approach to the hermeneutical issues involved in studying and teaching Talmud.

Why Talmud? – The Dilemma

Many objective barriers make Talmud (and even Mishnah) inaccessible to the average modern student. Most people – including competent talmudists – have little fluency in Aramaic, and both Mishnah and Gemara are written in a terse style condensed almost to the point of obscurity. The material and social environment presumed by mishnaic and talmudic discussions differs vastly from that of the modern world. The Mishnah and the Talmud reflect styles of thinking and of presentation that the modern reader finds puzzling and alien. Perhaps most significantly, the legalistic formalisms and fine distinctions characteristic of Talmud do not seem to

² See S. Weiser and M. Bar Lev, "Teaching of Talmud in the Yeshiva High School: Difficulties and Dangers" (Hebrew), *Nir ba-Midrashiah* 8 (1990): 233–256. While this study focuses on Talmud instruction in Israeli religious high schools, I believe it is relevant for Diaspora education as well.

¹ *Lev. Rabbah* 2 (s.v. "dabber et") (trans. J. Israelstam; London: Soncino Press, 1939).

possess universal appeal – why should the average literate Jew find the legalisms of talmudic laws regarding torts or bailments more fascinating than the intricacies of their modern secular counterparts?

None of these problems is insuperable. They may be surmounted by instilling within the students – and the community at large – the conviction that the study of Talmud is of vital importance for one's religious life and spiritual development. The all-encompassing devotion to Talmud study that characterizes the *haredi* community has enabled them to confront these problems with a large measure of success. But other sectors of the Orthodox community do not display the same monolithic devotion to Talmud study. In an environment in which other pursuits and intellectual challenges, more congenial to the modern temperament, are accorded equal – oftentimes superior – status, the centrality of Talmud study to religious life cannot be assumed. Moreover, the greater openness of these communities to modernity exposes students to conflicts between the social mores and ethical assumptions of the Talmud and those that characterize a modern sensibility. In the liberal-pluralistic and scientific-critical environment in which modern consciousness is molded, neither the authority nor the superior wisdom of the Talmud can be taken as axiomatic.

Despite these formidable challenges, I believe it imperative that religious Jewish education retain a strong emphasis on Talmud. As Haym Soloveitchik has observed, contemporary Jewish observance has grown increasingly text-oriented.³ Alongside the reasons that he and others have suggested for this development,⁴ I would argue that in a contemporary culture that revolves around texts of various kinds, neither faith nor observance can flourish unless it is founded on a solid textual basis. Both Jewish practice and Jewish belief center on two foundational texts: the Bible and Talmud. A Jewish education must provide students with basic knowledge and familiarity with these two texts, as well as with basic textual skills.

A central issue involved in presenting Talmud to the students with whom we are concerned is the problem of authority. Traditionally, Talmud was studied by and taught to those for whom its authority was axiomatic, and this governed both the motivation for and the method of Talmud

study. Study focused entirely on content, analysis, and skills, inasmuch as the relevance of the study was presumed, and students were largely assumed to be self-motivated. The basic methodological presumptions or techniques of the Talmud needed no justification, and the student's energies were channeled into following the intricacies and implications of the discussion in the Talmud and its traditional commentators. Teaching students for whom these presumptions cannot be taken for granted makes it vitally important to make Talmud study meaningful, relevant, intellectually challenging, and spiritually rewarding. But in order for Talmud to play a central role in religious consciousness, it needs to be taught as a text possessing commanding authority. For this reason, leading rabbis such as R. Aharon Lichtenstein have rejected in principle attempts to vitalize the teaching of Talmud by making the study relevant and spiritually rewarding.⁵

I contend that it is possible to teach Talmud in a manner that fosters a sense of relevance and spiritual meaning without sacrificing the sense of obedience to divinely sanctioned authority. My educational model for doing so will posit a form of religious authority for which I cannot argue here but that has been discussed both in Jewish and non-Jewish writings of recent years. Instead of taking a *dogmatic* approach to religious authority, which views all sacred texts as divinely inspired and demands of the religious personality a self-effacing surrender of all rational judgment in the face of the commanding word of God, I will follow the *inductive* model of religious authority, which roots obedience to divine texts in a rational process justified by induction from experienced events.⁶

⁵ Aharon Lichtenstein, "Teaching Gemara in Yeshiva High Schools" (Hebrew), *Shanah be-Shanah* (5761): 315–327. "Making the study relevant" is used here to indicate gearing the learning toward issues and concepts that the student is likely to find interesting or rewarding, rather than toward the ideas that seem to be demanded by the text.

⁶ The term *inductive* has been borrowed from Peter Berger, and indeed the two models of religious authority outlined here correspond to two of the religious postures described by him in *The Heretical Imperative* (New York: Anchor Press, 1979). Cf. Michael S. Berger's term "epistemic authority" in his "Rabbinic Authority: A Philosophical Analysis," *Tradition* 27:4 (1993): 62 ff. These approaches may be further compared to Kierkegaard's categories of "immediacy" and "immediacy after reflection," as well as to Moshe Sokol's categories of "hard" and "soft" autonomy, in "Personal Autonomy and Religious Authority," in M. Sokol, ed., *Rabbinic Authority and Personal Autonomy* (Northvale, NJ: Aronson, 1992), pp. 169–216. It should be stressed that most religious personalities combine elements of both positions: a "dogmatic" leap of faith is grounded in some experience that justifies such an act, and an "inductive" process of rational judgment leads to a commitment that limits one's range of autonomy. Nevertheless, there are different ways of balancing these two factors, leading to heavier emphasis on one or the other.

³ Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28:4 (1994): 64–130.

⁴ Isaac Chavel, "On Haym Soloveitchik's 'Rupture and Reconstruction': A Response," *The Torah U-Madda Journal* 7 (1997): 122–136; Haym Soloveitchik, "Clarifications and Reply," *id.*, pp. 137–149; Hillel Goldberg, "Responding to 'Rupture and Reconstruction,'" *Tradition* 31:2 (1997): 31–40; Mark Steiner, "The Transformation of Contemporary Orthodoxy: Another View," *id.*, pp. 41–49.

