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KOL HAMEVASER

The Jewish Thought Magazine of the Yeshiva University Student Body

Jewish Education

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Many Waters":
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Aaron Levine z"l**

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About Kol Hamevaser

Kol Hamevaser, the Jewish Thought magazine of the Yeshiva University student body, is dedicated to sparking discussion of Jewish issues on the Yeshiva University campus and beyond. The magazine hopes to facilitate the religious and intellectual growth of its readership and serves as a forum for students to express their views on a variety of issues that face the Jewish community. It also provides opportunities for young thinkers to engage Judaism intellectually and creatively, and to mature into confident leaders.

Kol Hamevaser is published monthly and its primary contributors are undergraduates, although it includes input from RIETS Roshei Yeshivah, YU professors, and outside figures. In addition to its print magazine, Kol Hamevaser also sponsors special events, speakers, discussion groups, conferences, and shabbatonim.

We encourage anyone interested in writing about or discussing Jewish issues to get involved in our community, and to participate in the magazine, the conversation, and our club's events. Find us online at www.kolhamevaser.com, or on Facebook or Twitter.



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About the Cover

The image displayed here is *Soldiers check for seditious talk*, a creation of Russian Jewish painter Samuel Rothbort (1882-1971). This image and others featured in the Creative Arts section of this issue are the property of Yeshiva University Museum collections. The Museum has provided these images to Kol Hamevaser for the purposes of this new Creative Arts section, to expand the horizons of Jewish Thought by exposing readers to new and more creative forms of capturing different themes in Judaism and Jewish life. The section also includes reviews of new books that are potentially of interest to the Kol Hamevaser readership. Submissions to the Creative Arts section, whether of art, poetry, art criticism, or book or film reviews, are welcome. Please email kolhamevaser@gmail.com for more details.

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This magazine contains words
of Torah.

Please treat it with respect.

Editors' Thoughts: A Transformative Time for Jewish Education

BY: Gabrielle Hiller

The face of Jewish education is constantly changing in today's world. The style of education that yeshivah day-school students of this generation receive is markedly different from the models experienced by our parents. Teaching methods have changed, and the role of the teacher has evolved. With the introduction of Smartboards and other technologies to the classroom, new and dynamic methods of relating knowledge and instilling values are being discussed every day in online forums of Jewish educational professionals. Experiential education is on the rise, women have access to new and exciting learning opportunities, and Yeshiva University is in the process of "reimagining," an attempt to consolidate and reform the educational framework of its undergraduate institutions.

Yet recently, Jewish education has been at the forefront of our community news for not entirely positive reasons. Due to the financial

crisis and the consequent the increasing number of families who must request scholarships because they cannot afford the rapidly rising tuition, schools are struggling to stay afloat. Talk of charter schools, a more affordable option, has led to a debate over the value of the traditional day-school education.

While yeshivah day-schools do have much to offer, there has also been a number of failures and points of contention concerning these schools. Tens, even hundreds, of thousands of dollars have been spent by many Jewish families on yeshivah tuition, the results of which are often, nonetheless, a lack of fluency in Hebrew language, frustration with the system, and most disconcerting of all, apathetic Jewish teens whose teachers, intent on merely relating knowledge, fail to inspire them. We battle with many questions, most of which do not have clear answers: Is there a way to teach *tefillah* without alienating the many students who

simply cannot connect to the words? Is co-ed or separate-sex education more conducive to maximum growth for students? With limited time, priorities of which subjects to teach and how to teach them are constantly under review.

These issues have not gone unnoticed or unaddressed. There are now many organizations working with school administrators to solve these problems. Curricula are being revamped, and the standards and expectations for teachers are being raised.

Our era is a time of introspection in the world of Jewish education, as we question what has been done in the past and what should be changed for the future. It is a subject of vital concern to many of us, as it ensures the strong continuity of our people. In this issue of *Kol Hamevaser*, we investigate and survey a number of issues relating to Jewish education, and we hope that you will join us in our exploration.

One aside: We, the editors of *Kol Hamevaser*, would be remiss if we did not acknowledge the return of Gilad Shalit to his family. In our discussion concerning the continued revitalization of our nation's future, we felt it essential to address this event and some of our complicated emotions in its wake. Jews all over the world struggle to understand the significance of Israel's prisoner swap with Hamas, torn between happiness for Gilad's return and safety, the terrible price Israel may have paid for him, and pride in the astonishing value our state places on life. In these pages, various aspects of this matter – halakhic and otherwise – are addressed in an article by Wexner Kollel Elyon member Yosef Bronstein. We hope that it will shed light on this complex issue.

"A Tree Planted on Many Waters"¹ Something About R. Aaron Levine z"l

BY: Rabbi Shalom Carmy

When almost all of my mother's local friends, and most of her relatives, were dead, and she could not go out on her own, and I was away much of the time, how did she continue to live at home? Without new friends and companions, there would have been no alternative to a nursing home. I asked Rabbi Aaron Levine to nominate women in our neighborhood who could help, and it is thanks to them that she developed new friendships and lived her last years with the dignity she deserved. After R. Aaron's death, one of these righteous ladies

He raised funds, with palpable and infectious enthusiasm, for a variety of causes that were not directly connected to the Young Israel of Avenue J or the Flatbush community. He took enormous pride in the fact that his shul was in the forefront of support for organizations like Ezras Torah and Od Yosef Chai, both of which primarily provide assistance to needy families in Israel. All of this apart from innumerable acts of individual charity that occurred "under the radar," known only to those whose partnership he required. And don't forget the innumerable

but on his pioneering application of economic theory to Halakhah? Well, *kibbud em* and charity are prominent among those *mitsvot* whose fruits nourish us in this world while the capital sustains us in the next world.² I need no excuse to dwell on my debt in these areas. The great testimony to R. Levine's achievement as a *talmid hakham* and as a scholar is available to all who desire – the voluminous publications into which he poured so much of his energy. Though much of his productivity on *battei din* or as a local *posek* is not in the public domain, the published material suffices to initiate the interested. These words continue to speak to us from the grave, and will continue to inspire his successors.

