CHAPTER 3

What Others Have to Say: Secondary Readings in Learning to Read Talmud

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It is commonplace to consider that simply reading more on a particular topic will increase a person's understanding of that topic. Yet, an additive vision that more exposure to information will increase our knowledge is too simplistic. Such a model masks a more complex reality—that learning to read one text in order to better read and better understand another text is, in fact, a complicated, refined, and cultivated process. That process is exquisitely true of reading the Bavli, the Babylonian Talmud, a complex and multi-tiered work. Indeed, understanding the rich labyrinth of the Bavli means knowing *how* to read the Bavli's many layers of meaning. The focused integration of academic secondary readings into a Talmud course that also emphasizes the skills for decoding talmudic text from its original language—combined with beginning to learn the Bavli's extensive medieval commentary tradition—enables students to learn how to access the richness of the Bavli's multiple layers. Secondary readings contribute to this process by helping students to commit and engage with an approach that embraces (1) being alert to ambiguity; (2) seeing ways in which one sugya connects with another; (3) raising multiple possibilities for a diversity of meanings, both on the micro-level of a word and on the macro-level of the sugya as a whole; (4) finding subtexts that are latent in the sugya; (5) connecting a sugya to a wider world of ideas; and finally (6) bringing one's own concerns and questions to that reading.

The careful integration of secondary source material into a course that also aims to build the important skills of translation and parsing an argument

enables the Bavli's textual complexities to emerge in a fuller manner. The skill of learning to understand the thesis of an academic reading and relate that thesis back to the Bavli gives students the opportunity to build on others' ideas and research, to question their own conceptions, and to integrate different theoretical frameworks into their own learning. As students build their skills in decoding a sugya through translation and commentary, the range of questions raised in the secondary readings encourages students to expand even further their own readings. They discover issues in these secondary sources that they would not have considered on their own, realize that they have similar questions as the authors, and ultimately, generate their own inquiries. Because students must learn how to read these articles in and of themselves, and then learn how to "turn around" and apply those ideas to the sugyot, they come to see their search for meaning in the text as another reading skill that needs to be built—much as does their ability to translate and parse a sugya's argument. The complexity of the articles helps students to understand that reading richly is not a simple endeavor. Reading secondary articles in order to better read talmudic sugyot is a skill: reading one in order to read the other.

In this chapter, I articulate four different teaching practices that I utilize to help students learn how to read secondary articles with the Bavli, provide concrete examples of these practices, and then show how they come together in the final exam. Combining the components of translation, commentary, and secondary articles enables a multi-directional conversation: the Bavli speaks to students from its ancient context as they, in turn, speak to the Bavli from their contemporary one.

Course Background

The course that forms the basis for this chapter is a one-semester Talmud class that I taught at the Rabbinical School of Hebrew College in the spring of 2014.¹ The course was designated as an intermediate level class that met twice-a-week for a total of three hours. Students were required to participate

1 During the class, I kept a teaching journal and made audio recordings of many of the sessions. In addition, I kept copies of all written student work. This article relies on reflection guided by investigating those records, written and spoken.

in four-and-a-half hours of *havruta* study in Hebrew College's *beit midrash* (study hall). There were nine students in the class, who were in their second, third, or fourth years of rabbinical school. Thus, all of my students had studied Talmud in prior settings; some had been my students in former classes that had included utilizing medieval commentaries, particularly those of Rashi and Tosafot. In this class, our base talmudic text was the eighth chapter of tractate Bava Kamma, known as *perek ha-hovel* (the chapter of "one who damages"), and from which we studied selected sugyot. These sugyot are all based on the five financial penalties that Mishnah Bava Kamma 8:1 lists as an assailant's liability to an injured party: depreciation (*nezek*), pain (*tzaar*), healing (*ripui*), idleness (*shevet*), and shame (*boshet*).² By the course's conclusion, students had considered not only the tannaitic framing³ of each of these five penalties, but more centrally, how the Bavli conceptualizes each of these categories separately and how they join together into what I call a compensatory package.

For each sugya, I gave students a study sheet that included a list of technical terminology, questions that acted as guides to following a sugya or a commentator's argument, and questions that were meant to act as triggers to thinking about the sugya's meaning (beyond that of literal translation and explanation). These study sheets were meant to be used during the above-mentioned *beit midrash* time. In addition, students were also required to read one article or book chapter each week and email me a 300-500 word write-up of the assigned reading. I will describe this writing assignment in more detail later in this chapter.

The course also included three other assignments: an outline of a sugya, a midterm, and a final. For the outline, students had to punctuate and divide a sugya into its chronological layers. For the midterm, they had to translate and explicate a sugya's argument and define its technical terms. For the final, they had to repeat the exercise of the midterm with another sugya and then write an essay that utilized the secondary readings to analyze a sugya we had not studied in class. The outline and essay were both take-home and

2 Chosen sugyot also explicated M. Bava Kamma 8:6.

3 I chose the word "considered" to indicate that students are not expected to develop a full conceptual picture of tannaitic literature. We studied Mishnah and Tosefta and a very limited amount of tannaitic/halakhic midrashim.

open-book assignments. The translation exercises were in-class and closed-book assignments. In all of these cases, students could prepare with a *havruta*, a study partner, as long as the final work was theirs alone. The outline, midterm, and first part of the final all aimed to train and reinforce the more technical skills of sense-making: translation, parsing of sentences, use of technical terminology, and explanation of the argument. The second part of the final, the essay, aimed to encourage students to pull together the disparate study materials used in class—the sugyot, medieval commentary, and secondary articles—into a broader scope, in which they had to articulate their ideas about the new sugya, there utilizing the materials that we had previously studied. From the outset of the class, I knew which sugya I would assign for the essay portion of the final. Thus, as we studied the course material, I was conscious of building toward the components of the final.⁴ Because the essay portion asked students to integrate the three skills (decoding, translating, parsing an argument) we had worked on in the course, it was the strongest marker of whether my students had learned to read the Bavli in ways I was seeking for them to understand.

Pedagogical Components of Reading Secondary Articles

In teaching students to read secondary articles in conversation with the Bavli, I used four pedagogical techniques: (1) topical division of the secondary articles on the syllabus; (2) weekly writing assignment on an article; (3) focused discussion of an assigned article or group of articles; and (4) weaving an author's points into a discussion about a sugya or commentator. In what follows, I describe each of these techniques in greater detail and provide concrete examples from the course. With the exception of the first technique, topical division, these examples are taken from student writing and from transcriptions of recorded class discussions. I have taken care to utilize a variety of student voices and their writings, with a majority of the class students represented.⁵

4 On teaching toward the final exam within seminary classes, see Jane Kanarek, and Marjorie Lehman, "Assigning Integration: A Framework for Intellectual, Personal, and Professional Development in Seminary Courses," *Teaching Theology and Religion* 16, no. 1 (2013): 18-32.

