Looking for Problems: A Pedagogic Quest for Difficulties

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The Babylonian Talmud is a difficult text. This is obviously true for beginning students, for whom the language, the concepts, and the style of argument and presentation are simply foreign. Notably, this is equally true for the more advanced student. Even after clearing the hurdles of surface meaning and syntax, the logical assumptions and conclusions of the text can seem forced and incoherent. Talmud students are familiar with the experience of working hard to understand the text and at the end of that process may still feel puzzled and unsure if the text as a whole, in fact, holds together for them. In this sense, the Talmud is not merely a complex text in need of decoding; it seems to be rife with difficulties that are inherent from its very creation.

As a result, when students complete their learning of a talmudic passage, or sugya, there is often a gap between what they understand the sugya to be saying and what “makes sense” to them. That gap usually translates into one of two outcomes. One is that the student emerges from the experience of learning as “alienated” from the text, perceiving the Talmud to be a foreign medium of expression that operates by different rules. The student may question the value of investing time in mastering something so foreign and may even eventually abandon Talmud study altogether. A second frequent outcome is that the student is so devoted to Talmud study—often for religious and cultural reasons—that he or she represses or dismisses the difficulties, chalking them up to some combination of the Talmud’s lofty intellectual status and to his or her own intellectual deficiencies. This can lead to negation of self-worth as a learner.

I have been grappling with these issues for several years in the context of an advanced Talmud class at Mechon Hadar, an institution of higher Jewish

learning based in New York City. At Mechon Hadar, students come from all over the country to study and learn Jewish texts intensively, at a variety of levels of textual competence and for anywhere from one week to several years. They do not receive any degrees; their motivations are primarily to study “in community,” to experience a religiously oriented environment where men and women are equal citizens and leaders, and to acquire concrete skills for ongoing learning. My Talmud class is targeted to those with an extensive prior learning background, amassed through years of instruction and learning in North American Jewish day schools and in Israeli yeshivot. Students enter this class with the ability to read talmudic text and its commentaries independently, though few have had any real exposure to critical thinking skills or their application to talmudic text. I have observed many who suffer from the maladies described above: either an instinct to repress difficulties that they discover in the text or a feeling of alienation from its content (albeit with a concomitant desire to overcome those feelings).

In this chapter, I will explore a proactive, difficulty-seeking pedagogy—one deliberately seeking to identify and understand the problems in talmudic text—rather than an approach that sees problems as obstacles to overcome or as rough patches to smooth over as quickly as possible. My claim is that this *quest for difficulties* is key, both in order to honor the talmudic text itself and perhaps even more importantly, to honor students and their own self-confidence as they progress in Talmud study. While my fuller teaching method generally involves an attempt to reconstruct the history of the sugya in a way that addresses all of the difficulties we discover, I will focus in this chapter only on the first stage: teaching students how to identify problems in the text so that they can use those discoveries to leverage further learning.¹

1 One motivation for focusing on this first stage stems from simple issues of scope and length. But there is also something more fundamental here about separating the two phases. The first stage is primarily deconstructive. The method I will lay out in this chapter is focused on building up the learner and tearing down the text. The quest for problems takes a reader from engaging an ostensibly smooth text that the reader is meant to understand, to meditating on a collection of cruxes that affirm one’s intellectual questions without clear answers. It is difficult—and one of my greatest challenges in teaching—to move from this first phase to a second phase focused on reconstruction. The process of reconstruction requires deep reverence for the text and its editors and a

I will begin with a general description of the method and then provide a concrete example of a sugya we studied together in class.

Step One: Developing a Coherent Surface

Reading—*Daf Yomi*

The first step in engaging any text is attempting to understand it on its own terms. This critical initial step ought to be approached with respect for the author, but equally important is attaining a proper understanding of the genre of the text's content. All literary and artistic forms—in fact, all things meant to be heard, seen, or read—presume a basic type of interaction with the consumer or observer. Novels are designed to be read from their first to their last page in sequential order. Checklists are meant to be consulted repeatedly as their users plow through the tasks and items they list—but not necessarily in sequential order. Portraits are meant to be taken in all at once from a distance and to accurately convey the image of the person depicted. Symphonies, embodied in many distinct sheets of musical notation, are meant to be listened to when played by multiple instruments in synchronized time. Each embodies a unique form of interaction, an experience of absorption for human processing and fulfillment.

Talmudic sugyot, too, are designed to be absorbed in a particular way. All talmudic sugyot have a beginning, a middle, and an end. They are composed of a logical sequence of sources, statements, challenges, and questions meant to be narrated in order, with both literary and logical coherence. While a sugya may often appear difficult on initial viewing—either because of our own lack of comprehension or its inherent complexity—we must remember it is *intended* to have a coherent surface meaning that carries its readers from beginning to end.² The first step in analyzing any sugya (before one attempts to engage in a

willingness to admit that one's initial assumptions about the text, its genre, and its agenda may have been incomplete and wrong. While both the deconstructive and reconstructive elements are, in my view, critical to a deep Talmud learning experience, it is not simple to blend them together in the same classroom, much less in the same pedagogical writing. My goal here is to give full voice to this first stage of the process. I hope to revisit the second stage at a future time.