I choose to set R. Levine's intellectual life work against the backdrop of his conduct because he was one of those whose deeds were greater than his wisdom and learning, of whom the Mishnah says that their wisdom and learning will endure.³ Truly, he was gifted intellectually. His retention was phenomenal: Once, in the mid-1970s, when he was a young instructor and I was even younger, we discussed over the phone a halakhic issue (not connected with economics in any way). At one point I suggested that it would be more time-efficient if he simply told me the name of the book he was reading from, only to learn that there was

no book – R. Aaron was quoting from memory. Such gifts, even when fully developed, make a brilliant scholar but make neither a religious leader, nor a guide and support to others, nor a saintly individual.

His zest for this work transformed my outlook on tsedakah; he did the same for many others.

recounted to me the extraordinary tact and sensitivity with which he had confided our need to her. For this alone I should be grateful eternally.

For many *rabbanim*, charity begins at home. A shul's needs are many, as are those of other local institutions. Money is finite, even in good times. This was not R. Levine's attitude.

evenings when he interrupted his return home from Yeshiva to visit the sick at Manhattan's hospitals. His zest for this work transformed my outlook on *tsedakah*; he did the same for many others.

Why do I speak of his activities as a communal *rav* when R. Levine's international reputation is not based on his good works



It is not just that he worked hard. He approached every question with painstaking meticulousness and detail, whether it was a monetary dispute in a rabbinic court, personal advice, a shul decision, or the disposition of an article for *Tradition*. In the last years, when he was often in great pain, I lightened his workload for the journal, and often he begged off a refereeing assignment. Yet when his participation was essential he took the lead and followed up on every detail until we reached a fair and honest result, as best as we could achieve it.

R. Levine was a team-player, a diplomat and at the same time, and perhaps for that very reason, an individual ready to fight for what really mattered to him. Even if an editorial decision went against him, he accepted it and did his utmost to ensure that the outcome was successful.

For many of his admirers, R. Levine's crowning achievement was his editing of the *Oxford Handbook of Judaism and Economics*. From the viewpoint of internal Orthodox self-validation, this massive work marked the arrival of "Halakhah and Economics" as a recognized scholarly discipline. R. Levine insisted that the book must not contain anything objectionable from the viewpoint of normative Jewish belief. In the modernist academic culture of theological "don't ask, don't tell," it is difficult enough to maintain standards in books explicitly identified as Orthodox. In order to attain his goal, it was necessary for R. Levine to become familiar with approaches to Halakhah alien to him, that reject the divine origin of *Torah she-be-al Peh*. He had to understand what motivates them, and to negotiate acceptable formulations with scholars who have no commitment to

Orthodox principles. Earlier in his career he had learned to participate in symposia, both face-to-face and in writing, where he debated respectfully with individuals who fell far short of his halakhic or economic knowledge. Now, often in pain, he presided over this last book. We had many conversations about these projects but I still do not fully understand how he pulled it off.

[H]e was one of those whose deeds were greater than his wisdom and learning, of whom the Mishnah says that their wisdom and learning will endure.

He whose actions are greater than his learning, to what does he compare?⁴ To answer, the Mishnah cited above quotes Jeremiah: Such a person is like a "tree planted on waters... and is not anxious in years of draught and does not cease from bearing fruit."⁵ R. Levine was such a person. He could be hurt like anyone else when treated disrespectfully, but he got over it astonishingly fast. Throughout his life he was a prodigious writer and teacher, an indefatigable man of *hesed*. In years of cancer he showed no anxiety. He was the same as he had been, only physically weaker. Despite the pain, the prospect of a *shiur* or a class, or the blank page waiting for his writing, was enough to take him out of this world. Throughout his career he was blessed with a household that understood him and was devoted to his goals.

When actions are greater than learning, the results are not only unshakable moral stability and relentless religious commitment, indomitable work habits and tranquility in crisis. There is also a superior truthfulness that is conferred upon the individual whose learning is rooted in his life. One conversation I had with R. Aaron may convey something of what is at stake: *The New York Times* has a

had presumably come to her attitudes long ago and was confirmed in them, with a degree of pity, sparing her aged body a long ride in a swaying train. The *Times* verdict sounded too vindictive, too reminiscent of the self-righteous liberals we meet too often in real life, so memorably depicted in works like Flannery O'Connor's "Everything that Rises Must Converge." Those with whom I discussed the column either agreed with me or were hesitant to disagree.

For R. Levine, by contrast, there was one overriding criterion: the strict halakhah of *ona'at devarim*, the prohibition of oppressing another person by word or gesture. The old woman was guilty of *ona'at devarim*; to accommodate her was to abet her iniquity. Of course, if there was danger of her being injured, she should be helped. Short of that, the *Times* Ethicist for once had it right. What matters in this discussion is not whether one can question R. Aaron's reaction but how it illustrates the way a man's mind works when he has internalized the Halakhah not only academically but existentially.

He is gone. To whom can I turn for that kind of insight?

Rabbi Shalom Carmy is an associate professor of Bible and Jewish Thought at Yeshiva College, and is the editor of Tradition.

- 1 Psalms 1:3.
- 2 *Pe'ah* 1:1.
- 3 *Avot* 3:9.
- 4 *Avot* 3:17.
- 5 Jeremiah 17:8.