The *dogmatic* approach, which is successfully practiced in the *hasedi* world and in certain sectors within the Zionist Orthodox and (so-called) centrist Orthodox communities, requires no "relevance" within the learning of Torah, and effectively obliterates tensions between one sacred text and another, as well as between the texts and current belief and practices. The student's awe before God and the extraordinary personalities who composed the sacred texts is described therein. This determines the student's understanding of these texts through traditional commentaries and teachings, and it ensures both the religious and experiential significance of Torah study and the lack of probing critical questioning capable of undermining the sense of the Torah's seamless unity. The inductive approach, on the other hand, regards the authority of the sacred text not as a presupposition, but as a quality that needs to be developed from the way in which the text is experienced. The student, educated within a framework of belief and observance, is trained to be attentive to all the nuances of the biblical text in order to hear the commanding divine voice that addresses us from the text.⁷ Similarly, the student will accept the authority of the Sages not as a postulate, but as a natural consequence of learning to appreciate the profundity of their understanding of God, of man, and of Scripture.⁸ Of course, Jewish tradition requires that ultimately the religious personality attain a faith in God and subservience to His authority that transcends his rational judgment and enables him to respond obediently to the divine command and declare (Ex. 24:7), "we will do (i.e., first, obey) and we will

⁷ Several modern scholars have argued that attentive and spiritually open reading of the Tanakh can reopen modern secular man to the notion of a sacred text. See Michael Fishbane, *The Garments of Torah* (Bloomington and Indianapolis: Indiana Univ. Press, 1992), pp. 121–133, and compare his presentation in earlier chapters there on the views of Buber and Rosenzweig. See also Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), p. 46.

⁸ See R. Soloveitchik's description in *Reflections of the Rav* (Jerusalem: WZO, 1979), pp. 135–136:

The authority of a teacher is not imposed... A Torah teacher is freely accepted and joyfully embraced. His authority emerges from his personality; his learning and selflessness are acknowledged... At times he inspires emulation of his way of thinking and his general deportment, but this does not result in the enslavement of his disciples. The students are not crimped and circumscribed; their souls are not shriveled through fear and conformity. On the contrary, there is an enlargement and growth of the total personality... Teaching and learning are creative activity.

See further R. Soloveitchik's two models of "king-teacher" and "saint-teacher," pp. 161–163. These two approaches to the authority of the text may further be related to the "functional" and "hermeneutical" approaches to religious canonical texts outlined by Shlomo Biderman, *Scripture and Knowledge* (New York: Koeln, 1995), and see my "Religious Zionism in the World of Hermeneutics" (Hebrew), in S. Raz, ed., *Kovev ha-Tzionut ha-Datit* (Jerusalem: Mizrahi, 1999) pp. 463 ff.

hear (only then, understand)." Nonetheless, the inductive approach may serve as the educational and phenomenological foundation for fostering the sense of authority that ultimately will enable such leaps of faith.⁹

The educational strategy suggested here rests on the premise that the inductive model, as described above, provides a foundation for an approach to canonical texts that can balance the simultaneous commitments within the Modern Orthodox community to faith and observance on the one hand, and to autonomy and critical judgment on the other hand.¹⁰

In the next section we will examine the hermeneutical and educational corollaries of this premise.

Experiencing the Text

Inasmuch as the educator in a Modern Orthodox framework cannot assume that students take the authority of the Talmud for granted, he or she must teach talmudic texts in a way that fosters the student's respect for and commitment to these texts. As noted above, the Talmud presents formidable obstacles to achieving this goal for most students. Some of the obstacles, such as barriers of language and of elliptical style, are technical in nature, and need to be addressed by finding appropriate tools and methods for teaching the students the "language skills" necessary for making sense of the text. The obstacles that concern me here are more fundamental, touching on the very nature and purpose of talmudic study. I will focus on two issues that, in my view, bear profoundly on the willingness and ability of many students to tackle the challenges and difficulties presented by the Talmud. First, the heavy focus in talmudic texts on the formalities and fine

⁹ This does not mean, of course, that this sense of authority flows automatically from inductive premises. The Modern Orthodox community is plagued by ambivalent attitudes towards the notion of religious authority. See Daniel Tropper, "The Distress of Contemporary Religious Authority" (Hebrew), *Akdamot* 11 (2002): 79–96; Daniel Gutenmacher, "The Conservative Principles of Orthodoxy," *Akdamot* 10 (2001): 101–124; Tamar Ross, "On the Inner Role of the 'Outer,'" *Akdamot* 11 (2002): 161–166; D. Gutenmacher, "An Unclear Boundary is Still a Boundary," *Akdamot* 11 (2002): 167–168; Yosef Ahituv, *Al Gevul ha-Temurah* (Jerusalem: Ministry of Education, 1995). The more nuanced and sophisticated thinking regarding religious authority that is required by centrist and Zionist Orthodoxies demands of educators heightened awareness of the issue, as well as greater clarity regarding spiritual goals and means of achieving them.

¹⁰ Some recent thinkers, such as Shimon Gershon Rosenberg (R. Shagar), have been arguing that the "Modern Orthodox option" is outmoded, in light of the influential trend towards postmodern modes of thinking and behavior. I believe that this position has overestimated the influence of postmodernism both on the culture at large and on the religious world in particular, while underestimating the radical nature of the post-modern challenge to religion.

points of *halakhab* strikes many students as nitpicking and picayune at best, arcane and outmoded at worst. In addition, much of talmudic discourse is based on interpretations of earlier texts, such as Tanakh and Mishnah, that employ hermeneutical methods that the modern student finds difficult to understand and even more difficult to appreciate. The first of these issues affects the student's ability to identify with the goals of the talmudic discussion, and the second affects the student's ability to fathom the means by which the Talmud achieves these goals. A student who has problems on these two levels will thus appreciate neither the purpose nor the method of talmudic discussion.

To address these issues, I suggest three central goals that should underlie the teaching of Talmud: highlighting the values and spiritual concerns that underlie the formalities and subtleties of halakhic discourse; paying careful attention to the stylistic and literary qualities of talmudic texts; and confronting head-on the hermeneutical assumptions that govern talmudic interpretations and attempting to make sense of these assumptions. Attaining these goals will contribute to successfully addressing both of the foregoing concerns and enable the student to develop an "inductive" respect for the Talmud, with regard to both the goals and the methods that inform its discussions.

I will now outline how each of these three goals may be achieved in teaching Talmud and offer illustrative examples of Talmud texts presented in accordance with the method outlined here.