- 2 This point is virtually self-evident from the nature of the Talmud itself and its division into the logical-literary units we know as sugyot. The fact that the Talmud was originally

deeper level of analysis and questioning) is to decide upon and engage with the coherent surface reading, which accounts for the sugya's basic data and makes sense of each and every one of the logical steps the sugya takes. I refer to this step as *daf yomi* reading, a practice well known to the global Jewish community but used here in a unique pedagogical context. This practice of the daily study of a folio of Talmud, in a relatively limited amount of time, presses the learner or teacher of a talmudic passage to work toward and achieve a viable surface reading of the text. Someone learning *daf yomi* has one task: to understand the basic content of the words of the sugya and to explicate the logic behind each and every step in the talmudic argument. This first phase of interpretation is nothing less than taking responsibility for the logical coherence of the sugya—owning it—so one can then coherently and comprehensively use it to dive into the sugya's deeper, layered meanings.

I always start my students with this basic task, which throws them into addressing any gaps in their knowledge by precisely defining words, identifying key legal terms, and sharpening the logic of the passage. This process collectively winnows, or blows away as chaff, the problems external to the text, ones that are mere products of a reader's incomplete knowledge or analytic sloppiness. Narrating and mapping out a coherent surface reading of a sugya forces the student to read precisely and correctly.

Opportunely, this step of basic “surface” understanding has an important secondary benefit: the student must confront the various assumptions that stand behind each logical segment of the text. These assumptions are, at this first stage, essential for a basic understanding of how the sugya works and how it coherently says what it says. These assumptions will often, however, also prove to be central tools for unlocking *deeper* issues. Highlighting and underscoring questions and problems in the sugya also constitute the core of the next second step of productive sugya analysis, discussed later.

transmitted orally also demonstrates that we are not dealing with haphazard notes on paper, but rather units that can be recited in a continuous flow. For a more general statement about the literary coherence of the Talmud, see Eliezer Lorne Segal, “The Use of the Formula *ki ba d'* in the Citation of Cases in the Babylonian Talmud,” *HUCA* 50 (1979): 199–218; Eliezer Lorne Segal, “Anthological Dimensions of the Babylonian Talmud,” *Prooftexts* 17, no. 1 (1997): 33–61.

Contemporary translations and renditions of the Talmud—Steinsaltz’s and Artscroll’s are the most prominent of these—are primarily devoted to assisting learners in this first step of understanding. By spelling out assumptions, defining talmudic terms, and explicating logical leaps, aids that enable the reading of the sugya as a *logically ordered literary unit*, the essential form and function of any given sugya can be achieved. There is little doubt these tools are very useful in accomplishing this goal; however, any learner must accept that in seeking a deeper understanding of a sugya, they must devote considerable time to this first step, as the goal is *full comprehension* of the sugya’s flow without any aids, to the point of being capable of fully explaining the sugya to someone else.

Step Two: Identifying Problems and Difficulties in the Sugya

As noted in the previous section, the practice of producing a coherent reading of a talmudic sugya almost always generates problems and difficulties, as well as answers and solutions. These problems and difficulties can come in many forms. One may realize that some of the assumptions learners arrive at, in order to make a sugya cohere, are far from obvious, or even, at times, only questionably sound. A sugya may claim that the sources it cites mean things that one would never, on a simple reading, have thought they meant. In addition, the implications of some of a sugya’s logical turns may lead to surprising practical outcomes, or evidence from other familiar sugyot may contradict certain aspects of the sugya being learned.

A pedagogy of “looking for problems” turns the tables on these problems and prods students to locate and focus on finding each of the above difficulties, without, initially, trying to resolve them. To put it alternatively, while the first stage of analysis requires the discipline of respecting the sugya’s integrity in order to narrate it from start to finish, this second stage requires a respect for one’s own intellectual integrity. One must at this stage, flag all of the elements of the sugya that do not make sense and that seem difficult to accept or seem to stretch the interpretive imagination of the reader. This process of identifying and documenting difficulties forms the foundation for all subsequent analysis, and it is critical to engage in this process on

one's own terms before turning to other sources and commentaries, which may or may not reinforce one's initial instincts and questions.

In the class I teach, this second stage is allotted a significant amount of time. During their independent preparation of the text, students are asked to make notes of the difficulties they encounter and to spend time identifying them *before* moving on to seeking other sources. We will often have an entire session solely devoted to naming these difficulties, without making any effort to resolve them. The active task of identifying difficulties is not merely a station on the way to resolution. It is a stage of learning with its own integrity, the key for understanding both the text and how we ourselves learn.

Step Three: Close Reading of Commentaries—Rishonim and Aharonim

Having identified difficulties on their own, students then turn to the rich literature of traditional commentary in order to forge and expand their own perspectives on the sugya. This literature contains a wealth of material that emerges from engagement with the talmudic text. At this stage, I ask students to focus primarily on using the commentaries of the rishonim (medieval) and aharonim (modern), in two ways: (1) They should mine this literature for new difficulties in the sugya, ones of which they were not previously aware. (2) They should find more precise and learned language for the difficulties they have already identified, since many, if not all of these, will have been flagged by earlier scholars. These commentators were master readers of the Talmud and came to the text armed with virtually flawless knowledge of its terminology and style, combined with massive stores of knowledge from a lifetime of learning Talmud and other rabbinic texts. These earlier sages, therefore, are ideally suited to highlight and formulate difficulties and raise questions regarding talmudic logic and language.