A Crisis Deeper than Just Tuition

BY: Moshe Karp

It's hard to be a Jew. This classic refrain has spilled off the lips of Jews throughout the ages as they struggled through the worst of predicaments. Sometimes, they faced outright physical persecution and feared for their lives. Other times, Jews were pressured into giving up their religion by working on Shabbat or by otherwise assimilating into the native culture. By the standards of the past, being Jewish in twenty-first century America is not so difficult. The constitutional right to freedom of religion allows Jews to worship freely, and other laws criminalize religious discrimination in the workplace. Orthodox Jews of yesteryear would have enviously looked at the ease with which American Jews live their lives as completely religious people, never thinking that there could be a difficulty lurking behind the seemingly perfect veneer of contemporary American Orthodoxy. Yet, many of today's Orthodox parents would likely respond emphatically by

paraphrasing Jimmy McMillan: "Tuition is too damn high."

The yeshivah day-school system, combining both *limmudei kodesh* and secular studies under a single roof, is a symbol of the reconciliation of Jewish life with American culture. The cost of providing this dual-curriculum education has skyrocketed, making it possibly the largest expense for Orthodox parents in this faltering economy. In order to cope with this challenge, some have turned away from the ideals which we aim to teach our children. They respond to the problem in increasingly negative ways instead of acting with *derekh erets* and *hakarat ha-tov* to the institutions and people who have taken upon themselves this most important responsibility of educating the next generation.

The core function of the yeshivah system is the teaching of Torah. The father delegates his responsibility of "*Ve-limadtem otam et beneikhem*"¹ to the professionally trained

educators. A father is also required to teach his children a profession, as well as how to swim for survival.² At first glance, all that the *yeshivah* does is formalize these two requirements, with the *limmudei kodesh* portion of the school-day corresponding to the former obligation, whereas the secular studies component corresponds to the latter two.³ However, the yeshivah also teaches children Jewish values. Sometimes this may be in a formal setting, such as learning about the *mitsvot bein adam le-havero* or, for older children, Rambam's *Hilkhot De'ot*, topics of interpersonal relationships subsumed within the halakhic system. But at other times, children learn from watching people interact with each other and with God. Rabbis and teachers are role models from whom we hope children glean some sense of what it means to be a Jew.

R. Samson Raphael Hirsch outlines an educational theory in his work, *Horeb*, which



Satirical image featured on the Bergen County Yeshiva Tuition Blog, a forum dedicated to the issue of high yeshiva day-school tuition rates

emphasizes two central tenets: the importance of teaching Jewish values through living those values, and the responsibility of a parent to actively contribute to all aspects of his or her children's education.⁴ The current communal response to the tuition crisis reveals an abdication of both of these values, which may constitute a bigger problem than the crisis itself.

R. Hirsch does not promote this methodology at the expense of the traditional *talmud Torah* curriculum, but feels it necessary to highlight additional components of Jewish education. One might think that when a parent delegates responsibility for a child's education to professionals, he or she is able to stand back and watch without taking any role in that child's development. R. Hirsch warns against this complacency by clarifying that "even if [the father] lets the greater part of [education] be carried out by the school he should not forget that the school is only an instrument and that, even when he has handed over to the school, the duty still remains with him of watching over the progress of his child and assisting it where and as he can."⁵ With this in mind, R. Hirsch gives numerous examples of ways in which a father must educate his child in the moral aspects of life; for example, "Habituate him early to obedience, to sacrifice his own satisfaction and enjoyment for something higher... Teach him early... to love and respect God's children."⁶

The parent must continue to play a role in his or her child's education. Sometimes this comes through the daily grind of reviewing that day's new material or helping with homework, both for Torah and secular studies. While these actions constitute a more formal participation in a child's education, a parent's behavior is just as crucial in helping the child learn what is and is not the correct way to live life. "But do you know the great instrument which you have in your hands for giving him this training? Your own example! In the life of his parents the child sees the picture of what will one day be his own life, and he copies it eagerly and quickly."⁷ R. Hirsch draws attention to the parent's silent role in formulating the moral backbone of his or her child's life. What is learned in school "must be like another room fitted into your house,"⁸ but is not the only and perhaps not even the most important element in a child's Jewish education.

A parent's attitude filters down to his or her children. R. Hirsch focuses on the positive values which a parent can bequeath to a child by acting in a certain way. I am concerned that there are negative values being drawn out by the tuition crisis which may also be passed down to children and have disastrous consequences for the Orthodox community. Certainly, as someone who is not yet paying tuition, I cannot completely sympathize with the financial difficulties of raising children in the Orthodox community. The tuition crisis is undoubtedly a very real challenge faced by Modern Orthodox Jewry, and much hard work remains before it can be resolved. Nevertheless, the way that some in our community have responded to the tuition crisis seems to contradict this basic but incredibly important learning-by-example element of Jewish education.