Values and Spiritual Concerns

It is both intellectually honest and educationally legitimate to ground the formalism of talmudic *halakhab* and its concern for minutiae in the Sages' devoted commitment to fulfilling the commanding divine will. Most talmudists would dismiss attempts to discern ethical and spiritual values within halakhic texts as *ta'amei ha-mitzvot* – a homiletic quest for understanding the unknown reasons underlying the inscrutable divine will, lacking any serious intellectual or theological basis.¹¹ Nevertheless, in order to foster an "inductive" acceptance of the authority of the Talmud, it is crucial for the teacher to afford the student insights into ethical and spiritual values that are given expression by talmudic discussions.¹²

¹¹ This presumption is rooted both in the all-consuming formalism that characterizes normal Talmud study, as well as in an implicit legal positivism – at least regarding divinely mandated law – that I believe characterizes the thinking of most talmudists.

¹² In addition to the educational advantages of doing so, I believe that a "natural law" point of view better fits the framework of an "inductive" approach. Among Jewish

The values underlying texts such as Mishnah, *Tosefta*, *midrashim*, and Talmud may be revealed in several ways. One way is simply to sensitize oneself to hidden issues that may not play a major role in the formal analysis or classic discussions of the halakhic issue at hand, but that are nonetheless clearly visible once one learns to look for them.

For example, the supreme importance that the Sages accord to the worker's responsibility to devote his working hours to his task and not to cheat his employer is reflected in *halakhot* that exempt the worker from standing in honor of a *talmid hakham* (*Kiddushin* 33a) and require him to recite *Shema* on top of the tree or building on which he is working (*Berakhot* 2:4). If we fully grasp the Sages' reluctance to allow even a brief work break outside the terms of employment, we will appreciate the dramatic importance they attach to a time-bound ceremonial *mitzvah* such as bringing first fruits, when they require workers to stand in honor of the first fruit procession (*Bikkurim* 3:4), as explained by R. Yose bar Avin (*Kiddushin* 33a): "Dear is a *mitzvah* at its appointed time."

The Mishnah's ruling in *Sanhedrin* 2:2 that a king cannot be judged would seem to place a king above the law, thereby seeming to contravene both the Torah's conception of a king as subject to divine law and the contemporary principle of the "rule of law." But the talmudic discussion in *Sanhedrin* 19a-b reinstates the "rule of law" by asserting that Judean kings are judged and that Israelite kings are not judged only because of a historical incident suggesting that the attempt to impose the rule of law upon recalcitrant kings can be highly dangerous to the court.

In these instances, the values underlying the text are apparent, but the use of value terminology in order to explain the text is not self-evident. The sensitive teacher will be alert to such "hidden" values within the text and exploit them by calling attention to them and spending significant time discussing them and their ramifications.¹³

A second way in which the teacher may reveal values underlying the text is by translating halakhic concepts from the formalistic language prevalent

thinkers who have debated whether Jewish law should be seen as positivistic or natural, I would cite Jose Faur, who has espoused a "positive law" position, and analyses favoring natural law theory by Ra'bis Aharon Lichtenstein, Eliezer Berkovits, and J. David Bleich.

¹³ Some interesting examples may be found in Yonah Fraenkel, "Educational Aims in Teaching Talmud" (Hebrew), *Mayim mi-Dabyav* (1991): 85–109.

in classic talmudic discourse into language of value that is both more accessible and more relevant to students.¹⁴ For example:

In dealing with the *sugyot* on *Kiddushin* 9a-b, one may summarize the main conclusions of the talmudic discussion in classic halakhic terminology: unlike contracts of sale, which are written by the *makneh* (the one transferring ownership), a contract of *kiddushin* is written by the husband, i.e. the *koneh* (the one acquiring ownership), but there is an amoraic dispute whether the consent of the *makneh* (here, the woman) is also required; unlike most contracts, the contract of *kiddushin* must be written specifically for the sake of the particular woman to be betrothed (*li-shemah*), inasmuch as the Torah has significantly juxtaposed betrothal to divorce, which requires a bill of divorce written *li-shemah*. But examining these discussions with an eye trained upon the spiritual and ethical bases of the halakhic formalities suggests that underlying these differences between contracts of sale and contracts of *kiddushin* is a fundamental claim that the concept of *kinyan* ("acquisition") in the context of betrothal differs significantly from the parallel concept regarding transfer of mere property. The *halakhab* invests the *kinyan* of *kiddushin* with a personal and humanistic quality absent from the *kinyan* of property. *Kinyan* of *kiddushin* does not create, as in property transfer, a relationship of ownership between the *koneh* and the acquired object, but rather a mutual and personal relationship between a man and a woman. Consequently, the responsibility for writing the contract is not determined by the roles of *koneh* and *makneh*, but rather by the roles of man and woman, husband and wife. As in other contracts, there is an asymmetry between the two parties to the contract – the *halakhab* is not egalitarian – but the asymmetry between the roles differs. In property contracts, the writing of the contract is a completely unilateral act by the *makneh*. In a contract of *kiddushin*, however, the major active role is conferred upon the husband, but the wife is also recognized as a contracting agent of the *kiddushin* insofar as the contract must be written explicitly with her in mind and – according to one opinion – with her consent. Thus, the *halakhab* rec-

ognizes that "acquisition" of a woman in betrothal is designed to create not ownership, but rather a human bond of a different kind, marked by reciprocity (although not equality) in the relationship.

An additional example will prove useful. The concept of *ye'ush* (despair, or relinquishing hope of recovering a lost or stolen item), which entitles the finder of a lost item to take possession of it, may be presented as a formal halakhic concept, akin to *hefker* (voluntary relinquishment of ownership of an object in one's possession), and one may follow discussions of classic halakhic authorities regarding the similarities and differences between these two modes of relinquishing ownership.¹⁵ If one is looking for values underlying the *halakhab*, however, one may follow the Mishnah *Bava Metz'ia* (2:5) in suggesting that the concept of *ye'ush* is rooted in an ethical perception, that the requirement of returning a lost item is dependent upon the owner's hope and expectation that he may recover the item. Perceiving the obligation of returning lost property as a matter of interpersonal morality rather than of formal consequences of laws of ownership and possession can help the student to understand that, subsequent to *ye'ush*, the owner has relinquished the moral demand he exerts upon the finder. Pursuing the matter further, one may see the laws regarding lost items as reflecting the moral and philosophical roots of the very concept of ownership. Ownership may be understood as a function of possession or control of the property and of recognition by society of one's right to the property, both of which involve intuitions rooted in morality and in an understanding of how society is organized. Losing one's property removes it from one's possession and subjects ownership entirely to the recognition by one's fellows that they are required to return it. Thus, study of the talmudic discussion of the laws of lost property can serve as a springboard for an in-depth investigation into fundamental moral concepts governing our attitude towards the foundations of society in general and of the concept of ownership in particular.¹⁶

¹⁵ See *Tosafot* to *Bava Kamma* 66a s.v. *keivan*; *Entzyklopediah Talmudit*, vol. 21, s.v. *ye'ush*, especially pp. 142ff.