Vital, at this point, is a focus on the *questions* raised by these commentators, while avoiding any real engagement with their *answers*. Since my pedagogic frame seeks to focus students on difficulties, any efforts to resolve such problems will obscure the full force of the challenge of finding and naming them. It needs to be understood by learners that the centrality and certainty of these commentators is anchored in their role as *expert readers* of

the text, as they convey to us their own struggles or dilemmas in helping to make sense of it themselves. In fact, I often point students to carefully selected excerpts of this commentarial literature, those portions that articulate the difficulties and problems I want them to spot in the sugya.

Taken in tandem, these three steps (developing a coherent surface reading, identifying difficulties in the sugya, doing a close read of the commentaries) accomplish at least three important goals. First, students are trained to hone their reading skills. Held accountable to the logical flow of the sugya, they demonstrate their skill by being able to explain its flow to themselves and to their study partner. Second, they are trained to trust their own instincts—if something seems difficult to them, it probably is. This builds self-esteem in learning and encourages further exploration. Third, they are taught reverence and appreciation for the text by engaging with its great commentators from the past. I cannot emphasize enough the potential for this process to help mitigate the students' sense of alienation from the text. By seeing that the discovery of difficulties in the talmudic text is old and was common during earlier eras, their own modern-day struggles become contextualized within a conversation of the ages. By realizing that great learners from the past also grappled with the Talmud, its assumptions, form, and logic, they can relate much more deeply with the larger enterprise of Talmud study.

What follows is a record of the engagement of my class with a mishnah and a subsection of a sugya from the second chapter of tractate Makkot in the Babylonian Talmud. My hope is that this example will make the method clearer to the reader.

A Case Study—Makkot 9a

Background

The second chapter of Makkot is focused on the issue of manslaughter in Jewish law. The Torah addresses this sort of unintentional killing in a number of places, prescribing that the Israelites set up special cities—*arei miklat*—that can serve as a sort of refuge and temporary exile for manslaughterers. One of the issues that arises in the Talmud's prolonged discussion of this topic is the relevance of the identities of the manslayer and the victim. The cities of

refuge are clearly an Israelite/Jewish institution, and yet, there are other people—*gerim vetoshavim*/resident aliens—who live among the Israelites/Jews and who might be covered by this law. These resident aliens are not Israelites/Jews, and yet, the Torah, in a number of places, affords them equal protection under the law.³ The whole system of manslaughter law and the cities of refuge clearly applies when one Israelite/Jew accidentally kills another. But what happens when others are involved? In rabbinic terminology, is a *ger toshav* (non-Jew in Israel) manslayer exiled (*goleh*) to the city? Does a *ger toshav* victim trigger exile (*galut*) for the killer? Indeed, Bemidbar 35:15 gives some guidance on this point:

לְבְנֵי יִשְׂרָאֵל וְלִגֵּר וְלַתּוֹשָׁב בְּתוֹכָם תִּהְיֶינָה שֵׁשׁ־הָעָרִים הָאֵלֶּה לְמִקְלָט לְנוֹס שָׁמָּה כָּל־
מִכַּה־נֶּפֶשׁ בְּשִׁגָּגָה:

For the Israelites and for the resident aliens among them, these six cities shall be a refuge so that any manslayer can flee to them.

At a minimum, this verse clarifies that a *ger toshav* is among those who flee to this city when having accidentally killed someone. This law presumably certainly extends to a resident alien who accidentally kills another resident alien. But would exile to a city of refuge be appropriate even if a *ger toshav* killed a bona fide Israelite? Or would he, in that case, be subject to execution for causing the death of a full citizen? And what of the case of a *ger toshav* victim of manslaughter? Is such a person's death significant enough to require exile for the manslayer? Much of the content of the laws of manslaughter is responsive to a robust network of blood avengers who are woven into the fabric of Israelite kinship. Might it be that when someone kills a *ger toshav*, who is outside of this kinship structure, exile is neither necessary nor appropriate? The Mishnah and our sugya attempt to answer these questions.

Step One: *Daf Yomi*

Our sugya jumps off of a mishnah that appears as follows in Makkot 8b:

³ Exod 12:49, Num 15:15-16, 29 are a few examples.

הכל גולין על ידי ישראל וישראל גולין על ידיהן חוץ מגר תושב.
וגר תושב אינו גולה אלא על ידי גר תושב.

All go into exile for killing a Jew, and a Jew goes into exile for killing them, except for a resident alien (*ger toshav*).

And a resident alien only goes into exile for killing another resident alien.

The students' first step is to clarify the Mishnah's ruling. I ask them to consider the following chart, which they need to fill in (Figure 1).

I begin class by writing this empty chart on the board and asking the students to complete it, based on the minimal force of the verse in Bemidbar 35, combined with the Mishnah's ruling here. The students rapidly progress to the point seen in Figure 2.