5 I have given all students pseudonyms.

Several criteria guided my choice of class material to present in this chapter: (1) having excerpts from the beginning, middle, and end of class; (2) representing a range of writing abilities; and (3) representing a range of verbal analytical abilities. I have not always chosen the most polished writing or speaking. Thus, I do not claim to be training my students to read (or write) as precisely as academicians or that all of my students learn to read to the same level of expertise. But the class material illustrates that due to their reading of and reflection on secondary reading, my students, as a group, did learn to read the Bavli more richly than they had been able to at the beginning of the course. They read in order to learn how to read.

Helping Students Organize the Articles

The first pedagogical method, dividing the secondary articles by topic within the syllabus, is organizational and took place prior to the course. Within the syllabus, I divided the assigned articles into four categories: (1) biblical literature and rabbinic exegesis, (2) comparative scholarship on rabbinic culture and its Greco-Roman context, (3) contemporary legal theory, and (4) scholarship on rabbinic conceptions of shame.⁶ On the first day of the course, I described these categories to the students and explained to them that by dividing the articles by topic, the aim was to facilitate their ability to focus on one model for studying rabbinic literature at a time and then, by the end of the course, to have built a repertoire of “different sub-approaches” that

6 To give some examples, in category 1, students read Moshe Greenberg, “Some Postulates of Biblical Criminal Law,” in *Yehezkel Kaufmann Jubilee Volume: Studies in Bible and Jewish Religion Dedicated to Yehezkel Kaufmann on the Occasion of His Seventieth Birthday*, ed. Menahem Haran (Jerusalem: Magnes Press, 1960), 5-28; David Kraemer, *Reading the Rabbinic: The Talmud as Literature* (New York: Oxford University Press, 1996), 33-48; in category 2, Catherine Hezser, *Jewish Slavery in Antiquity* (New York: Oxford University Press, 2005), 247-74; Yael Richardson, “Legal Shame: Shame as a Legal Concept of Damage in Roman and Rabbinic Law” (Honors thesis, Brown University, 2007), 7-32, 69-86; in category 3, Robert M. Cover, “Violence and the Word,” *Yale Law Journal* 95, no. 8 (1986): 1601-29; Robert Goodin, “Theories of Compensation,” in *Liability and Responsibility: Essays in Law and Morals*, ed. R. G. Frey and Christopher W. Morris (Cambridge: Cambridge University Press, 1991), 257-89; in category 4, Jonathan Crane, “Shameful Ambivalences: Dimensions of Rabbinic Shame,” *AJS Review* 35, no. 1 (2011): 61-84; Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: The Johns Hopkins University Press, 2003), 67-79.

they could then utilize together. Articles contextualized rabbinic literature in its cultural world as well as provided theoretical tools for thinking about law and its functions—both in the more local context of punishment and compensation and in the larger context of law as a cultural phenomenon. By organizing secondary sources in this way, I hoped to encourage students to focus on smaller details within the sugyot as well as to abstract those details to larger generalizations.

How Writing Helps Students Learn How to Read

Each week, students had to complete a writing assignment on an assigned article. This weekly writing assignment challenged each student to articulate the central aspects of an author's argument and then to write an almost equivalent length piece on how they thought that argument related to some of the studied sugyot. In asking students first to articulate an author's argument, I wanted them to become stronger interpreters of academic articles in and of themselves. By asking students to tie the argument back to the Bavli, I wanted them to learn how to take an argument that might not (and often did not) explicitly discuss our sugyot, yet nonetheless, use that argument to pull out ideas implicit in the Bavli. The sequence of the assignment steps was important: only after a student could state an author's argument did I want her to move onto the second step of tying the article to class sugyot. As can be seen below, I limited the length from 300-500 words, wanting to make the assignment doable and not overwhelming.⁷ I find writing assignments to be useful as a (not too) subtle tool that encourages students to complete reading articles before class and to think more deeply on their own about that article before we engage in class discussion. The weekly assignment was as follows on the next page (Figure 1).

To illustrate the assignment and this aspect of the learning to read process, I have chosen writing samples from four different students.⁸ They

7 As this course is what we term a core-text course in the Rabbinical School curriculum, the primary focus of preparation for assignments is meant to be time in the *beit midrash*. These at-home reading assignments are meant to complement but not to overwhelm or subsume that preparation time.

8 Writing excerpts have been corrected only lightly for spelling and grammar. Because I taught this class as part of a rabbinical school curriculum and not a doctoral one, I did not emphasize the craft of academic writing and even allowed (and expected) the students

For each article, please write the following:*

- A. Description of the author's main argument. Your description should include the author's thesis and the main points that the author uses to build his or her argument.
- B. Reflection on how the ideas in this article might better help you to read our rabbinic material.

The articles will not always correspond exactly to the topic of the day's sugya, so your reflection can be on the sugya we are discussing or on other sugyot that we have read in the course.

**These pieces should be 300-500 words.*

Figure 1 Weekly Writing Assignment.

are based on articles from the beginning, middle, and end of the course. The first example is from the first writing assignment, an article by Moshe Greenberg titled, "Some Postulates of Biblical Criminal Law." Because this article was the initial reading assignment, Miriam, our student, does not yet have a repertoire of sugyot from the Bavli chapter we are studying to which she can connect her reflections, which follow below:

Greenberg builds his argument by comparing law codes of the Near East to law systems in the Bible. He compares the values of the biblical societies to the values of the Near Eastern societies. The law codes of the Near East embody a human authority, but the ultimate authority of biblical law is God. By looking at these other law codes, we notice that the Bible is much more harsh when it comes to crimes against other human beings, and that the ancient Near East law is much more strict when it comes to crimes against property. . . . Law is being studied as its own entity and not through other sociological and literary lenses.

Thus far, we have studied many of the biblical passages referred to in the article as well as Hammurabi's code. What is interesting for me in light of

to take associative leaps in their writing that might not be as acceptable in a doctoral program. Writing passages thus reflect a range of writing skills.

reading this article are the different value systems at play in each body of law. It is interesting to think about the power of authority in each (man vs. God) and the values of each society (human vs. property). The biblical law reflects many of the values of Israelite society, as the body of cuneiform also reveals values of a society. Moving forward in our study, this framework will be key to understanding the values at play in our rabbinic texts.