An analysis of some of the numerous different proposals and strategies that have

been set forth in order to help combat the rapid rise of tuition for Jewish day-schools reveals some of these disturbing tendencies. The most extreme plans involve leaving the *yeshivah* system behind altogether. Some parents have begun to send their children to public schools, with tutoring or a classical "Talmud Torah" providing religious instruction. A number of charter schools teaching Hebrew language, which have either opened in recent years or plan to open in the coming years, have attracted Orthodox parents opting out of the *yeshivah* system.⁹ Some critics have unfairly ostracized all parents who make this presumably difficult choice or classified them as not *frum*. There are obviously situations when the right choice is to take a child out of *yeshivah*. However, even assuming that tutoring provides public or charter school children with the same Torah background and knowledge as their *yeshivah* peers is, at best, a skeptical proposition, considering that the *yeshivah* students are spending far more time on Torah subjects. Many parents who leave the day-school system because of the tuition crisis are giving their children a message that a Torah education in a full-time Jewish environment is not as important when it becomes difficult to pay tuition and continue to live a comfortable suburban lifestyle. Children see when material

need layers of administrators overseeing their Smartboard-using teachers. Others wonder whether the schools should really be closed on days like *erev yom tov* when two working parents have difficulty taking off from work. Some criticize the proliferation of resource or enrichment work for children who would benefit from such programming. Another common complaint revolves around those who receive scholarships and what kind of lifestyle they should be living. The list of questions is endless but not necessarily baseless. The skyrocketing of tuition makes obvious that not every perk, as educationally beneficial as it may be, is necessarily sustainable. However, the manner in which some parents ask these questions reveals what seems to be a far greater issue than purely the dollars and cents going to the schools. Basic *middot*, such as *derekh erets* and *hakarat ha-tov*, go by the wayside as some parents mercilessly and viciously attack the schools and those who work for them.

A (perhaps) extreme example of this phenomenon is the Bergen County Yeshiva Tuition Blog, also known as the 200K Chump Blog.¹⁰ Methodologically, it may be unfair to focus on this particular medium, as those who tend to comment on blogs are often the most emotionally invested in a particular issue and thus may have stronger feelings about it.

When children see their parent's negative attitude, not just toward the schools but also the vicious and often ad hominem attacks on people in general, they subconsciously learn to react similarly.

desires such as vacations take precedence over Jewish education.

Parents often assume that whatever Jewish educational values are missed because their children are not in *yeshivah* can easily be compensated for at home. However, the core value that a Jewish life requires *mesirut nefesh*, self-sacrifice, is undermined by this entire enterprise. When a child sees that the parent will not sacrifice for Torah education, he or she will feel less likely to make sacrifices for Judaism later in life. To be fair, one cannot use this as a perfect predictor of future religious success. Some *yeshivah* children will "go off the *derekh*" (leave Orthodox observance) and some public school children will not. However, parents' attitude towards self-sacrifice will likely have an effect on their children's future behavior.

As parents have increasingly more difficulty paying tuition, they raise questions about how their schools operate. These questions largely center on issues of efficiency- whether or not the school can provide the same education at a smaller cost. Parents critique school policy and wonder if they should be getting more bang for their buck. Some look back to their own younger days and remember schools with far fewer administrators, larger class sizes, and the simplicity of chalk and blackboard, while wondering whether today's students really

Nevertheless, I am concerned that this attitude is a real problem throughout the community at large. Many of those who comment on the blog are venomous towards those with whom they may disagree regarding the operation of the schools. For example, one recent commentator felt it necessary to use profanity to express his disagreement with the schools being closed on *erev Rosh ha-Shanah*. Many comment threads include attacks on administrators and teachers whom they believe are excessively compensated and do not do enough work. Those who attempt to defend the existing schools are derided as "legacy hacks."¹¹ Some local schools have been able to reduce tuition slightly because of communal programs or government funds, which have been made available for security and energy improvements, but were criticized for not doing enough. I am not the only one to notice the strident tone of the commenters on this website; one prominent principal pointed this out in a guest post on the blog.¹²

When children see their parent's negative attitude, not just toward the schools but also the vicious and often *ad hominem* attacks on people in general, they subconsciously learn to react similarly. The questions raised by the blogging critics of the *yeshivot* may be legitimate but the way that they are asked makes me worry about what will be for the future of the Jewish people. As hard as tuition may be to pay, people have

no license to be nasty to anyone, let alone those who work tirelessly to educate their children.

There is no question that the high cost of tuition is a major problem facing today's Modern Orthodox community. When people are getting priced out of providing quality Jewish educations for their children, it becomes time to reassess the system. Legitimate questions can and should be asked about the way that the *yeshivah* day-school system operates. However, the response to the tuition crisis should be one rooted in what our educational system is meant to teach: Torah and *middot*. These two pillars of Judaism seem to get ignored when people react viciously with regards to the schools which they have entrusted to teach their children. The response should not be one of accusation or of abandonment; it should be one of working together to make things better. Just as Rome was not built in a day, so too tuition will not come crashing down right away. But when parents act with such unabashed negativity towards the very people and institutions to which they give the great responsibility of education, children notice and could easily begin to take on the very same harmful attitudes. If this continues as it is, the tuition crisis has the potential to balloon into a far deeper and existential one as children see their parents behave in a way that is antagonistic to the sweet ways of the Torah and inculcate those pernicious beliefs into their own characters.

Moshe Karp is a senior at YC majoring in Jewish Studies, and is a staff writer for Kol Hamevaser.

¹ Devarim 6:7.

² Kiddushin 29a-b.

³ For the purposes of this piece, I am only presenting the minimalist approach to secular studies. For a more maximalist view, see Norman Lamm, *Torah Umadda : The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition* (Northvale, N.J.: Jason Aronson, 1990).

⁴ Samson Raphael Hirsch, *Horeb; A Philosophy of Jewish Laws and Observations*, transl. by Isidor Grunfeld (London: Soncino Press, 1962), 412-416.

⁵ Ibid. 415.

⁶ Ibid. 412.

⁷ Ibid. 413.

⁸ Ibid. 415.

⁹ Julie Wiener, "The Ben Gamla Boom," *The Jewish Week*. 23 Aug. 2011.

¹⁰ *Bergen County Yeshiva Tuition Blog*, available at: <http://200kchump.blogspot.com>.

¹¹ See, for example, "Schools, Technology, Test Scores, and the New York Times," *Bergen County Yeshiva Tuition Blog*, 8 Sept. 2011.