Our class discussion that follows quickly settles a few points: When a Jew unintentionally kills another Jew, this is the classic, paradigmatic case the Torah discusses when dealing with manslaughter. Exile is clearly the procedure in such instances, as reflected in the upper-right box. In the second line of the mishnah, it is clear that a *ger toshav* does not go

על ידי גר תושב (Resident alien victim)	על ידי ישראל (Jewish victim)	נהרג הורג ישראל (Jewish killer)
		גר תושב (Resident alien killer)

Figure 1 Blank Chart Handed to Students.

על ידי גר תושב (Resident alien victim)	על ידי ישראל (Jewish victim)	נהרג הורג ישראל (Jewish killer)
?	גולה	
גולה	אינו גולה	גר תושב (Resident alien killer)

Figure 2 Initial Completion of Chart Based on the Mishnah.

into exile when killing a Jew, but does go into exile when killing one of his own.

Students quickly begin to disagree about the upper left box of the chart. What about the case of a Jew who kills a *ger toshav*? Does he go into exile? This hinges on how we construe the grammar of the phrase חוץ מגר תושב, “except for the *ger toshav*.” Some students insist that this phrase in the Mishnah means to exclude the *ger toshav* only from those who go into exile for killing Jews (i.e., the first clause in the mishnah’s first line). Others argue that it means to state that there is never exile in any sort of manslaughter case involving a Jew and a *ger toshav* (i.e., a comprehensive exclusion from the mishnah’s first line). I point out that the first possibility seems grammatically stronger. If the Mishnah had wanted to exclude the *ger toshav* from both elements of the first line, it probably should have read: הכל גולין על ידי ישראל חוץ מגר תושב וישראל גולה, “All go into exile for killing a Jew, except for a *ger toshav*, and a Jew goes into exile for killing them, except when killing a *ger toshav*.” However, the second reading is stronger on account of the clause’s placement. Why would a phrase intended to exclude only from the first clause of a line be placed at the end? (It is not plausible to say that this phrase חוץ מגר תושב, “except for the *ger toshav*,” means *only* to exclude a Jew who kills a *ger toshav* from going into exile, but leaves intact the punishment of exile for a *ger toshav* who kills a Jew. Such a holding would have demanded the formulation חוץ מעל ידי גר תושב, “except for killing a *ger toshav*.”)

We cannot really resolve this question based on our text of the Mishnah alone, so we leave a question mark in the upper left box. In fact, this lacuna in our chart is our first difficulty, our first sense that something may be off with our version of the mishnah, given that its legal holding on this key question is so unclear. Nonetheless, having mapped out the Mishnah together, albeit incompletely, I now move the students on to the talmudic sugya.

Below is a textual excerpt and translation of the part of the sugya on which I ask students to focus. For ease of following, I have underlined the core amoraic statement in question.

אלמא גר תושב עובד כוכבים הוא, אימא סיפא: גר תושב גולה ע"י גר תושב!

אמר רב כהנא, לא קשיא: כאן בגר תושב שהרג גר תושב, כאן בגר תושב שהרג ישראל.

איכא דרמי קראי אהדדי, כתיב: לבני ישראל ולגר ולתושב בתוכם תהיינה שש הערים, וכתיב: והיו לכם הערים למקלט, לכם - ולא לגרים!

אמר רב כהנא, לא קשיא: כאן בגר תושב שהרג ישראל, כאן בגר תושב שהרג גר תושב

Therefore, a resident alien is considered a gentile! But that would contradict the end of the mishnah, which states that a resident alien goes into exile for killing a resident alien!

Said Rav Kahana: There is no difficulty: here we are dealing with a resident alien who killed a resident alien, and here we are dealing with a resident alien who killed a Jew.

Another tradition places two verses in tension with one another. It is written, “These six cities shall be for the Israelites and for the resident aliens among them,” but it is also written, “These cities shall be a refuge for you”—[implying:] for you, and not for resident aliens!

Said Rav Kahana: There is no difficulty: here we are dealing with a resident alien who killed a Jew, and here we are dealing with a resident alien who killed a resident alien.

This sugya begins with a statement that the first part of the mishnah implies a *ger toshav* has the same status as a gentile—a foreigner who is not a local resident and is not subject to local law—who never goes into exile for killing someone and whose killing never triggers exile. The sugya then challenges this status equation from the second part of the mishnah, which states that exile does result when a resident alien kills a fellow resident alien. Rav Kahana resolves this tension between the first and second lines of the Mishnah. The Mishnah’s first clause, he says, must refer to a case where a *ger toshav* has killed a Jew. Here, he is treated like a gentile and is killed, rather

than being exiled. The mishnah's second clause, he says, must refer to a case where one *ger toshav* kills another *ger toshav*. In that situation, the *ger toshav* is treated like a Jew; he goes into exile for this unintentional murder.

The sugya then proceeds to offer a second version of Rav Kahana, one in which he is responding to a tension between two verses, reflecting two case situations: the first verse suggests that the cities of refuge are for Jews and *gerim toshavim*, and the second verse suggests that they are only for Jews. Rav Kahana's statement clarifies that there is a difference between the case of a *ger toshav* who kills a Jew and a *ger toshav* who kills a *ger toshav*. The former case does not trigger exile, whereas the latter case does. This can account for the apparent conflict in each case.