In this passage, Miriam accomplishes a number of important tasks. First, she articulates the central points of Greenberg's article: law should be studied as a framework that reveals a culture's values, and in this case, one of those values is that the ultimate authority of biblical law is God.⁹ She then continues on to name that values play an important role in different bodies of law and that law reveals a society's values—and most importantly, that this framework should encourage us to see how rabbinic texts might reflect rabbinic culture's values. Miriam's articulation of this idea about text and law reflecting values and not simply prohibitions and imperatives may be intuitive to scholars of rabbinic literature and law. However, for this student, Greenberg's article enables her to articulate this concept, see it applied to one text of literature (Bible) and then wonder about how that same framework might apply to the Bavli. It gives her a theme through which to approach the class material. She has begun to wonder about the wider world of ideas that our *suygot* may broach.

The second student's writing passage stems from an article read at the midpoint of the semester, the conclusion of Kevin M. Crotty's *Law's Interior: Legal and Literary Constructions of the Self*.¹⁰ While Greenberg's article discusses biblical law and at least mentions rabbinic law, Crotty's book is not connected with the study of rabbinic literature. Instead, it is part of the field of general legal theory and, in particular, that of law and literature. This student, Gilah, ties Crotty's more general reflections about law to a specific *sugya* about the rabbinic move from the biblical model of punishment for

9 There are other aspects of Greenberg's argument that she does not name, such as his explanation for why biblical law does not allow ransom for murder, whereas Near Eastern law does. See Greenberg, "Some Postulates," 13-20.

10 Kevin M. Crotty, *Law's Interior: Legal and Literary Constructions of the Self* (Ithaca: Cornell University Press, 2001), 225-28.

physical assault through *lex talionis* (an eye-for-an-eye) to the rabbinic model of punishment through financial penalties (B. Bava Kamma 83b-84a):

In this conclusion, Crotty defines “law” in three respects, all of which reflect law as something carried out by humans. First, law is not a system, but a practice. Whereas a system is understood as something that could function autonomously according to specific guiding principles, law is an attempt by people to contain the complexities of life, so that life can function. But law doesn’t happen, really, outside of human life, which is complicated, so it can’t just simply follow guidelines.

This framing of law is helpful in particular when thinking back to the sugya about *lex talionis*. As we noticed that the rabbis struggled mightily between *lex talionis* and financial compensation, we can see the rabbis managing their recognition of the complexities of life (namely, that *lex talionis* doesn’t necessarily make sense for a variety of reasons in a variety of scenarios). They are trying to work within the standing legal tradition, while the social/religious understanding of what is right is broadening.

This article is also interesting when thinking about the project of reading Gemara as a whole, as opposed to studying halakhah [law]. At this point, I understand the Gemara both as a legal text and as literature. As such, it seems like a perfect document for proving Crotty’s point that law and literature are working in the same field, with the same materials but different priorities. While usually we see literature and law separately, by weaving together legal arguments with narrative, the Gemara text highlights how law and literature are working from the same material, and how the complexity of human life is incredible (possibly even celebrated), and it makes the creation of rules very challenging.

In this excerpt, Gilah makes three significant reading moves. First, she articulates Crotty’s point that law is a practice, something engaged in by people, and it is not an autonomous and abstract entity that exists independently from the human realm. She engages with Crotty’s academic argument about law independently of a talmudic context. Second, she ties this understanding of law back to the first sugya studied in the class, one that discusses the validity of financial

compensation for physical assault. She connects the transition from a biblical model of eye-for-an-eye punishment to a rabbinic financial one to Crotty's understanding of law as a practice that is located within the complexities of human life and to the internal constraints of the rabbinic legal tradition. Gilah thus uses Crotty's understandings about law in general in order to better understand the specifics of rabbinic punishment in a particular sugya. However, this student also makes another move: she connects Crotty's ideas not just to the texts we have been directly studying in this class but also to larger questions about the nature of the Bavli as a whole. Crotty helps Gilah to broaden her understanding of the Bavli as a document that weaves together law and literature and as an example of human complexity. In her eyes, the Bavli becomes a document that illustrates the difficulty of forming prescriptive rules and how law and literature, although often considered opposing entities, are working from the same basis and through the same cultural problem—law and its interaction with the complexities of human existence. Crotty's article helps Gilah to locate the Bavli within a field of wider questions asked by the humanities in general and to interrogate more subtle issues that this sugya about *lex talionis* explores. In other words, Gilah is learning to read on the micro-level of the sugya and the macro-level of the Bavli as a whole. She has met the reading challenge of this assignment: to take an argument that does not discuss our talmudic topic, yet nonetheless, use that argument to expose ideas implicit in our sugyot.

The third student piece stems from a section of the course where we read a series of articles about the concept of shame within rabbinic literature. These articles were connected with a group of sugyot that explore the financial penalty for shame caused by physical assault (*boshet*, B. Bava Kamma 86a-86b). The extent of liability for shame depends on factors such as the relative social status of the involved parties and whether or not the injured person is conscious of having been shamed. The student below, Rebekah, responds to two chapters from an honors thesis by Yael Richardson,¹¹ which compares rabbinic notions of shame with contemporaneous Roman ones:

What can we learn about both cultures' understanding of the experience of shame by reading our sugyot in relationship with these chapters? Why, for the rabbis, can *boshet* only be triggered when a physical assault has

11 Richardson, "Legal Shame," 7-32, 69-86.

taken place? What is the relationship between *boshet* as an internal experience and *boshet* payments? What do they actually seek to redress? Who is covered under *boshet* payments? What does it mean that for both the rabbis and the Romans, there were certain people (demarcated by gender, national origin, internal capacity, experience, etc.) who were outside protection? And how do we read these sugyot in our times? Do we, inheritors both of the rabbis' tradition and of Roman jurisprudence, understand shame to be more in the paradigm of the rabbi or of the Romans?

The thesis chapters enable Rebekah to place rabbinic and Roman sources in conversation with one another. For this student, such a comparison sharpens certain elements of the texts we studied, such as the relationship between shame and physical assault, internal and external pain, and outsiders and insiders. It also prompts her to take the sugyot about shame that we have studied in class and ask about their relevance to a contemporary paradigm. In other words, this passage reveals that the student is learning to read Talmud as a document located within a wider cultural world and as a document whose concerns and values may need to be reinterpreted for a contemporary context. She understands what Richardson articulates in her writing and then uses Richardson's ideas to read our sugyot about shame with an enriched perception.