¹² Eliyahu Teitz, "Chump Blog Exclusive: Guest Post From Rabbi Eliyahu Teitz (JEC-Elizabeth)," *Bergen County Yeshiva Tuition Blog*, 16 Aug. 2011.

"The Government of Israel Believes in Education"¹...for Some: Schooling for Israel's Arab Citizens

BY: Chesky Kopel

"In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake... Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group."²

Many discussions about big Israeli problems begin with excerpts from UN documents, and this one shall be no different. The above affirmation appears in the 1960 "Convention against Discrimination in Education" of the United Nations Educational, Scientific, and Cultural Organization (UNESCO). All nineteen articles of this document were adopted by the UNESCO General Conference in Paris, with ninety-seven signatory states. The State of Israel was among them, and its Knesset ratified the Convention's principles into law in 1961.³ However, as with any other big Israeli problem, observers are not all easily swayed by UN proclamations or by Israeli commitments of adherence to international law. Whether or not that aversion is well-founded is a subject for a very different article.

More important than the merits and faults of UN law is Israel's original motivation for joining international legal bodies altogether. Our state strove for recognition in the community of nations, based upon a meaningful commitment to universal ethics. This commitment has not expired. In a particular sense, Israel is also called upon, as the home and prominent voice of the Jewish People, to uphold morality and Jewish values (however amorphous that notion may be), and to serve as a shining example for the other nations of the world.⁴ In the previous issue of *Kol Hamevaser*, RIETS Senior Mashgiach Ruchani R. Yosef Blau argued that Israel's treatment of its minority populations serves as the State's great test to distinguish itself from the many oppressive regimes that the Jewish People has encountered throughout history.⁵ In line with all of these values and concerns, this essay assumes that equal standards of education for all citizens, regardless of race, is an objectively important goal for upholding the Jewish and moral qualities of the State of Israel. It assumes that failure to provide equal standards is a disastrous *hillul Hashem*, particularly from the vantage point of the larger world community. It assumes that, practically speaking, Israeli society will benefit from a well-educated populace, and that a disparity in educational standards founded on ethnic lines undermines the possibility of peaceful coexistence among the different groups of Israeli citizens. It also assumes that maintaining peace and morality in the State of Israel is a strong concern for the readership of this magazine. Therefore, none of these points will be addressed or proven.

The history of Arab education in Israel is chock-full of shocking studies,

protests by interest groups, government acknowledgements of fault and commitments to improve, and subsequent protests against empty government promises. That cycle continues right up until today. Glaring evidence of significant gaps in educational quality remains in the Israeli system, indicated by data in almost every relevant category. If matriculation certificate (*te'udat bagrut*) data are a good indicator (as they do represent the internal Israeli measure of high school



success and admissibility to universities), consider the achievement disparity between Jewish and Arab students in 2007: 75.9% of Jewish students qualified for matriculation, as opposed to only 30.8% of Arab students.⁶ If budget allocation data are a good indicator, consider that 2005 figures showed annual government expenditures of \$1,100 for each Jewish student, as opposed to \$192 for each Arab student.⁷ If textbook quality is a good indicator, consider that a September 2011 study by the Arab Cultural Association found at least 16,255 errors in Arabic language, syntax, and grammar in the contents of textbooks for third through ninth grade Arab students, authorized by Israel's Education Ministry.⁸ If educational provisions for the needy are a good indicator, consider that annual per-student average government allocations for special assistance to Arab junior high school students of low socioeconomic background amount to 20% of the average granted to their Jewish counterparts.⁹ Regardless of the causes, these figures plainly and simply demonstrate severe inequalities in Israel's schooling system.

The history of these unresolved gaps is also generally quite bleak. Following major clashes between Israeli Arab citizens and IDF troops on March 30, 1976, in the wake of organized mass Arab protests against Israeli land policy, the government began the early stages of forming a "High Follow-Up Committee for the Arab Citizens of Israel." This body officially came into being on October 30, 1982, and its mission is to represent the interests of the Arab population of Israel in matters of public policy.¹⁰ In 1984, the High Follow-Up Committee branched out and formed a special "Follow-Up Committee on Arab Education" (FUCAE), responsible for "addressing the educational and pedagogic issues pertaining to the Palestinian Arab community in Israel, under the patronage of the National Committee for the Heads of Arab Local Authorities."¹¹ FUCAE is active and outspoken until today in its political advocacy for equal standards and budgetary allocations for Arab education in Israel.¹² Among its more controversial positions is its frequent insistence on equal recognition for communal Arab values and the "Palestinian-Arab historical narrative" in the government's curriculum.¹³

In the last two decades, FUCAE and other watchdog organizations have repeatedly railed against the poor standards of Arab education in Israel and the lack of Israeli government action to remedy the situation. Possibly the most thorough academic studies on this subject in recent years were undertaken by Human Rights Watch in 2001¹⁴ and by Dirasat (The Arab Center for Law and Policy, based in Nazareth), in coordination with the Arab Minority Rights Clinic of the University of Haifa, in 2010.¹⁵ The latter study, which has the benefit of judging Israel's progress in this decade against earlier recommendations, concludes that the government of Israel intentionally marginalizes the Arab population, and demands major policy overhaul. In light of this, the report makes four essential recommendations to the Ministry of Education: 1) enforced standards of equality, and even affirmative action, in budget allocations, 2) "meaningful recognition of both the historical-cultural narrative and the social narrative of the Arab minority in Israel"¹⁶ as a distinct heritage within the larger framework of the Jewish State, 3) meaningful participation of Arab professionals and leaders in the development of curricula and public educational policy, and 4) improvement of Arab educational standards, learning environment, instructional methodology, textbook quality, language proficiency, and training of Arab teachers.¹⁷