The students spend their *havruta* time deciphering this basic structure of the sugya with the help of the staff. When we gather for class, I build on this knowledge and turn their attention to the first version of Rav Kahana, prodding them with inquiries and ending with a challenge. What exactly does the Gemara's opening line mean? In what sense does the first clause of the mishnah imply that a *ger toshav* has the status of a gentile? I ask the students to generate different possible meanings and write them on the board. Together, we generate three possible readings (A, B, C) of the line, אלמא גר תושב עובד כוכבים הוא:

- A. The first line of the mishnah equates the *ger toshav* to a gentile by stating that a *ger toshav* victim does not trigger exile for the perpetrator.
- B. The first line of the mishnah equates the *ger toshav* to a gentile by stating that a *ger toshav* perpetrator does not go into exile.
- C. The first line of the mishnah equates the *ger toshav* to a gentile by stating that a *ger toshav* neither triggers exile nor goes into exile.

I ask the students to play out each possibility and to test it for logical coherence. I invite those who have not spoken until then to evaluate the suggestions made by their classmates. We begin by evaluating reading A. One student notes that, back in our discussion of the mishnah, the main point that was *uncertain* was whether a Jew goes into exile for having killed a *ger toshav*. This seems to preclude reading A, which presumes that our mishnah quite plainly eliminates exile in all cases involving a *ger toshav* victim. Another student points out that reading A is even more clearly

excluded when we consider Rav Kahana's statement. Rav Kahana's entire point is to emphasize that a *ger toshav's* status as a *perpetrator* is affected depending on who his victim is. His point is tailored to respond to a thought that a *ger toshav* perpetrator never goes into exile. This in no way responds to reading A of the mishnah's initial question, which is focused on the *ger toshav* as *victim*.

I then direct the class to move on to analyses of reading B and reading C. Our discussion in class confirms that each of these readings, or interpretations, is possible with the phrase *חוק מגר תושב*, which might *refer back to the first clause of the first line*—thereby focusing on perpetrators—or *might refer to the entire first line*—thereby focusing on *both* perpetrators *and* victims. Rav Kahana, with his focus on the *ger toshav* perpetrator, seems a tighter fit with reading B, though reading C seems better suited to the Gemara's blanket claim that the Mishnah's opening line equates a *ger toshav* with a gentile, which would seem to be across the board. We leave this point open and table it for a later discussion. But this disciplined process of doing readings and analyses together in class has already begun to highlight a difficulty with the sugya: the best reading of the Talmud's initial line does not perfectly match the best reading of Rav Kahana, who is supposedly responding to it!

This first stage of approaching learning through “looking for difficulties”—what I have called *dafyomi*—forces the students to narrate the logical steps of the sugya, making it difficult to hide from its less than smooth features. With this basic reading of the sugya in hand, students now move methodically to focus intently on its difficulties.

Step Two: Identifying Problems

At this phase, students focus on issues that had risen for them in understanding the sugya. They do the first phase of this in *havruta*, the paired learning that takes up much of their morning study. Working with the text of the Talmud, a source sheet that guides them to pay attention to specific passages, and personal interaction with the *beit midrash* staff, they come into class ready to share what they have found. I begin the class by soliciting their findings, inviting them to share the difficulties they encountered. I clarify and restate each problem for the class. And then I write the problems on the

board, one by one. Occasionally, there are problems that they have not noticed that I point out to them. In this sugya, the following issues arose:

1. As noted briefly above, there is a significant problem coherently reading both the sugya's opening line—אלמא גר תושב עובד כוכבים הוא—and Rav Kahana's response to it. A student explains that the best reading of the Gemara's opening line seems to be reading C, above. But Rav Kahana only seems to be responding to something along the lines of reading B. I suggest that this may indicate that something unusual has happened in the composition of the sugya.
2. If reading C is, in fact, correct, then what is the sugya's final opinion regarding the case of a Jew who kills a *ger toshav*? A student is bothered that the sugya would leave this point open.
3. When the Gemara says אימא סיפא, it proceeds to quote a version of the last line of the mishnah, one that lacks the words אינו and אלא. While this absence is not critical for the logical flow of the sugya, it is noteworthy that this is different than the version of the mishnah that appears on Makkot 8b, which has those words in the text. A student refers the class back to the printed text of this mishnah one page earlier and asks, "Why would the sugya have a different version of this mishnah?"
4. I point out that it is highly unusual to use the formulation כאן ... כאן to refer to two different *parts* of a text, as opposed to two *different texts*. This formulation is used broadly in the Talmud, and it is hardly, if ever, used to resolve a supposed contradiction between two lines of a single text.
5. Finally, I note that the second version of Rav Kahana, cast as a resolution of verses, is extremely suspicious. It is a very smooth reading by the class, making it seem like a later attempt to put Rav Kahana in another context that lacks the problems of the other version just detailed above. Moreover, I tell the students to search the term איכא דרמי קראי אהדדי in the Bar-Ilan electronic database of rabbinic texts. They discover that this is the *only* place in the entire Babylonian Talmud where this term is used! Aside from the fact that amoraim were not generally in the business of resolving scriptural contradictions, the form of using such a resolution as a replacement for an alternative is unparalleled elsewhere. This also "smacks" of something unusual in the development of the sugya.