¹⁶ The analysis presented here is highly oversimplified, for purposes of brevity and clarity. Among the many sources bearing on this *sugya*, see especially *Birkat Shemuel*, *Bava Metz'ia*, #16–23, and *Entzyklopediah Talmudit*, vol. 21, pp. 164 ff. An analysis of the concept of *ye'ush* that parallels many of the ethico-social concepts suggested here is offered by R. Yehiel Yaakov Weinberg, *Hiddushei Ba'al Seridei Eish* (Jerusalem, 1995), chap. 34 (pp. 248 ff.). Regarding the teaching of some of the *sugyot* mentioned here, see Yonah Fraenkel, "Educational Aims," pp. 90–93; Yosef Shimshi, "Returning Lost Property: Legal, Halakhic, and Methodological Aspects," (Hebrew), *Mayim mi-Dabjav* (1996):277–288; Shelomo Eitan, "Teaching the *Sugya* of *Ye'ush she-Lo mi-Da'at* on Level of *Peshat* and on Analytical Level" (Hebrew), *Mayim mi-Dabjav* (2002):23–38.

¹⁴ Many instructive examples of this kind of thinking may be found in R. Soloveitchik's *Shiurim le-Zekher Abba Mari*. Rabbi Shimon G. Rosenberg (Shagar), "Method and Motivation in Teaching Gemara" (Hebrew), *Mayim mi-Dabjav* (1995): 363ff. terms this the "secularization" of the discourse of Talmud study. While I agree with the main points of his argument, I feel that the term "secularization" implies a more radical modification of halakhic thinking than is warranted. Emanuel Levinas's *Nine Talmudic Discourses* (Bloomington and Indianapolis: Indiana Univ. Press, 1994) aims to uncover the rabbis' concern with philosophical and ethical issues of contemporary relevance that lay beneath the formalities of talmudic discussion. While Levinas' method is highly midrashic and idiosyncratic, his sensitivity to the underlying values of halakhic and aggadic concepts is often instructive.

In this section we have presented several examples in which spiritual and ethical values may be perceived within talmudic discussions by means of conceptual analysis alone. In the next section we examine ways in which close textual analysis may signal the careful reader that there are ideas and values underlying the text, beyond those available to standard halakhic-conceptual analysis.

Style and Literary Qualities

Elsewhere, I have demonstrated the use by the Sages of stylistic and literary techniques, particularly in redacting the Mishnah, and have shown how they may be interpreted along the lines of spiritual and ethical values.¹⁷ I believe that the very presence of such techniques in ostensibly formalistic-halakhic works is a powerful argument for the existence of a substratum of spiritual-conceptual values underlying the halakhic discourse of the Sages. Inasmuch as these points regarding Mishnah have been argued at length elsewhere, I will limit myself here to one illustration from the Talmud.

The laws of lighting Hanukkah candles are discussed in the Talmud in the second chapter of *Shabbat* (21a–23b). The simple explanation for this placement is that the Mishnah does not discuss Hanukkah anywhere and the redactors of the Talmud felt that the discussion of lighting *Shabbat* candles in this chapter was the most natural “peg” on which to hang another discussion candle lighting laws. Closer examination reveals that the Gemara redactor has created a “literary bridge” to ease the transition from the discussion of *Shabbat* candles to the discussion of Hanukkah candles. The reasons for forbidding the lighting of *Shabbat* candles with “wicks that the Sages said not to light for *Shabbat*” and “oils that the Sages said not to light for *Shabbat*” are offered by Rabbah (on 21a), followed by discussion, and the next two *sugyot* also open with “wicks and oils that the Sages said not to light for *Shabbat*” – Rami bar Hama asserts that these are not to be lit in the Temple and (following a brief discussion) three *amora'im* debate whether these may be lit for Hanukkah during the week and on the eve of Shabbat. Two points in common thus lead from the discussion of *Shabbat* candles to that of Hanukkah candles: the oils and wicks and the question as to what happens when the Hanukkah candles are lit for *Shabbat*.

The literary bridge between these two topics certainly enhances our respect for the redactor’s literary concern and sensitivity. But if we turn to the end of the unit (on 23b), we discover that the redactor has created yet an-

other bridge between these two topics. At the conclusion of the unit, Rava argues that when one lacks the means to light both *Shabbat* candles and Hanukkah candles, *Shabbat* candles should be preferred because “the peace of the home” takes precedence over “publicizing the miracle.” Thus we see that the Talmud’s discussion of Hanukkah candles is framed by an envelope structure that underscores the connection between them and *Shabbat* candles. The two comparisons between *Shabbat* candles and Hanukkah candles at the two poles of the unit are related to one another, inasmuch as both of them highlight a fundamental difference between the two *mitzvot*: *Shabbat* candles, designed for benefit and “peace of the household” (23b), must be lit with materials ensuring that they will burn properly on *Shabbat* (21a); regarding Hanukkah candles, designed for “publicizing the miracle,” it is less clear whether similar materials must be used, inasmuch as they are not lit in order to be used – indeed it is questionable whether one is permitted to derive any benefit from them (21a-b) – and it is not even clear whether their inadvertent extinguishing adversely affects one’s fulfillment of the *mitzvah* (21a-b).