At this point, however, the Dirasat report takes a turn for the political. The researchers relate that, in August 2007, Education Minister Yuli Tamir of the Labor Party (member of the previous Knesset's Kadima-led coalition)¹⁸ formed four joint committees with FUCAE to address the most pressing problems in Arab education. Three conclusions were reached, and respective government commitments

made: 1) the Education Ministry commits to build 8,600 more classrooms in the Arab sector by 2012, at a price of 3.6 billion NIS, 2) over 100 commitments regarding instruction quality, teacher training, and hiring of guidance counselors and other educational professionals, with the goal of eliminating achievement gaps, and 3) a long list of commitments to increase awareness, resources, and personnel to address learning disabilities in the Arab sector, including the employment of more professionals and the initiation of extensive intervention programming. The fourth committee, charged to address curricular issues, did not reach a conclusion. The Ministry team only agreed to improve Arabic language and mathematical standards, while FUCAE insisted on a complete ideological overhaul, to make room for the Arab-Palestinian cultural and historical narrative. Minister Tamir delayed any commitments in this area until the two sides could draft a single document, which they planned to pursue in the following months. But a Likud-led coalition took over after new Knesset elections in February 2009. The new education minister, Gideon Sa'ar of the Likud Party, has simply ignored the work of the previous administration. None of the three commitments adopted by Tamir have been implemented, and the committee set to resolve the fourth issue has not met since 2008.¹⁹

To be sure, Sa'ar has taken definitive actions in office. In August 2009, he introduced a policy statement, entitled "The Government of Israel Believes in Education."²⁰ While the statement sets goals for improving academic achievement nationwide, its primary feature is an emphasis on values education, incorporating more curricular material on Zionism, Jewish history, and service in the military. Noble goals as these are, Sa'ar's statement includes few references to the many unique Arab needs and problems. Additional measures taken by Sa'ar's administration, such as Dr. Zvi Zamere's (chairman of the Ministry's Pedagogical Secretariat) emendations of the civics textbook entitled *To Be a Citizen in Israel*, aimed at removing criticisms of the State,²¹ have impacted the culture of expression in Israeli schools. The Association for Civil Rights in Israel concluded in October 2010 that freedom of expression in Israeli schools is now at risk, racism is rapidly spreading, and "themes relating to human rights, pluralism, and coexistence...have suddenly begun to be seen as 'dangerous' and questionable."²²

In this context, the Dirasat report also criticizes the Likud government's failure to implement the December 2009 reformulation of the government's "National Priority" system, which specifies the regions that need special attention and resources in education and other areas.²³ The original formulation had been declared discriminatory and illegal by the Israeli Supreme Court in February 2006, when FUCAE sued the government for not including any significant Arab towns in the National

Priority A or B zones.²⁴ Once again, the report concludes that the sum total of aforementioned actions and inactions by the current Likud administration points to a policy of intentional discrimination against the Arab minority and its values.²⁵ The Dirasat report's final major act is its endorsement of the Arab Pedagogic Council, formed by FUCEAE in July 2010. The intention of this council is to serve as a professional body of Arab leaders that oversees "curricular policies and practices" in Israel's Arab sector, and to achieve full recognition by the government as the authority over those areas.²⁶

As an outsider, I find it useful to take the conclusions of special-interest groups like Dirasat and FUCEAE with a grain of salt, as there is certainly room to question their objectivity. Most of the analyses addressed here were conducted by like-minded organizations that take significant offense at the Jewish character of the State of Israel. I embrace this character, but nonetheless feel very strongly that even supporters of the Jewish State can and should take the above data very seriously. Surely many of us object to Arab demands that Israel foster Palestinian nationalism and values in its own educational system, a notion that is both legitimately threatening to Zionist values and legitimately irrelevant to the issue of low educational standards. We may also disagree with the above reports regarding the root of the problem, and the reason for Israel's failure to remedy Arab education. Still, two unsettling realities emerge from this research, realities that demand the attention of concerned Jews in Israel and abroad.

First, the basic facts that form the core of the research are demonstrably true and inherently shocking. Official Education Ministry data show that academic achievement in the Arab sector lags behind the Jewish figures to an almost absurd extent. Whether the Arab communities themselves are to share a large degree of the blame for this or not is certainly debatable, but it is still in Israel's power, and is still its moral prerogative, to try and rectify the situation. Israeli governments themselves have acknowledged these problems and their power to do something about them, but have simply failed to deliver. The current government continues to sit on the unfulfilled promises of 2007 as they gather dust. What does this say about our beloved State's commitment to equality? And perhaps even more troubling is the fact that in researching the topic of Arab education in Israel, the only thorough analyses that I found are the products of Arab special-interest groups and international watchdog bodies (which use the official Israeli government data to draw wild conclusions of Israeli malice). Few publicly available Israeli Jewish resources attempt to explain the educational gap phenomenon and account for it in a more favorable way, let alone set plans for change. Should not Israeli Jews be at the forefront of this movement to improve the lives of those living under our nation's domain?