Having completed this process, students now have a clearer understanding of why the sugya was challenging for them in the first place. Our classroom experience, with its combination of student sharing and teacher guidance, affirms the difficulties they have discovered were real. While it is tempting for the students to offer suggestions for resolving these problems, I do not let them do so at this stage. My goal is to keep them focused on the *difficulties* and to sit with those difficulties a bit longer. Since one of my central pedagogic aims is to help my students to distinguish between an insufficient ability to decode a text, on the one hand, and a cultivated sensitivity to textual cruxes on the other, it is essential that they *not* resolve the problems they have noticed too quickly. Remaining in a problem-seeking rather than problem-solving mindset provides further impetus to learning and facilitates our transition to examining commentaries that often flesh out these problems in further and deeper detail.

Step Three: Close Readings of Commentaries

I now direct students to turn to various commentators in order to sensitize themselves further to difficulties in the text. In general, I begin my first Talmud class by introducing students to a list of commentaries we will consult in the weeks ahead. I encourage them to explore these on their own, though I always select specific passages for each sugya that I want them to read carefully, closely.⁴ In the case of this sugya, I directed them to study one particularly fruitful passage from the commentary of the Ritba, Rabbi Yom Tov b. Avraham Ishbili (thirteenth-fourteenth centuries):

ריטב"א ד"ה אמר רב כהנא

א"ר כהנא לא קשיא כאן בגר תושב שהרג גר תושב.
פירש רבינו מאיר הלוי ז"ל דלאו דוקא דה"ה בישראל שהרג גר תושב שאינו

⁴ The degree of students' ability to discover such passages independently has generally varied widely in my classes. Some students are accustomed to picking up these commentaries on their own; my role is to teach them how to read them with an eye toward the difficulties that the texts raise. Other students have read such commentaries only when assigned them. For the latter group, while I try to encourage increased independent exploration, I maintain my focus on teaching them how to read, rather than how to independently locate commentaries.

גולה וכדדייקא רישא כדאמרן אלא דנקט תלמודא לישנא קלילא, ותדע דהא לא קתני סיפא גלות אלא בגר תושב ע"י גר תושב, ולפ"ז לא חדש לנו רב כהנא כלום בתירצו ולא יישב לנו הקושיא שלנו דאנן ידעינן דרישא מיירי בהכי וסיפא מיירי בהכי אלא דהוה קשיא לן רישא אסיפא, וי"ל דרב כהנא משמע ליה דלאו פירכא היא כלל דהא לא דמו כלל זה דוחק, והנכון בעיני שיטת רש"י ז"ל דדוקא נקט רב כהנא דמתני' דקתני חוץ מן הגר תושב לאו אתרוייהו דיני דרישא קאי אלא בגר תושב שהרג את ישראל דוקא שאין לו כפרה בגלות ואולי הוא נהרג על שגגתו, אבל ישראל שהרג גר תושב ודאי גולה כי יש בשגגת הריגתו כפרה ע"י גלות (ש)כיון שאנו אסורין להרגו במזיד ומצווין להחיותו, והא דלא קתני סיפא אלא דגר תושב גולה על ידי גר תושב לרבותא נקט דאפילו גר תושב שהרגו צריך כפרה כל שכן ישראל שמוזהר עליו להחיותו שהקב"ה רוצה בכפרתו, ויש סיוע לפירוש זה לשון הגמרא שבכאן וכן מדלקמן דתריצנא הכי כאן בגר תושב שהרג את ישראל וההוא בדוקא נקיט ליה לדברי הכל, כנ"ל.

Ritba s.v. “Amar Rav Kahana”

“Said Rav Kahana: There is no difficulty—here we are dealing with a resident alien who kill a Jew, and here we are dealing with a resident alien who killed a resident alien.”

Rabbi Meir Halevi [Abulafia of Toledo, thirteenth century] of blessed memory explained: Not only [does a resident alien who kills a Jew not go into exile], but it is also the case that a Jew who kills a resident alien does not go into exile, as is deduced from the first line of the Mishnah. But the Talmud simply chose to use smooth [and imprecise] language. This reading must be correct, because the end of the Mishnah only prescribed exile for when a resident alien kills a resident alien [implying that this is the only case where a resident alien victim triggers exile for the perpetrator].

[Ritba responds:] But according to this reading, Rav Kahana has taught us nothing new with his resolution and did not resolve our question! We know that the first line deals with [a case of a resident alien killing a Jew] and that the second line deals with [a case of a resident alien killing a resident alien]! We were bothered by the contradiction between the two parts of the Mishnah! Perhaps we could say

that Rav Kahana's point is that there is no problem here, since the cases of the first and second clauses of the Mishnah are so dissimilar. But this is extremely forced.