The literary framework of the discussion thus serves to highlight the meaning and purpose both of *Shabbat* candles and of Hanukkah candles. But it would appear that the redactor has further goals in mind. Between the discussion of wicks and oils for *Shabbat* candles and the discussion of wicks and oils for Hanukkah candles (on 21a), he has inserted another brief *sugya*, which discusses the use of these same wicks and oils in the Temple. Perusal of the talmudic discussion in its entirety will reveal that the presence of God in the Temple serves a model both for the lighting of Hanukkah candles (see the historical background on 21b and the testimony by Temple candles to the presence of God among the people of Israel on 22b) and for *Shabbat* candles (see the derivation of the time of lighting *Shabbat* candles from the “pillar of cloud” and “pillar of fire” on 23b). Thus, the interposition of Temple candles between *Shabbat* candles and Hanukkah candles on 21a is another signpost used by the redactor to indicate that *Shabbat* candles and Hanukkah candles, despite their differences, stem from a common source, as symbols of the Divine Presence. Hanukkah candles achieve this symbolism by publicizing the miracle, while *Shabbat* candles express the spirit of Shabbat peace, which creates an aura of sanctity within one’s household.¹⁸

¹⁸ The connection of *Shabbat* candles to the Divine Presence is intimated by Maimonides, *Mishneh Torah*, *Hilkhot Shabbat* 30:2, 5 (see discussion by R. Soloveitchik, *Shurim le-Zekher Abba Mari*, vol. 1, pp. 62ff.). This may be further supported by midrashic and talmudic sources, such as *Gen. Rabbah* 67 (at end; cf. *Mishnah Shabbat* 2:6) and the

¹⁷ See my Hebrew articles in *Netiv* 1 (1994), 2 (1995), and 3 (1996); and my English article in *Alei Etzion* 7 (1998).

Finally, we may note a further point of contact between *Shabbai* candles and Hanukkah candles, reflected at several points throughout the unit. Both kinds of candles need to be lit in the framework of a house and a household. *Shabbat* candles, called “the candle of his house” (23b), are lit within the house for the benefit of the members of the household; Hanukkah candles are lit within the framework of a household (“a candle for a man and his household” – 21b) and at the entrance to the house (22a).¹⁹ Thus, the language and structure of the talmudic discussion suggest that both *Shabbat* candles and Hanukkah candles serve, in different ways, to invest one’s house with sanctity akin to the sanctity of the Temple.

The kind of literary features we have noted in these two sources may be found in many others. These features reinforce the argument that study of halakhic sources should include a quest for the spiritual underpinnings of the halakhic categories, while also providing the student a powerful tool for ferreting out these ideas and values. Not all these tools are suited for classroom teaching and discussion, but many of them are. In and of itself, the search by teacher and student for repetitions of language and interesting structures can be an important teaching tool, which helps foster close reading of the text and sensitizes the student to the text’s language and nuances. The search for the ideas underlying the literary repetitions and structures can be carried out on many levels, and the teacher needs to find the level appropriate for his or her students. Since interpretation of literary patterns is an open-ended process, any level on which it is done may draw teacher and student together in a quest that has no packaged or predetermined result, and carries with it the thrill of discovery and creativity.

Hermeneutical Principles

One of the features of Talmud that makes it a particularly difficult text to understand is its multilayered character: the text is constructed as a series of commentaries, in which each new layer comments upon the previous. Thus, one may encounter a discussion that involves understanding how the *sefama di-gemara* understands the way in which the interpretation of the Mishnah by an earlier *amora* was explained by a later *amora* in light of problems and solutions presented by *amora'im* of an intermediate period. Beyond the challenge of simply being able to follow the thread of the argument,

story of the two angels who accompany a man to his home on *Shabbat* evening (*Shabbat* 119b).

¹⁹ More accurately, it should be lit at the entrance to the courtyard, so that it may be seen from the public domain. Nonetheless, it should be apparent to the public that it is connected to the house, as noted by Rashi (22a) s.v. *mitzva le-banibah*.

this feature of the Talmud presents a further, more fundamental problem – the tools and assumptions employed by the Sages of the Talmud in interpreting previous texts are often significantly different from the interpretative methodology employed in other areas of textual study. This problem, already noted by Rambam,²⁰ is magnified considerably for Modern Orthodox students of Talmud, for two reasons. First, it is more difficult for them to accept modes of thinking that are alien to their way of thinking, based on traditional authority alone. Also, they are exposed to the ways in which texts are interpreted in other disciplines, including literature and *Tanakh*, and the gap between the ways they are trained to understand texts and the mode of talmudic interpretation, creates a cognitive dissonance that impedes their ability or desire to understand the Talmud. Some students may raise questions regarding the validity of talmudic reasoning, which our educational frameworks are unequipped to handle. More troubling, the system often suppresses such questions from being addressed at all. The less capable student, although likely to be unaware of a cognitive dissonance, may find that his inability to comprehend the method behind the Gemara’s textual interpretations fosters a feeling of inadequacy, in which talmudic reasoning seems mysterious and inscrutable. The inescapable conclusion, in my opinion, is that Talmud instruction for the Modern Orthodox student must include a thoroughgoing and honest confrontation with the question of talmudic hermeneutics: what are the assumptions underlying talmudic interpretation of earlier sources and how may these assumptions be justified?

Most students and teachers of Talmud, including many accomplished talmudists, have not been trained to confront these questions, which are more characteristic of academic Talmud study than of yeshivah learning. While there are aspects of academic methodology that I believe are neither necessary nor advisable for most elementary, middle school, or high school students,²¹ it is essential that Talmud teachers begin to confront these is-

²⁰ *Introduction to Mishnah Commentary* (Kafih edition, p. 25; Shilat edition, p. 62).

²¹ I refer here specifically to lower and higher textual criticism. Most analysis on these levels is, in my view, too abstruse for most students on these levels. Furthermore, too many questions about the textual integrity of a canonical work and too many conflicting and contradictory voices within an ostensibly unified text are not conducive to fostering the kind of faith and acceptance of authority at which we should aim. Compare my article, “*Beit Midrash* and the World of Academic Research – Part II” (Hebrew), *Shanah be-Shanah* (5757): 432–439. Hence, these methods should be introduced sparingly, if at all, until the student has developed both the ability and the commitment to handle them properly. For a different point of view on this issue, see Pinchas Hayman, “On the Teaching of Talmud: Toward a Methodological Basis for a Curriculum in Oral-Tradition Studies,” *Religious Education* 92:1 (1997): 61–76, and his “Implications

sues honestly and consistently and develop sound educational methods to enable their students to confront them as well. I can only briefly sketch some of the basic guidelines that I would suggest for such an approach, and provide a few examples.