The last student passage I quote from the writing assignments stems from the final article of the class, "Pricing Persons: Consecration, Compensation, and Individuality in the Mishnah." The article's author, Mira Balberg, proposes two models for rabbinic conceptions of personhood: unity and multiplicity. In the unity model, people are understood as essentially replicas of one another—while in the multiplicity model, people are understood as essentially different.¹² These two models also can be seen in the ways in which rabbinic texts assign

12 Balberg's article is, of course, more extensive and complex than the brief description I have presented. Balberg connects the unity and multiplicity perspectives with the monetary valuation of human beings (including for damages) and suggests that in evaluating the worth of persons, the rabbis of the Mishnah move between recognition of individual disparities (multiplicity) and a commitment to their parity (unity). She locates this move both within rabbinic interpretive culture as well as within wider cultural currents within the Hellenistic and Roman world. Mira Balberg, "Pricing Persons: Consecration, Compensation, and Individuality in the Mishnah," *Jewish Quarterly Review* 103, no. 2 (2013): 169-95.

monetary value to people in evaluating their worth. The student's comments refer to material studied earlier in the class: the first Mishnah in this chapter and a sugya that tries to understand how to calculate payment for pain alongside a payment for physical damage (B. Bava Kamma 85a):

If humans are made in the image of God, how can any humans be valued or priced? How does unity and multiplicity play into biblical and rabbinic theology? Where do slaves fit into this conversation? Are slaves human, too? What good does multiplicity do if we revert back to "*ka-yotzeh ba-zeh*" [like this one] when legislating liability and damages? Is this not a function of unity?

This brief excerpt illustrates a number of elements of how James, the author of these comments, is learning to read. First, he articulates his points in the form of questions. He is not searching for definitive answers about the material we have studied; instead, the article prompts him to articulate questions that are either new or remain unanswered. Second, these questions link to a number of different rabbinic texts we have studied over the course of the semester, from calculating compensation for physical damage through a person's worth on the slave market (*nezek*) to calculating compensation for pain using what I term "the reasonable person" (*adam ka-yotzeh ba-zeh*; M. Bava Kamma 8:1) standard. This mention of the slave may also connect the article by Mira Balberg to one we had read earlier about the realia of slavery in the ancient world.¹³ Third, while some of the questions are very broad, others are exceptionally focused. James wonders both about biblical and rabbinic theology writ large as well as a particular legal detail in compensation for pain. In order to read in this way, he had to be able to understand both the article's argument on its own terms as well as recall a number of sugyot. The article has prompted him to weave together a number of shorter sugyot into questions about the worth of the individual versus a collective paradigm, the Divine-human relationship, and liability for injuring another human being—something that would not have been possible at the outset of the course. James has learned to read on the micro-level of a phrase (*adam ka-yotzeh ba-zeh*) and the macro-level of a number of sugyot and then to connect these to a wider world of theological inquiry.

13 Hezser, *Jewish Slavery*, 247-74.

These four writing samples represent one important aspect of how I wanted the students to learn how to read the Bavli: to understand an author's argument and then to connect that argument back to the text of the Bavli, in this case, material from *perek ha-hovel*. Secondary articles should help students to see that they can find more ideas to explore and more questions to ask when they utilize the work of others than if they simply read the text of the Bavli only. These articles have enabled students to read these sugyot as engaging questions—not only about financial compensation for physical assault but also about theology, human worth, and law's societal role.

How Talking Helps Students Learn to Read Secondary Literature

As a complement to student writing about secondary literature, I also used focused discussion of an assigned article or group of articles. I would ask one student to articulate a particular author's thesis, and then ask other students to build on and critique that student's statement. Afterwards, I would ask students to articulate what interested them in the article. These questions are meant to serve a number of purposes: to help students refine what they had previously written, to listen to one another, to build on one another's words, and to trigger additional connections between the article and the sugyot. In other words, they enable the students to draw out more from the sugyot than they would have by only writing about the article. As articles were assigned weekly, my initial goal was to have a weekly discussion about each individual paper. In practice, I was inconsistent about meeting this goal. At times, I would initiate a class discussion about one article in particular. At other times, I would wait until we had read a few articles on one topic and then discuss the group together. Nevertheless, when I did initiate these conversations, I consistently did so at the beginning of class, before we had begun to read the day's assigned sugya. I did this for two reasons: first, since it was easy to spend the entire class period reading a sugya and commentaries, I wanted to ensure we would have time to talk about the relevant article. Second, by placing the article at the beginning of class, I hoped that the ideas we discussed would remain relevant for the class that day.

The following excerpts from class discussion all focus on the topic of shame (*boshet*) and the previously mentioned assigned reading from Yael Richardson.

The transcriptions stem from the same class period.¹⁴ I began the class by asking students to define Richardson's methodology of analyzing shame:

Jane Kanarek: Think back to Richardson, what's she doing? What's her approach?

Sam: She says she wants to do a survey of how *boshet* shows up in a legal context in the Talmud and try to understand something about what *boshet* is from those legal contexts.

JK: Great. And it's not only in the Talmud that she's doing this.

Sam: In the rabbinical [works] in general, because she also did Tosefta . . .

JK: Right, but I mean not just in rabbinic literature. She's also doing Roman law. It's a comparative approach. . . . What's useful about taking a comparative approach and putting rabbinic law in conversation with Roman law? Why might someone want to do that instead of just looking at the Talmud?

Sam answers my question about Richardson's methodology by naming only the talmudic context of her work. I then challenge him to widen that lens, and he does so by naming an earlier rabbinic work, the Tosefta. I articulate that Richardson's approach is a comparative one and ask a further question: why is the comparative approach useful? While students have written about Richardson's approach before class, and I have read their work, I still think it is useful for them to restate her approach to one another in class. This act enables them to refine verbally what they have written and to build on their writing through conversation with one another. Thus, as the conversation continues, another student says:

Rebekah: It's easier then to see what's missing. If you just look inside tradition, it's not as clear what is being left out or added to.

And yet another student adds the following:

Dan: I think that the word innovation has to be brought in. That's really what you're seeing—you're seeing things that were just kind of general throughout society and what innovation the rabbis had—not just where

14 May 5, 2014. Some of the language in the transcriptions has been made smoother in order to make them easier to read.

they differed, but I think that's kind of about the timeline, where they have added on or where they felt they needed to add on.

Finally, building on the students' comments and summarizing the discussion on Richardson's piece, I name some additional elements of which I would like them to be cognizant:

JK: By looking at other cultures, you can also look at the kind of questions that other people have asked about non-rabbinic cultures and then ask those questions as well about rabbinic culture. ... [Richardson] brings a scholar who divides Roman shame into different categories, different types of shame, and then does that same typology for rabbinic shame. Shame caused by verbal or physical aggression, feelings of embarrassment, which can lead to withdrawal or passivity. Shame by association—"boshet panim" ["shame of the face"]—a sense of shame. So it pushes us. We did this instinctively in class. But her approach emphasizes that of not looking at all shame as the same and asking questions about gradations and change.