It seems to me that the correct approach is that of Rashi, who held that Rav Kahana was very specific [and thought that a resident alien victim only triggers exile for another resident alien]. When the Mishnah says חוץ מגר תושב, it is only referring to the first clause of the first line, stating that when a resident alien kills a Jew, he cannot get atonement through exile and may be killed for his error. But when a Jew kills a resident alien, he is clearly exiled: [the Jew] *can* receive atonement through exile [and the Jew deserves exile] because we are forbidden to kill a resident alien and must make efforts to preserve his life. The second line of the Mishnah only teaches that a resident alien goes into exile for killing another resident alien to make the point that *even* a resident alien perpetrator goes into exile and receives atonement for killing a resident alien. All the more so does a Jew go into exile for killing a resident alien, since the Jew is obligated to preserve his life, and the Holy One desires the Jew's atonement. There is support for this explanation in the Talmud's language here, which specifically says that a resident alien who kills a Jew does not go into exile [implying that in the reverse case, the Jew does go into exile]. So it seems to me.

The first thing the students discovered in this passage is that the problems they discovered are not new. The question of what happens to a Jew who kills a *ger toshav*—the box we had to leave with a question mark when analyzing the Mishnah—was indeed a matter of dispute among the medieval commentators. In this case, Ritba and Rabbi Meir Halevi disagree as to whether the Jew is exiled, confirming that the Mishnah does not obviously address it. We also see that Ritba's reading *depends* on having the Gemara's version of the Mishnah text: וגר תושב גולה על ידי גר תושב, confirming our feeling that the gap between this version and that of the earlier citation of the mishnah—וגר תושב אינו גולה אלא על ידי גר תושב—is significant. Finally, we also see confirmed the tension between a smooth reading of the Talmud's opening line—אלמא גר תושב עובד כוכבים הוא—and a smooth reading of Rav Kahana, who only seems focused on the *ger toshav* as perpetrator. Rabbi Meir Halevi

argues for reading C of the opening line of the Gemara—a *ger toshav* neither triggers exile *nor* goes into exile—whereas Ritba pushes for a reading of Rav Kahana that precisely responds to reading B—a *ger toshav perpetrator* does not go into exile, but a *ger toshav victim* would trigger exile for a Jew. These were all problems the students noted on their own.

But this close reading of Rabbi Meir Halevi's interpretation and Ritba's response yielded further insights during our class discussion as well. We engaged Ritba's response. Ritba notes a major problem with having Rav Kahana respond fully to reading C of the opening line. Rav Kahana has then told us nothing new! When the students had discussed reading C, they were bothered by the fact that the opening line of the mishnah says that a *ger toshav* does not go into exile when killing a Jew (just like a gentile would not), given that the second line *does* talk about the *ger toshav* going into exile when killing a *ger toshav*. But then Rav Kahana just resolves our problem by telling us a distinction we could have seen in the Mishnah's text ourselves! Would not he then be simply telling us that the seeming confusing contradiction between the first and second parts of the mishnah, in fact, is nothing to be bothered about? How can he say that? If the problem is so insignificant, why did the Gemara ask it in the first place? If, on the other hand, there is some sort of conceptual contradiction between the Mishnah's two holdings, Rav Kahana's statement does not address it!

At this point in the discussion, a number of students are ready to dismiss Rabbi Meir Halevi's opinion as insufficiently thorough and to favor Ritba's reading as superior. I stop the discussion and pull the students back from that conclusion—surely Rabbi Meir Halevi was aware of this weakness and yet he *did* adopt reading C. I asked the students, “What bothered *him*? What problem was Rabbi Meir Halevi attempting to avoid with *his* interpretation of the sugya? Here, they do not generate an answer, and I must guide them. Ritba's solution suffers from a serious problem as well. In his reading, Rav Kahana offers something indeed new: clarification that when a Jew kills a resident alien, he *does* go into exile. While this explanation of Rav Kahana does the kind of work we would expect his לא קשיא statement to be doing—adding new information that was not previously obvious—it suffers from one obvious problem: there is no indication that this is what Rav Kahana is

saying! He is focused on the *ger toshav* as a perpetrator and says nothing about him as a victim!

This passage is an excellent example of how an interpretational dispute can help students see a fundamental, unavoidable problem in the sugya. Both Rabbi Meir Halevi and Ritba are able to smooth out one aspect of the sugya, but only by distorting another. Once my lesson has emphasized this point, the students express frustration; so what did Rav Kahana actually mean? They begin to sense that perhaps something about Rav Kahana's statement—at least as it is presented in the final form of our sugya—is amiss. Between the opening question that he does not seem to fully respond to, the potential superfluity of his contribution to the conversation, and the replacement version of his statement that seems to be an attempt to run away from these problems entirely, we can see that something happened to Rav Kahana's statement in the course of the editing of our sugya. At this stage in our analysis, I do not endeavor to provide any answers.⁵ At the end of this phase of the process, my goals are more tailored to the students and their sense of themselves as learners. I want them to feel fully and deeply intellectually engaged by the sugya and its commentators, while also feeling validated and affirmed that the issues that had vexed them in their reading were real, shared by great minds that came before them. While they are anxious for resolutions to the difficulties we have noticed, I direct them at this stage to appreciate how both they and earlier commentators were joined in grappling with fundamental problems of the text. Although this is not meant to suggest an intellectual equilibrium of students and the ancient masters, students do often express excitement and gratitude that they are not the first to sense these difficulties, which are not merely nor wholly attributable to a lack of reading skill on their part.