In order for the student to be able to understand talmudic hermeneutics, it has to be coordinated with hermeneutic assumptions to which the student is accustomed in other areas. Hence, the approach to a talmudic interpretation of a scriptural verse, a Mishnah, a *baraita*, or an amoraic statement must involve reading the original text on two levels. First, how do we understand the text, when we read it employing our normal tools of interpretation? And how, on the other hand, does the Talmud read the text? Reading the text on both levels highlights the novelty of the talmudic reading, as well as the central question we want to confront squarely: why did the Talmud depart from the simple reading and the plain meaning? Nehama Leibowitz and other teachers of *Tanakh* have already demonstrated both the intellectual and the educational soundness of such a dual approach to the text. Students taught by her method learn simultaneously close reading of the *Tanakh* and the breadth and beauty of traditional commentaries. They learn that while all interpretations, both *peshat* and *derash*, are part of our tradition and teach us important lessons, not all textual groundings are equal, and some readings have stronger claim than others to be regarded as valid *peshat* explanations.

A similar approach may be followed regarding the teaching of Talmud. Before actually learning the Gemara, the student should study the texts bearing on the talmudic discussion, starting with relevant scriptural passages and continuing through tannaitic sources. Each source should be studied carefully and thoroughly, utilizing the standard tools and methods of *peshat* interpretation: attention to language, syntax, and context; use of concordances, commentaries, and literary structure. The teacher should take care to direct the student to those questions and difficulties arising from the text that will serve as a basis in later stages of analysis for new interpretations and new ideas. These questions and difficulties should be addressed honestly and thoroughly, attempting to use the tools of *peshat* to resolve them when the abilities of teacher and student make this possible. In studying any text, the student should get the sense that there are tools accessible to him or her that can make the text comprehensible and meaningful, yet at the same time that the text possesses “fault lines” that open it

up to deeper analysis and multiple creative interpretations. The first educational message is designed to give the student the confidence and the motivation to engage the text; and the second is designed to enhance his respect for the text’s profundity and authority, as well as to open the text to the interpretations of talmudic sources. The talmudic discussion of scriptural and tannaitic sources can thus be experienced by the student as part of his ongoing dialogue with these earlier texts, rather than as a completed, closed, and largely inscrutable presentation of authoritative readings.

Due to space limitations I will present only one example. Prior to teaching the fourth chapter of *Berakhot* (*Tefillat ba-Shabar*), the teacher should discuss with the students the fact that the *Tanakh* includes many prayers and many prayer narratives, but, according to *peshat*, there is no source for a commandment to pray, certainly not on a daily basis. Biblical prayer is a voluntary, spontaneous performance, not a required and formalized recitation.²² Turning to the *midrash* (*Sifre Devarim* 41, s.v. *u-le’avdo*), we find the Sages interpreting the commandment of “serving” God as including – among other understandings – “service of the heart,” namely prayer. Close reading of this passage shows that this understanding of the term *avodah* (service) may be associated with the destruction of the Temple, as the *midrash* asks regarding a verse that describes Daniel serving God: “And is there indeed service in Babylonia?... Just as service of the altar is called service, so too prayer is called service.” Discussion arising from these sources can focus on many central issues and values concerning prayer, including the advantages and disadvantages of fixing times and texts for prayer, the nature and meaning of service of God, and the reasons that the Sages felt that prayer was an appropriate substitute for the sacrificial service.

This prelude to the study of Mishnah *Berakhot* (chapter 4) can help the student to appreciate many of the emphases and motifs in the Mishnah. It is easy to demonstrate that the times for prayer in the first Mishnah correspond to the times of the daily sacrifices, with the exception of the evening prayer, which the Mishnah differentiates from the other prayers by declaring that it “has no *keva* (fixity).” The Mishnah alternates its discussion of the three daily prayers with more individualized prayers, such as R. Nehunia ben Hakanah’s “short prayer” upon entering and exiting a *beit midrash* and the “short prayer” of a wayfarer in Mishnah 4. R. Eliezer’s comment in Mishnah 4 that “whoever makes his prayer fixed – his prayer is not suppli-

of Academic Approaches to the Study of the Babylonian Talmud for Student Beliefs and Religious Attitudes,” in Yisrael Rich and Michael Rosenak, eds., *Abiding Challenges* (London: Freund Publishing, 1999), pp. 375–399.

²² This is true regarding petitionary prayer. There is a greater degree of structure and formalization regarding praise and thanksgiving in the *Tanakh*, and we do find formal and mandated thanksgiving prayers, such as the recitation accompanying the bringing of first fruits in Deut. 26:5–10.

cation" can readily be seen as expressing the underlying tension between the inner individual and the formalized social aspects of prayer. One term the Mishnah employs to express this tension, *keva*, also raises interesting exegetical questions, which will illustrate how we may teach the Mishnah text both as an interpretable text in its own right and as a basis for talmudic interpretation.

The term *keva* appears both in the first Mishnah, describing the evening service as lacking *keva*, and in the fourth, expressing R. Eliezer's opposition to making one's prayer *keva*,²³ and the term is problematic in both contexts. In Mishnah 1, the context suggests that the meaning of the term is "fixed time," but this raises the question of why the Mishnah uses this term rather than simply stating: "the evening prayer [can be recited] all night" (see *Berakhot* 27b), just as it asserts that "*musaf* prayers – all day." In Mishnah 4, meanwhile, it seems unclear altogether what form of *keva* R. Eliezer opposes. Both of these questions may be addressed utilizing tools of *peshat*.

For simplicity's sake we will first consider Mishnah 4. Commentators such as R. Yehosef Ashkenazi (cited in *Meleket Shelomo*) and R. Saul Lieberman (*Tosefta Kifshutah*, vol. 1, pp. 31–32) have noted that R. Eliezer's comment makes perfect sense when seen in the context of the dispute among the *tanna'im* recorded in the immediately preceding Mishnah, regarding the correct text to be recited for prayer: eighteen full-fledged benedictions or eighteen shortened benedictions. Assuming that the division between Mishnah units is faulty here, and that R. Eliezer is responding to the previous discussion, we understand his comment as follows: I object to both suggestions for a proper text for prayer, because in my view prayer should not have a fixed text at all.²⁴ Recalling that a fixed prayer text was first established during the period of Yavneh, under the direction of R. Gamaliel (*Berakhot* 28b), we can readily understand that the Patriarch and his colleagues R. Joshua and R. Akiva disagreed in Mishnah 3 about the nature of this fixed text, and that their colleague R. Eliezer voiced in Mish-

nah 4 a more fundamental objection. In his view, a fixed text for prayer undermines the very essence of prayer, which is to be "supplication," namely – a heartfelt expression of what the person feels individually, as opposed to recitation of a prepared text.