With this in mind, I find two Israeli initiatives particularly worthy of positive mention. Back in August 2008, Tamir's Education Ministry established another committee to deal with Arab education, this one assigned to the particular mission of advancing "shared life between Jewish and Arab citizens of

Israel."²⁷ The committee was chaired by Dr. Mohammed Issawiye, director of Al Qasemi College in Bakaal-Gharabiyah, and Professor Gaby Solomon, recipient of the Israel Prize for Education and Founding Director of the Center for Research on Peace Education at the University of Haifa. This coordination, known as the "Issawiye-Solomon Committee," produced an exhaustive and detailed plan for the introduction of this "shared life" curriculum into the schooling system for all Israelis from kindergarten through twelfth grade, in several relevant subject areas. The plan recommended that the government allocate ten million shekels a year for implementation. If put into practice, this curriculum could go a long way toward encouraging coexistence and raising attention to the poor state of Arab education. Tamir's administration approved the whole program just before the new Knesset elections, but Sa'ar's has yet to implement any of it.²⁸

The other initiative is "Hand in Hand: Center for Jewish-Arab Education," founded in 1997. The Center's goal is to create a network of bilingual and bicultural Jewish-Arab schools,

in the interest of fostering goodwill, peace, and coexistence among the two populations. The network now includes four schools across the nation, and Hand in Hand continues to broadcast an optimistic message: "Hand in Hand's success and longevity demonstrate that children, families, and entire communities of Jews and Arabs *can* live and work together with mutual respect and friendship."²⁹ I find this movement inspirational and worthy of support for its contributions toward ending the regional conflict as well as for its potential to revolutionize the standards of Arab education in Israel. As the unanimous United States Supreme Court told us more than a half-century ago, "Separate educational facilities are inherently unequal."³⁰

A great deal has been written regarding whether or not the monotheistic Arabs living under Israeli rule qualify for the halakhic definition of *ger toshav*. While Rambam's description of the term,³¹ based upon the guidelines of a Beraita,³² leaves no room for conferring this status upon today's Arabs, R. A.Y. Kook argues that many of its principles should nonetheless apply to them.³³ Even according to this position however, it remains unclear how exactly the *ger toshav* halakhic principles would impact upon the question of Arab education in Israel. On the one hand, the *ger toshav* is certainly not treated like a full Jew in the eyes of the Halakhah.³⁴ On the other hand, though, we are required to permit the *ger toshav's* residence in the Land of Israel,³⁵ protect his or her life,³⁶ and are forbidden, according to some, from unnecessarily afflicting him or her financially or with words.³⁷

This set of rules can convey different

conclusions regarding Jewish responsibility toward Arab education, depending on the ethical and cultural biases of the reader. Protection of life can be seen maximally to include the human right of education, or minimally to refer only to situations of imminent death. The prohibition of financial affliction can be seen to demand equal education standards, or the bar for affliction can be set much higher. I am quite confident, however, that the nature of Israel's moral commitments in the twenty-first century, as well as the pragmatic concerns of facilitating coexistence, should make the conclusion clear to responsible Jewish leaders: The State of Israel must not enact racial discrimination. A similar notion was argued in a halakhic context by R. Yitshak ha-Levi Herzog, who wrote extensively about Israel's obligation to uphold its commitments to the UN, which had made possible its existence.³⁸

Ruling over other peoples does not come naturally to Jews. Even in the glow of finally realizing Jewish national sovereignty after millennia of waiting, governance proves to be a formidable challenge for us. Whether

Glaring evidence of significant gaps in educational quality remains in the Israeli system, indicated by data in almost every relevant category.

Jewish rule over minorities is to manifest as an egalitarian social contract, an oppressive Pact of Umar, or a somewhere-in-between *ger toshav* agreement is up to national consensus, and has yet to be fully resolved. One thing that is clear, however, is that no matter what this rule looks like, it is a delicate balancing act and a responsibility, not a right. I hope that the Jewish State's leaders realize the values of equality and coexistence to the fullest extent, and see the existential danger in abandoning these values and losing the moral fiber of the Jewish people. This is not to say that the temptation to alienate and marginalize the Arab minority is without basis: Generations of terrorism and hatred have produced reasonable fear and anger amongst the Jewish population. But if Israel were to give in to fear and anger so easily, would it even be Israel?

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1 This is the name of Minister of Education Gideon Sa'ar's August 2009 policy statement, a fifteen-section document available on the Ministry's website at: <http://meyda.education.gov.il>.

2 "Convention against Discrimination in Education," United Nations Educational, Scientific, and Cultural Organization (Paris, 1960), available in full at www.unesco.org/education.

3 Human Rights Watch, "Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools" (2001), 13-16.

4 Cf. Isaiah 42:6. Below, within the frame-

work of these "Jewish values," I will address the halakhic relevance of the *ger toshav* construct to Israel's Arab citizens.

5 R. Yosef Blau, "Israel, Judaism, and the Treatment of Minorities," Kol Hamevaser 5:1 (2011): 10.

6 The Central Bureau of Statistics (of Israel), "Statistical Abstract of Israel," 2009, Table 8.28.

7 Data collected by Follow-Up Committee for Arab Education (FUCEAE), cited in New Israel Fund press release, entitled: "Arab Sector: NIF Grantees Fight Discrimination in Arab Education," 2005, available in the Wayback Machine web archive under www.nif.org/content.cfm?id=2343&currbody=1.

8 Jack Khoury, "Israel's textbooks in Arabic are full of mistakes, study finds," Haaretz Online Edition, May 9, 2011.

9 Or Kashty, "Israel aids its needy Jewish students more than Arab counterparts," Haaretz Online Edition, August, 12, 2009.

10 The Committee remains active and outspoken in this capacity until today. See, for instance, "General Strike in Naqab after Israeli Decision to Deport Bedouins," Palestine News & Info Agency Online Edition, October, 6, 2011. Aside from headlines such as this, the Committee maintains a very scarce and unimpressive online presence, and authorized information about its history and purpose is difficult to come by. Basic dates, such as those I have provided, are cited from expansive historical works by Wikipedia and other unofficial Internet information sources.