As I mentioned at the beginning of this article, my classes proceed from this point to try to resolve the problems we have raised, primarily through investigation of parallel sources and the possible historical developments they may suggest to us. That stage, beyond the scope of what we

5 In this particular case, the presence of variants in the text of the Mishnah is a key element in reconstructing what happened to Rav Kahana's statement "when and why." In most cases, there is no textual variant, and we must look to parallel sugyot and materials from Palestinian collections in order to reconstruct the history and account for the problems.

are examining in this text, aims to leave students with a deeper reverence for the editorial processes and voices that have bequeathed the Talmud to us. In this specific example, explicated in my class and in this chapter, we explored the notion that textual shifts in the mishnah (alluded to above) made it impossible for later editors to read the mishnah as had Rav Kahana. This led to a crisis in interpretation and even inspired the creation of a new context for his statement.

Conclusion

In this chapter, I have laid out the first stage of a pedagogy of “looking for problems,” a strategy that aims to connect students to the talmudic text by specifically highlighting the points of greatest difficulty. Even the most advanced students have not been trained to look for enduring problems in the text, which remain even after they have successfully decoded both language and syntax.

I have seen strong results from using this teaching method approach. At the end of the semester, students filled out a survey reflecting on their learning process. All students agreed or strongly agreed that they had improved their ability to read medieval commentaries accurately, and two-thirds felt they could independently use the difficulties found in the commentaries of the rishonim to identify underlying problems in the sugya. Training students to diligently identify and interpret these difficulties can lead to specific positive benefits, beyond that of improved Talmud reading:

1. I have a strong informal sense that students using this method learn to distinguish between complexity and difficulty, thereby becoming both sharper readers and thinkers. Complexity includes all of the challenges of decoding language and keeping track of logical thought. Difficulty encompasses the aspects of a text that challenge even the most knowledgeable and astute readers, usually because those aspects are inherent elements of the text that trace back to the dynamics of its creation.

2. Students gain confidence in their own voice and in their own instincts. Time and again, my students are delighted and astonished to discover that their problems with the text are not due solely to their ignorance. This builds long-term interest in and commitment to Talmud study. One student wrote on the survey, “The honesty of this method struck me, as well as the deep appreciation for the tannaim, the amoraim, and the rishonim, along with the appreciation for the learner’s intelligence and the quest for satisfying and true answers. I feel that this method was the deepest and most correct of the ways I have learned Talmud until now.”
3. Students learn that they are not alone. When they see their own challenges refracted through the language of revered talmudic sages from the past, they begin to understand themselves as part of a storied history of talmudic interpretation. Perhaps most important, their difficulties are situated “inside” this discourse as opposed to being the observations of those frustrated with the enterprise from the outside. This emerges in self-evident fashion in our classroom discussions, as students express satisfaction in discovering that experienced masters of the past were bothered by the same textual and logical issues that bother them.
4. Students build reverence for the different voices in the talmudic text. By refusing to blindly accept editorial analysis of the earlier words of the tannaim and the amoraim, students learn to take these early sages seriously. When we refuse to gloss over the difficult interpretations and assumption proffered by Talmud sugyot, we manifest a deeper commitment to the notion that mishnayot, baraitot, and *meimrot* ought to mean what they seem to say they mean. This encourages students to treat the language of these earlier texts with reverence, as opposed to viewing them as mere verbiage to be manipulated at will. One student commented on the post-class survey as follows: “[This method] posed an innovative model for engaging with our texts in a religious setting. We do so not to prove [the rabbinic sages wrong, but to better understand [them]]. A truly wonderful and exciting project. I really feel like

I have a grasp of the rabbinic project more than I ever have.” [A fuller explication of how I engender reverence for the craft of the talmudic editors is tied to the phase of my method focused on the reconstruction of the sugya, which is beyond the scope of this article.⁶]

Teaching with this method of “looking for problems” takes the talmudic form seriously and on its own terms. The talmudic sugya is a work of literature, even an art form, that is meant to be read in sequence from beginning to end. Reading the sugya carefully in this way reveals its complexity and sharpens our textual insights as learners. This method has deepened my own appreciation for how the Talmud is replete with difficulties that are not easily solved. Teaching this approach has strengthened my respect for my students and myself as learners. Challenging texts, such as the talmudic texts, approached properly, enrich our life and future investment in Judaic studies and help us grow in our own self-worth. For such a complex and difficult text as the Talmud, confronting its problems head on is thus an essential part of the larger pedagogic picture and has the potential to mirror growth in ourselves.

6 For an example of all aspects of the method applied to a single sugya, see my chapter, Ethan Tucker, “The Stammaitic Impact on Halakhah: Two Sanctifications, Two Cups of Wine”, in *Reconstructing the Talmud: An Introduction to the Academic Study of Rabbinic Literature*, ed. J. Kulp and J. Rogoff. (New York: Mechon Hadar 2014).