Regarding the use of the phrase "has no *keva*" in Mishnah 1, we may suggest two possible answers, using two different strategies of interpretation. One answer, following the Vilna Gaon's comment recorded in *Shenot Eliyahu*, is to differentiate between "has no *keva*" and "may be recited all day/night" in terms of its halakhic import. The Vilna Gaon explains that *musaf* is a prayer with a fixed time, whose time is defined as all day; the evening prayer, on the other hand has no fixed time at all – it is defined as a "filler" prayer, which may be recited any time between the fixed-time prayers of afternoon and morning. This, according to the Vilna Gaon, explains why *Berakhot* 27a–b assumes that R. Judah, who allows the afternoon prayer to be recited only until *pelag ha-minhab*, will automatically allow the evening prayer to be recited from that time. A second answer is based on the wordplay between fixed-time *keva* in the first Mishnah and the different usage of *keva* in the fourth: by using the same term for two different aspects of fixity, the Mishnah underscores that the issues and problems that attach to one (according to R. Eliezer) apply to the other as well. This answer may be supported by noting the *Tosefta's* comment (3:1): "Just as the Torah established *keva* for *Shema*, so the Sages established *keva* for prayer." The *Tosefta* clearly is referring to the fixed times for reciting the *Shema* and for prayer, as is made clear by the continuation of the passage, and the need to compare prayer to *Shema* appears to be rooted in the *Tosefta's* perception that fixing time for prayer is problematic. Hence the *Tosefta* asserts that were it not for the precedent rooted in Torah law that a *mitzvah* performed by speech and inner intent can be given a fixed time, the rabbis would not have been able to fix times for prayer. We thus see that the *tanna'im* did indeed see both forms of *keva* as problematic in the context of prayer.

Turning to the Gemara, we see that the *amora'im* have addressed both *keva* passages and have suggested interpretations that differ from the *peshat* understandings suggested above. Regarding Mishnah 1, *Berakhot* 27b explains that in addition to the primary meaning that the evening prayer may be recited all night, the statement that "it has no *keva*" further indicates that this prayer is not obligatory, but only *reshut* (recommended),²⁵ and it pro-

²³ I have dealt more fully with the use of this term, the Mishnah's wordplay, and the way in which these may be used for teaching in my article, "Teaching Mishnah as a Literary Text" (Hebrew), *Teaching Classical Rabbinic Texts – Studies in Jewish Education* 8 (2002): 41–45.

²⁴ I have followed the reading of R. Yehosef Ashkenazi; Lieberman suggests a modification of this reading, and also a justification for the assumption that the division between *mishnayot* is faulty here. Ezra Fleischer, "Regarding the Antiquity of Obligatory Prayers in Israel" (Hebrew), *Tarbitz* 59 (1990): 429, n. 75, follows R. Ashkenazi's understanding of R. Eliezer here, but see counterarguments of Joseph Heinemann, *Iyyunei Tefillah* (Jerusalem: Magnes Press, 1981), p. 77, and Jose Faur, "Towards Explanation of the Term 'Reading a Letter'" (Hebrew), *Alai Sefer* 15 (1989): 22 ff.

²⁵ *Reshut* in talmudic sources, as a contrast with *mitzvah* or *hovah*, does not mean "permission," but rather a recommended positive action or a low-grade prohibition. To the explanation of "has no *keva*" in the *Bavli*, compare the language of *Yerushalmi Berakhot* 4:1 (7b).

ceeds to elaborate upon this point by recording the dramatic confrontation between Rabban Gamaliel and R. Joshua regarding this issue. While it is difficult to accept this reading as the plain sense of the Mishnah, the teacher may help the student to understand the basis of the reading by noting the following points: (1) the Gemara is motivated by a genuine and troubling problem regarding the *pesbat* reading of the Mishnah; (2) the Gemara solves the problem by reading the term *keva* in light of a known tradition regarding the status of the evening prayer, thus intensifying the denial expressed by the Mishnah – rather than stating merely that the evening prayer “has no fixed time,” the Mishnah is understood to state that it “is not a fixed prayer” at all; (3) the centrality of the term *keva* throughout chapter 4 of the Mishnah as representing the concept of fixed prayer may provide greater plausibility to the Gemara’s reading, which suggests that the Mishnah seeks here to deny to the evening prayer not only a specific time but the very notion of *keva*; and (4) the Gemara’s reading of the Mishnah may be presented as a way of formulating the reading suggested by the Vilna Gaon, if we assume that a prayer not affixed to a time, which bridges the gap between two fixed prayer times, can be only a “recommended,” but not an obligatory, prayer.

Depending on the level and nature of the students, the teacher will decide which and how many of these points are appropriate for their needs. Regardless of which strategy the teacher employs, the students will benefit from having independently addressed the exegetical issue raised by the Gemara, which enables them to scrutinize and appreciate the discussion of this issue in a deeper and more satisfactory fashion.

Regarding the use of *keva* in Mishnah 4, *Berakhot* 29b cites several amoraic explanations of the prayer of *keva* that R. Eliezer rejects as lacking the character of “supplication.” It is suggested that one prays such a prayer of *keva* if his prayer seems to him burdensome; if he fails to use language of supplication; if he is unable to insert into his fixed prayer a “new” individual element; or if he does not pray at sunrise, a time when prayer possesses a special dimension of “fear of God.” These ideas differ drastically from the reading suggested above, according to which R. Eliezer rejected the innovation in Yavneh of a fixed prayer text, discussed in Mishnah 3, immediately preceding the citation of R. Eliezer’s objection. The Gemara assumes, rather, that R. Eliezer accepts the idea of a fixed prayer text, but seeks to inject into it an element of “supplication,” in one of the ways suggested by the *amora'im*.