My approach in this part of our exchange relies on the students' own insights as well as my explicitly naming for them details about which I would like them to be attentive. In this case, I ask students to pay attention to the ways in which Richardson's writing articulates different categories of shame and then how the students themselves began to do this in class, even before reading Richardson's work. By making this point explicit, I want them to see how her reading methodology enhances what they have already begun to do on their own. Consequently, later in the same class, Dan comments:

Dan: I've been reading the two sugyot [on shame]¹⁵ together and with the other stuff on *boshet*. It's become a question for me of: Are we always talking about there being all sorts of different types of *boshet*, or is it that, normally, there's just *boshet*, and then, in certain situations, we really have to tease it apart and say there's *kisufa* [shame that a person

15 The student is referring to two of the assigned sugyot on shame, in this case, ones found on B. Bava Kamma 86a-b (*man tana le-ha de-tanu rabanan – de-mikhleumu leh de-mikhblam*) and on B. Bava Kamma 86b (*bae rabi abba bar memel – de-mikhleumu leh ve-lamikhblam*). I assign four different sugyot on shame.

feels internally]¹⁶—whatever it is? Or should we now be looking back into all the *boshet* stuff we’ve read and saying what *boshet* were they actually talking about?

Although Dan does not explicitly name Richardson’s article, he does allude to it in his comment about “the other stuff” and in his observation that we may need to pay closer attention to the word “*boshet*” and interrogate its range of meanings. Dan utilizes both what he has read in the Bavli itself (“all the *boshet* stuff we’ve read”) and what he has read in the articles on shame,¹⁷ to question his earlier reading assumptions about a base meaning for shame (“normally, there’s just *boshet*”). His answer utilizes the Hebrew and Aramaic terminology of the Bavli, alerting us to the fact that his questions also depend on a close reading of the text in its original language. Weaving together the material he has encountered, the student now wonders whether we need to consider each case of *boshet* individually, to ask about specific meaning each time the word “shame” appears in a sugya. The engagement with secondary articles through reading and then discussion, as well as the primary text of the Bavli, leads Dan to articulate a goal of reading more closely for specific meaning and not making assumptions about one word having the same meaning whenever it appears. The class discussion has pushed him to refine his ideas and questions past that of the writing alone and to link his ideas even more closely to the actual text of the Bavli.

How Weaving Secondary Literature into Conversation about a Sugya Helps Reading

The method of weaving a particular author’s points into a discussion about a sugya or commentator was not a teaching methodology that I articulated to myself at the outset of the course. My original plan had been simply to concentrate discussions on an article or group of articles at the beginning of most

16 The Bavli here contrasts *kisufa* (shame experienced internally by a person) with *ziluta* (shame that degrades a person in the eyes of others) and *boshet mishpachah* (shame that degrades a person’s family). See B. Bava Kamma 86b and Rashi s.v. *kisufa*.

17 I assigned three different pieces on shame: Crane, “Shameful Ambivalences,” 61-84; Richardson, “Legal Shame,” 7-32, 69-86; Rubenstein, *Culture of the Babylonian Talmud*, 67-79.

classes, using these discussions to help students better understand the articles themselves and then apply them to reading the sugyot. However, because of inadequate time in class for discussion of the primary talmudic texts and students' lack of reliability in completing their written assignments on time,¹⁸ I found myself compensating (after the fact) for that lack of a consistent, focused discussion by choosing select, important points from secondary articles and weaving those points into conversations about specific sugyot—a short-cut to achieving what more classtime might have fulfilled. Yet, in reviewing class audio transcripts, I realized this was actually an effective method of asking students to be attentive to the ways in which a particular article could sharpen their understanding of a sugya and enable them to connect contemporary ideas and concerns to the talmudic material.

The examples below concentrate on compensation for *shevet*, idleness from work caused by injury (B. Bava Kamma 85b-86a). The Bavli discusses two different methods of compensation for *shevet*. One compensates for permanent injury at a fixed rate and the other for temporary injury at a rate that changes according to occupation:

JK: [I]f we think back to [Catherine] Hezser's article, she really did differentiate between day laborers and slave laborers, who were sometimes hired for specific skills.

Dan: We might map onto this by splitting up the sugya and saying the top part of the sugya is talking about day laborers, where you're just going to say, "I don't care what you're doing day-to-day and how much you're getting paid. There's a standard rate—that's what you get paid." And

18 I had also hoped that students would divide their pieces relatively evenly between articulating an author's argument and connecting that argument to the rabbinic passages. While I consider 300-500 words to be a relatively short assignment, the students often handed in pieces that were much longer than that word count. In addition, they would devote much more space to the author's argument than to connecting that argument to the rabbinic material. My assessment is that students found the word count number itself to be intimidating and responded by either handing in the piece late or writing something that was too long. They also may not have had a clear idea of the length of 300-500 words and so compensated by writing longer and with less focus. In the future, I plan to return to a model I have used in other courses, which asks for a specific number of sentences for each segment of the assignment. I also hypothesize that summarizing an existing argument is easier than creating a new one and connecting the articles to the sugyot, a tendency that can be addressed by telling students how many sentences to write on each part of the assignment.

people for *omanut* [occupation or craft], that's our second one, where whatever craft you have and a specific injury and how it affects your craft. That's going to work into our *shevet* [idleness] payment. As Leah was saying earlier, it's like day laborer equals time.¹⁹

Into the class discussion, I bring one point from Catherine Hezser's article on Jewish slavery in antiquity and remind the students of Hezser's historical point about the differentiation between types of workers. Dividing laborers into different groups and having different systems of compensation was not foreign to the ancient world. Dan then takes this idea and maps it onto the sugya itself, a passage where the first part describes a fixed rate of compensation for idleness, while the second describes a variable amount (B. Bava Kamma 85b). He also connects this idea with a point raised earlier in the class by another student. Dan's words demonstrate that he is thinking with the article, using the information there in order to try and explain the complex content and composition of a puzzling sugya. Again, my concern here is not with whether or not Dan has accurately read the sugya. Instead, I want him to make connections from the secondary article to the sugya—and even to the comments of other students. Dan is learning to read the Bavli using the research and the ideas of others, connecting the Bavli to a wider world of ideas.

The second example is also concerned with compensation for idleness in regard to permanent and temporary injury. In this sugya (B. Bava Kamma 85b-86a), the sage Abaye proposes that an identical method of compensation be utilized for permanent and temporary injury, a combination of a variable payment for the extent of physical injury (here, called *shevet gedolah*) and a fixed one for idleness that is calculated according to a minimum wage (here, called *shevet ketanah*). The sage Rava on the other hand proposes that there be two methods of compensation. Permanent injury should be compensated as described above by Abaye, while temporary injury is assessed according to wages lost:

Leah: I wonder if Abaye just doesn't want there to be two systems. Just like there's a thing that we do when people get injured and that's the slave market evaluation [*nezek*] and *shomer kishuin* [a cucumber guardian] and

19 Class transcription, March 24, 2014.

for reasons of fairness or reasons of speed or for any sorts of reasons or just reasons of simplicity of the legal system. [He] just doesn't want there to be two different rubrics operational—just, this is what we do every time.

JK: Right. In other words, it could be really complicated to try and determine whether this is “*sofah lahzor*” [in the end it (the injury) will heal], a temporary injury? Amputation [permanent injury] [is] obvious. It's not going to [heal]. But anything else, it seems like . . .

Leah: Totally unclear.

JK: It's unclear.

A number of elements are present here. Leah opens by trying to make sense of Abaye's position that there should be identical methods of compensation for permanent and temporary injury. She proposes a number of different ideas: fairness, speed, simplicity, and consistency. I then rephrase her words to emphasize her idea of simplicity. Since it is difficult to know with certainty whether an injury will completely heal, perhaps the best course is one method of compensation for any injury. Both Leah's proposition and my answer reference terminology from the sugya we have studied: *shomer kishuin* and *sofah lahzor*. More importantly, she has rephrased the terminology used by Abaye in this sugya (*shevet gedolah* and *shevet ketanah*) into terminology used elsewhere in this chapter, that of the slave market²⁰ and a cucumber guardian.²¹ This move by Leah illustrates her ability to read beyond the local sugya and to make connections to other rabbinic material we have studied. While she does not explicitly mention any of the secondary articles, her mention of “simplicity of the legal system” may hint at Crotty's idea that, while one of the main functions of literature is to explore human complexity, one of the functions of law is to simplify.²²

Leah continues by pushing back at my suggestion that the complications entailed in determining whether an injury is permanent or temporary

20 See M. Bava Kamma 8:1 and Rashi's allusion s.v. *shevet gedolah*. See also the sugya on *shevet* on B. Bava Kamma 85a.

21 See M. Bava Kamma 8:1, T. Bava Kamma 9:2, B. Bava Kamma 85b, and Rashi s.v. *ve-shevet ketanah*.

22 Crotty, *Law's Interior*, 227–28.

may drive Abaye's suggestion. She wants to emphasize timing in making the legal decision. At this point, I bring in an idea from Crotty:

JK: But, if we go back to Crotty's claim in the article that one of the functions in law is to simplify, perhaps Abaye is leaning in that direction and trying to say, "Look, I can simplify this law a little bit for you. It doesn't actually have to be so complex." And Rava's paradigm is putting the complexity back in the law as well.²³

For Crotty, one of the main functions of literature is to explore human complexity, but one of the functions of law also is to simplify. Both law and literature are complementary and represent different aspects of human life.²⁴ It seems self-evident that the Talmud, as a work that is both law and literature,²⁵ may include both perspectives. It is possible to see Abaye's one solution as an attempt to simplify and Rava's as an attempt to recognize the complexity of the legal situation. Equally important, by introducing Crotty's ideas into this conversation about compensation for physical injury, I was able to model for the students a way in which general legal theory can be useful for thinking about rabbinic literature and, as well, speak specifically about conflicting legal opinions in a particular sugya. I made subtexts in the sugya explicit.

Weaving comments from different articles into the conversation about a sugya began as a compensatory technique for a lack of time to dedicate exclusively to discussing secondary readings. To the positive, it *became* a technique for reminding students of the secondary literature we had read and for encouraging them to consider how they might use these articles in their own thinking about sugyot. I provided them with suggestions of how a particular thinker might help them as well—this to foster them to begin to think on their own about what an article might offer in the way of a richer reading.²⁶

23 Class transcription, April 9, 2014.

24 Crotty, *Law's Interior*, 227-28.

25 See Jane L. Kanarek, *Biblical Narrative and the Formation of Rabbinic Law* (New York: Cambridge University Press, 2014); Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: The Johns Hopkins University Press, 2010); Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011).

26 Writing on what Jewish scholarship can offer Jewish education, Barry Holtz comments that a teacher's task is "to create pedagogic situations that allow students to uncover for

Becoming Their Own Readers: The Final Exam

As mentioned earlier in my description of the course, the final exam is designed to tie together the different elements of the course, to be able to explain the technical elements of a sugya, to connect the ideas in one sugya with those in another, to engage medieval commentary, and to utilize secondary articles. I concentrate here on describing and analyzing student writings from the essay portion of the exam, the section that most reflects this chapter's focus: the use of secondary scholarship in reading a sugya.²⁷ I focus primarily on students' use of these readings but also illustrate a few of the ways in which these readings are tied to some of the technical skills of translation and parsing an argument. The examples in this section stem from the final essay papers of two students, Dan and James.

For the final essay, I asked students to examine a sugya from B. Bava Kamma 84a that we had not previously studied. I instructed them that their reading of the sugya needed to integrate one specific Tosafot,²⁸ any sugyot and medieval commentaries from class assignments that they had found relevant, and at least four of the secondary articles. The articles they chose needed to represent both the general reading we did on law as well as those specific to rabbinic literature. While I did not require that they translate the sugya word-for-word, their essays needed to demonstrate a full understanding of the base sugya itself.

The following description of this sugya on B. Bava Kamma 84a intentionally glosses over most of the interpretive difficulties and ambiguities; it is meant as a guide to help the reader of this chapter better understand some of the excerpts from the final essays and not by any means to portray a full depiction of the sugya. The sugya opens by describing a case where a donkey cuts off the hand of a child of indeterminate age (*yanuka*).²⁹ A conflict between

themselves what he [the article's author] has uncovered for us [the teachers]." Barry W. Holtz, "Across the Divide: What Might Jewish Educators Learn from Jewish Scholars," *Journal of Jewish Education* 72 (2006): 19.

27 For reasons of space, I have only included excerpts from two of the exams. As a group, the essays had many overlapping and fascinating themes. I regret I was not able to quote from more, even all, of my students; their learning achievements deserve recognition.