In order to explain the Gemara’s way of reading R. Eliezer, the teacher may adopt one of two approaches: to find exegetical grounds for the Ge-

mara’s reading or to seek halakhic or educational justification for the amoraic suggestions. On the exegetical level, the teacher may offer the following observations. First, the Gemara may have received the division of *mishnayot* as we have it before us, in which R. Eliezer is not participating in the tannaitic dispute regarding the fixed prayer text; hence he must be understood to be objecting to an aspect of the fixed prayer and not to the very practice itself. Further, the Gemara may have read R. Eliezer’s statement in light of a similar statement by R. Eliezer’s colleague R. Simon (ben Netanel) in *Avot* 2:13, whose context clearly indicates an “aggadic” rather than a halakhic understanding, namely that there is a fixed prayer text, but that it needs to be recited in a manner that expresses “supplication.” Neither of these points will be found by all teachers and students to be decisive on purely exegetical grounds, however, and so the teacher may adopt a different approach. Perhaps the purpose of the Gemara is to explain the position of R. Eliezer not in accordance with its original import, but rather in a manner that makes it relevant and meaningful even after the fixed text of the *Amidah* prayer has become universally accepted halakhic practice.

Understanding Midrashic Interpretations of Mishnah by Gemara

The idea that the Gemara sometimes explains the Mishnah in order to fit accepted halakhic practice or educational goals, rather than in accordance with purely exegetical considerations, may sound radical to the ears of a traditionalist, but such an approach to understanding talmudic exegesis has been suggested by such traditional scholars as the Vilna Gaon and R. Yehiel Yaakov Weinberg.²⁶ Indeed there are passages in the Gemara itself that indicate that, at least on occasion, traditions may even be altered consciously in order to achieve halakhic or other goals that may take precedence over precise historical and exegetical accuracy. Clearly “midrashic” interpretation of this sort may not be emulated by our students, or even by their teachers, but indeed this may be seen as the reason why many talmudic readings of *mishnayot* and *baraitot* do not fit the normal canons of interpretation. The premise behind understanding talmudic hermeneutics in this way is that amoraic interpretation of tannaitic sources seeks to achieve two goals, which do not always neatly correspond: to understand the text as clearly and as thoroughly as possible, and to determine proper Jewish prac-

²⁶ Regarding the Vilna Gaon, see R. Yisrael of Shklov, *Pe'at ha-Shulhan*, introduction, 5c, regarding *hasorei mebasra*, and compare R. Menashe of Ilya, *Binnat Mikra*, introduction. Regarding R. Yehiel Yaakov Weinberg, see his *Seridei Eish*, part 4, pp. 237–241. See also the first part of my “The Beit Midrash and the World of Academic Research: A Survey” (Hebrew), *Shanah be-Shanah* (5756): 380–381, 389.

tice and belief. When the *amora'im* encountered tension behind the plain sense of the tannaitic text and what they considered – whether on the basis of tradition (Vilna Gaon) or their own understanding (R. Weinberg) – to be correct practice or belief, they sought to resolve the tension through creative interpretation. While these creative interpretations often reveal new and deeper dimensions of textual understanding, they may also go beyond what we can recognize as interpretation, reshaping the text in order to enlist its authority in the service of the ultimate goal of *halakhab* or of faith.

In the last example, I have suggested two strategies for dealing with amoraic interpretations of tannaitic texts that apparently differ from the *peshat* of these texts. The choice as to which strategy to adopt is a function of many factors, local as well as ideological. The attempt always to find deeper exegetical factors that render talmudic interpretation convincing on an exegetical basis certainly allows for a simpler, more palatable faith structure, in which there are few if any conflicts between exegetical truth and the truths of Jewish faith and practice, and the Sages of the Talmud are the keenest, most profound readers of canonical texts. In practice, however, it is not always possible to find exegetical points that will satisfy and convince us and our students. The teacher may argue that we cannot always fathom the profundity of the Sages' superior wisdom, but, given the nature of the modern Orthodox student, this strategy is unlikely to succeed unless it is utilized sparingly.

The second approach has the advantage of being simpler to apply convincingly in a broad variety of cases, but requires a faith structure that includes multiple sources of truth, with a measure of tension among them. Thus, the Sages of the Talmud would need to be presented as human beings, who don't have all the answers ready-made, and are not possessed of superhuman wisdom in mining profound meanings from texts.²⁷ Their greatness is measured by the honesty, wisdom, and depth with which they confronted the tensions that encountered them. By studying texts with the

²⁷ One who adopts an approach such as this needs to be aware that the postulates outlined here have been opposed, often fiercely, not only by the *haredi* community, but by many great rabbinical authorities (see, for example, discussion in my article [above, n. 21] and sources cited there). Opposition to this approach goes beyond fear of undermining halakhic authority (see, for example, *Mishneh la-Melekh* to *Hilkehot Nezirut* 2:8, end of first paragraph), and I believe it is rooted in concern that bifurcation between hermeneutic methodology and halakhic authority is liable to result in a split religious personality. In order to maintain a unified and stable religious personality, they believe that it is essential to root halakhic authority in the belief that the halakhic and aggadic tradition are grounded in truthful interpretation faithful to the divinely revealed word. As I have argued throughout this essay, this is a legitimate concern, which can and should be addressed by exponents of the approach argued for here.

Sages, and not only from them, we can better appreciate their wisdom and acumen, and we can ground their authority on inductive, rather than dogmatic grounds. The divinity of the *halakhab* they taught will be rooted in a theological model that includes human creativity, change, and development within the process by means of which the divine word given at Sinai is received and applied by Israel.²⁸

I have sketched here some of the main principles on which I think the study of Talmud needs to be founded in order for it to be rendered both meaningful and authoritative for students in our community. The approach is founded on the premise that both the values and the nature of the talmudic text need to be addressed on a deeper level, and through a language different from those to which our teachers and most of our Talmud scholars are accustomed. I hope that the reader finds value in the presentation of the few examples that space allowed, and may be motivated to apply these ideas to other examples as well. The time is short and the work is abundant, but we desist from it at our peril.

²⁸ Many such theological models have been proposed by contemporary thinkers. See, for example, Shalom Rosenberg, *Lo ba-Shamayim Hi*, (Alon Shevut: Tevunot Publishing, 1997), esp. part 2; Aaron Kirschenbaum, "Subjectivity in Rabbinic Decision Making," in Moshe Z. Sokol, ed., *Rabbinic Authority and Personal Autonomy*, pp. 169–216 – and see the critique by Alan J. Yuter in his review essay in *Tradition* 27:4 (1993): 144, 149.