28 Tosafot s.v. *zilu shomo leh arbaah devarim*.

29 *Yanuka* can refer to a suckling infant, child, or schoolboy. See Jastrow s.v. *yanuka*. The semantic range of *yanuka* will be an important interpretive point in some of the student essays.

three sages (Rav Pappa, Rava, and Abaye) ensues about the nature of compensation the child is owed by the assailant. They eventually reach the conclusion that the child is owed payment for *nezek*, or physical injury, something that, as I have remarked earlier, is evaluated by the child's worth on the slave market. The father states that he does not want this money, because it will degrade the child. He is challenged about this decision and, in turn, informs his challengers (likely Rav Pappa, Abaye, and Rava) that when the child grows up, he will compensate the child from his own funds. The sugya concludes with the father's declaration; whether his declaration is accepted remains unanswered. This legal narrative³⁰ is short, complex, and full of ambiguity. With plenty of openings for interpretation, the passage serves as a fitting final assignment.³¹

I begin with text from Dan's exam that addresses the meaning of the word previously translated as "child" but that the student below translated as "infant," *yanuka*:

The word I have translated here as infant, *yanuka*, has meanings that could allow for readings of this child's age being anywhere from that of a nursing infant to a child who has already started their studies in school. Though this detail of age might not seem to matter much, it allows for very different readings of the father's response to the court's process of estimation. I will discuss this at length later in my commentary. Before moving on from here though, let us note that one should pay heed to the use of *yanuka* instead of the word *katan* (minor) which is certainly present throughout the rest of the chapter.

Dan correctly identifies that the sugya opens with a problem of meaning: what age exactly is this *yanuka* whose hand is severed? He also states that this problem of translation has implications for the legal process described in the continuation of the sugya. In addition, Dan notes that the vocabulary of *yanuka* differs from the terminology used for a child (*katan*, or minor) in the other sugyot we studied. Dan has made two significant advances in his reading: first, he demonstrates he knows translation is significant, and that he must pay attention to the range of meanings a word can have. Second, he shows us

30 On the genre of legal narratives in the Bavli, see Wimpfheimer, *Narrating the Law*.

31 I also chose this sugya because of one other element: its mention of both *nezek* and degradation (*ziluta*). Since the first sugya we study deals with *nezek* and the last sugyot shame or degradation, this sugya contains within it the themes that bookend the course.

that attention to the technicalities of translation also has ramifications for the possible different understandings of a sugya's content. Dan then goes on to observe that this question of age is raised by Tosafot in their comment on this same passage.³²

Later in the essay, Dan ties the question of the age of the *yanuka*' to information he learned about slavery from the article by Catherine Hezser. He questions why Rav Pappa states that this injured infant or child should not be paid *nezek*, when he has clearly suffered irreversible damage. Among the possible explanations Dan provides is one that explores the relationship of a child's age and fiscal value on the slave market:

[I]f we extrapolate from Hezser's claims in *Jewish Slavery in Antiquity*, where she writes, "Children were obviously cheaper than mature slaves, since the possibilities for their employment were limited, and they had to be nourished until they had reached their full labour capacities" (Hezser, 248). Hezser speaks here of children, perhaps on the older end of our reading of *yanuka* from before. If we read our child to be an infant, it is possible that their value on the slave market is either not part of the realia of slavery for the rabbis or that the price of baby slaves is so low as to make the estimation of the baby's value useless for the calculation of *nezek* payments.

Dan extrapolates from Hezser's writing on children put into the slave market in order to explain a puzzling aspect of the sugya. Why does a sage, who should know that this infant or child would receive the *nezek* payment, say that he should not? Dan uses knowledge from this secondary source to construct one possible reading of this puzzle.³³

James' exam takes a different contextual view and utilizes this sugya as a framework for addressing large questions about justice and the construction of the rabbinic legal system. These questions, however, are also embedded in

32 While the student does realize that Tosafot addresses the question of age, he mistranslates the passage. Mistranslation of Tosafot was a common problem in these finals. Thus, while students brought Tosafot into their comments, their use of Tosafot was not as strong as the other essay components. They simply were not as prepared to utilize medieval commentaries.

33 The student provides three other possible readings. Since these other readings of the sugya do not reference secondary readings, I have not included them.

close readings of the sugya itself, along with ideas raised by the secondary readings. James' essay opens with inquiries that question the nature of repayment:

What is at stake when it comes to ensuring that justice is served? Who is repayment, at its core, supposed to appease? Is retribution and compensation reparative for the individual, or is it to maintain a more objective and interdependent communal and societal system or both? Is that system in danger of collapsing if repayment is not made? What are the potential dangers that come with opting out of the system?

Although the sugya itself never names these questions in its legal narrative, by identifying them as central issues, James demonstrates his ability to transform a rabbinic text into a dialogue about the nature of justice and the stability of law as a communal institution. Equally important, his opening questions allude to issues raised in secondary readings, in this case, one piece on compensatory justice³⁴ and another on retributive and restorative justice.³⁵ Both of these articles stem from the more general field of jurisprudence; however, neither mentions nor alludes to rabbinic literature or even to the broader field of Jewish legal thought. Nevertheless, James finds the

34 The role that a compensatory system plays in punishment within a judicial system is raised by Goodin. He argues that compensation's function is "to right what would otherwise count as wrongful injuries to persons or their property." Goodin, "Compensation," 257. He delineates two types of compensation, means-replacing compensation and ends-replacing compensation. Means-replacing compensation aims to provide people with the equivalent means for pursuing the same ends as before the loss (i.e., giving someone an artificial leg who loses a leg). Ends-replacing compensation aims to replace the loss by helping people to pursue another end in a way that leaves them subjectively as well-off as they would have been before the loss (i.e., giving someone who has experienced bereavement an "all-expense paid Mediterranean cruise"). I am skeptical of the example Goodin provides for ends-replacing compensation as meeting the characteristics he himself outlines for this form of compensation, but it should nonetheless help illustrate the difference between the two compensatory frameworks. Goodin argues for the superiority of means-replacing compensation *over* ends-replacing compensation. Goodin, "Compensation," 257-89.

35 Retributive and restorative justice are discussed in Michael Wenzel, et al., "Retributive and Restorative Justice," *Law and Human Behavior* 32, no. 5 (2008): 375-89. Retributive justice as a response to rule violation describes a unilateral imposition of punishment. Restorative justice is a two-sided process that involves the creation of a shared-value consensus. Offenses are viewed as a conflict between victim, offender, and community. Both retributive and restorative justice can include financial compensation to the victim as well as punishment to the offender in an attempt to repair the breach in justice. The key difference is whether the process is one-sided or two.

vocabulary and ideas introduced by these articles useful in helping him to frame his reading of the final sugya. He has learned that concepts developed outside the world of rabbinic literature can aid in bringing to the surface issues latent in the text of the Bavli itself, such as the nature of justice, the function of punishment, and the role of both in sustaining a legal system.

As James moves through an explication of the sugya, these questions of justice continue to loom large. The following passage focuses on the portion of the sugya where the father objects to having his baby's/child's worth assessed by his estimated value on the slave market:

Here, the baby's father speaks up: "No! I don't want to degrade my baby in this way! I don't want to go through with this. I say no!" There are a number of important things that happen here. First, we have a non-rabbi speaking. When in our text do we hear the voice of a lay-person . . . ? Here we have a commoner, not just a rabbinic objector, but a real, live, messy human deeply impacted by and invested in the matter at hand. . . . And perhaps most importantly at this point, for the first time, it is more than law that is being questioned. With the father's statement, justice itself is being destabilized. It would be one thing for the *perpetrator* to demand out of the justice system. It is another thing for the *victim* to decline what's owed to him. This turns it all on its head. This makes us ask deeply about justice's role in that society.

James notices some important differences between this sugya and others we studied this semester. First, we hear the voice of a layperson, the father. Second, this non-rabbinic voice introduces a complexity or "messiness" into what had been, until this point, presented as a question of legal categorization: From which of the different categories of compensation should the injured party be compensated? Earlier in this essay, James mentioned the ideas of Crotty about literature making the simple complicated and law simplifying what is messy. He thus utilizes Crotty's ideas to read the specific ways in which this story stands at the nexus of law and literature—and even the nature of justice itself. James reads the sugya not simply as a question about the correct method of payment but about justice writ large.

Indeed, as James continues, he integrates these ideas about compensation, retribution, and restoration more deeply into his reading of the sugya:

Why doesn't he [the father] want their justice? Perhaps the damage done is so severe that going through any process other than grief and caring is too much for the father right now. Maybe the process of evaluating the baby as if he were a slave was particularly triggering or complicated or sad for the father. Perhaps there was a recognition that, like Goodin spoke of, there is no means-replacing³⁶ compensation for losing a hand (at least in the days before prosthetics, and I would argue, even in our time), so why even try. Whatever the reason, the father makes known clearly his desire for a particular justice. And yet, the rabbis won't listen. They are blinded by their own definition.

In wondering about why the father refuses compensation for *nezek*, James directly mentions the ideas of the author Robert Goodin on means-replacing compensation. He does not state that Goodin's ideas categorically explain the father's actions; he does not seek an exact identity between the author's ideas on compensation and those presented in the *sugya*. Instead, he utilizes them as a way to explore a plausible reading of the story's plot. James continues with further interrogation of the father's position and that of the rabbis:

Is this the difference between restorative and retributive justice?³⁷ The father is demanding a *say*. The rabbis are, on their own, meting out punishment and pushing for its conclusion, seeking some abstract or objective sense of the ideal, detached from the parties involved. In contrast to that, Wenzel tells us that in restorative justice "all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and the implications for the future." Restorative justice also takes on an overarching value of healing, rather than punishing. While it's hard to know what the father is feeling, we might surmise that it is healing he is after. Otherwise, why would he be asking for what he asks for? It also seems clear, given their words and actions, that the rabbis care little about what he's feeling and what he wants. This is a far cry from restorative justice.

Here, James does two things: he uses the ideas of restorative and retributive justice as a framework for explaining the opposing positions of the

³⁶ See footnote 35 on means-replacing compensation.

³⁷ See footnote 36 on restorative vs. retributive compensation.

rabbis and the father. But he also uses the sugya to help him refine the differences between retributive and restorative justice. In other words, the article on retributive and restorative justice both helps him to read the sugya and to propose another explanation for the rabbinic and parental responses, and the sugya helps him to better understand these two types of justice. In order to propose these readings of the sugya, James has not only had to track the father's response but the chain of argument that precedes it. He has had to be attentive to ambiguities in language, shifts in voice between named rabbis, an anonymous interlocutor, and the father, as well as be sensitive to a range of possibilities for narrating the legal story itself. James has decoded the sugya and used the article to help him read the sugya insightfully.

The final passage I cite from James' essay reveals this sensitivity to language as tied to his questions about justice:

In what ways is justice personal (akin to *kisufa* [shame that a person feels internally], B. Bava Kamma 86b), where what matters most is the individual's experience of it? And in what ways is justice a societal and objective truth (more like *ziluta* [shame that degrades a person in the eyes of others], B. Bava Kamma 86b)? When viewed as the former, restoration, listening, healing, remains a possibility. When assumed to be the latter, what is lost? Can one opt out? What are the repercussions? Does opting out stunt or disrupt the foundations of justice? What kind of abuse does a system leave itself open to if opting out is a possibility? To what extent do we owe it to each other to buy into the same system? Where is our responsibility to navigate the individual complexities of humans?

Here, James links two different concepts of shame (personal vs. communally experienced shame) that have appeared in our sugyot to his larger questions about justice. He utilizes these two concepts as ways for thinking about the costs and benefits of a justice that is tailored toward individuals and one that is oriented more toward an overarching societal standard. Exploring the possible motivations of the characters in this brief sugya, by using the lenses provided by a number of secondary readings,³⁸ enables James to read

38 The student cites secondary readings in addition to the ones I have presented here. He also utilizes Cover, "Violence and the Word," 1601-29; Crane, "Shameful Ambivalences," 61-84; Hezser, *Jewish Slavery*, 247-74; and Rubenstein, *Culture of the Babylonian Talmud*, 67-79.

this Bavli passage as an exploration of modes of justice. These secondary readings permit him to proactively explore motivations for the characters' behaviors, to open possibilities for the many ambiguities in the narrative, and to connect these with much larger questions from the world of jurisprudence. Learning to read through the lens of secondary readings has enabled James to understand the rabbinic sugya in question not only as a specific legal case history but also as a meditation on justice in general. The articles have empowered him to read the range of interpretive possibilities latent in the sugya and then to connect these readings to a wider world of thinking about law as one mode through which humans express their visions for constructing society.

Conclusion

In the opening of this chapter, I describe my goal as enabling students to have a richer understanding of the Bavli itself through the integration of secondary readings into a one-semester course. Three primary methods were used to target my learning objectives: weekly writing assignments, class discussion, and producing a final essay. Collectively, all three were meant to teach students how to read with a greatly enriched approach. And indeed, students did learn how to read more richly. Grounded in the specific language of different sugyot, they became alert to ambiguity, able to connect one sugya with another, raise multiple possibilities for meaning, locate subtexts, connect sugyot to wider ideas in the humanities, and bring their own concerns and questions to their readings.

Asking students to seriously engage with the ideas of others through writing and discussion, ideas that are directly linked and those that are less obviously linked to the topic at hand, challenges them to expand their current reading capabilities. Students must “step out” of their own minds and into the intellectual worlds of others. As they do so while closely reading the words of the Bavli, the Bavli begins to reveal its ambiguities and questions to them. In turn, the experience of immersing themselves in the ideas of others encourages them to engage with their own ideas and bring them back to the world of the Bavli. Through such a circle, students expand what they are able to say about and see in a sugya—and begin to discover the extraordinary over the already known.