11 Official English Website of the Follow-Up Committee on Arab Education, http://arab-education.org/?page_id=663.

12 See, for instance, Yousef T. Jabareen and Ayman Agbaria, "Education on Hold: Israeli Government Policy and Civil Society Initiatives to Improve Arab Education in Israel," Dirasat and the Arab Minority Rights Clinic (Haifa, Israel: 2010), English Executive Summary, 14.

13 See, for instance, Tania Kepler, "Follow-Up Committee on Arab Education: 'Nakba Law Incites against Arab Population,'" The Alternative Information Center, March 24, 2011.

14 Human Rights Watch, Ibid.

15 Jabareen, Ibid.

16 Ibid. 10.

17 Ibid. 9-11.

18 Tamir, who served as an officer in the 1973 Yom Kippur War, holds a PhD in Political Philosophy from Oxford, lectured at Tel Aviv University for ten years, and was a research fellow in Princeton and Harvard, is a controversial figure in Israeli politics. She co-founded Peace Now in 1978, and angered the right wing by introducing Arab textbooks that describe the 1948 war as "al Naqba," or "the catastrophe" (Or Kashty, "Likud and NRP ministers call for education minister's dismissal," Haaretz Online Edition, July 23, 2007), and by removing the work of Ze'ev Jabotinsky from the Jewish curriculum (Na'ama Sheffi, "Jabotinsky's been expelled," Haaretz Online Edition, August 11, 2008).

19 Jabareen 14-17.

20 See note i above.

21 Or Kashty, "Education ministry revising textbook for being too critical of Israel," Haaretz Online Edition, August, 29, 2010.

22 The Association for Civil Rights in Israel (ACRI) Shadow Report submitted to United Nations Committee on Economic, Social, and

Bringing Gilad Home: Halakhic Perspectives

BY: Yosef Bronstein

The saga of Gilad Shalit's capture, captivity, and release has captivated the Jewish people for over five years. In the week between the announcement of a prisoner-swap deal and Gilad's eventual release, Israel was submerged in an intense and emotionally charged public debate about the positives and negatives of the exchange. In this essay, I would like to survey some of the particular factors and broader perspectives that *posekim* over the years have raised and discussed when weighing in on such issues.

In a letter that was publicized just two days prior to the prisoner exchange,¹ R. Dov Lior, the rabbi of Kiryat Arba and Hevron, expressed his reservations with the deal. He contended that it would violate two very straightforward halakhot – one found in the laws regulating the ransoming of captives and a second concerning preservation of life. Let us analyze each claim separately.

The first issue begins with the commandment of *pidyon shevuyim* (redeeming captives) and its relatively high standing in the hierarchy of the halakhic totem pole. The Gemara relates that a noblewoman once donated money to the Jewish community, but earmarked it for an "important religious precept."^{2,3} After deliberating for some time, R. Yosef decided to use the money to redeem captives. The Gemara explains that while, generally, even one who is enduring a difficult time is beset by but a single form of suffering such as hunger or sickness, the plight of a captive "includes the sufferings of all." Additional evidence for the importance of redeeming captives emerges from *Tosafot*, who assert that, while it is normally prohibited for a community to sell a *sefer Torah* to raise money for any cause, the ransoming of captives is an exception.⁴ In fact, Rambam counts no fewer than seven mitzvot that are violated by not redeeming captives.⁵

However, the Mishnah in *Gittin* records that a later Rabbinic enactment prohibited the ransoming of captives "for more than their value," in order to preserve "the good order of the world."⁶ The Gemara raises two possibilities as to the nature of this communal benefit: either to not impoverish the community for the sake of an individual, or to not encourage future kidnappings. Rashi notes that a practical difference would emerge between these two suggestions in the event that the captive has a wealthy relative or friend who is willing and able to bear the financial burden.⁷ While the impoverishment of the community is avoided, the captors will walk away with their aims achieved and will therefore be motivated to continue their dastardly deeds. It is interesting to note that despite the Gemara's lack of resolution, both Rambam⁸ and *Shulhan Arukh*⁹ quote the second reason and therefore prohibit even individuals from volunteering the entire ransom fee.

In regard to the current prisoner exchange, R. Lior argued that the ratio of a single Israeli

soldier to 1,027 Palestinian prisoners seems to be quite clearly "more than their value."¹⁰ Therefore, implementing the prisoner exchange would constitute an unequivocal violation of the Mishnah.

However, a variety of theories developed by halakhic authorities identify factors present in the contemporary form of prisoner exchanges that might allow a circumvention of the Mishnah's rule.

One method, developed by R. Sha'ul Yisra'eli,¹¹ a Religious Zionist halakhic authority of the last generation, makes use of an exceptional circumstance already mentioned in *Shulhan Arukh*. While both the community and a separate individual person are prohibited from succumbing to extortion, if the captive himself has the financial means to pay his own ransom, he is allowed to redeem himself. R. Yisra'eli argued that a similar allowance is applicable in regard to a country. However, as opposed to an individual person, for whom the definition of "oneself" is quite limited, the entity of the country is defined as anyone who is currently in its service.¹² Therefore, anyone who is taken captive while being employed by the government, such as a soldier, is outside the purview of the rabbinic enactment against submitting to extortion.

A different approach was taken by R. Ovadiah Yosef.¹³ He noted that, despite there being no mention of this in *Shulhan Arukh*, there exists a group of *Rishonim* and *Aharonim* that limit the Mishnah's ruling to scenarios in which there is no danger to the captive's life. They therefore conclude that when the captors

the one hand and avoidance of future potential danger to even more people on the other, the Halakhah gives more weight to the immediate danger.¹⁶ As a model for the relative disregard of future danger, he quotes the responsum of R. Yehezkel Landau that disallows autopsies that will aid medical researchers in finding a cure for a fatal sickness if there is no person diagnosed with that condition "in front of us."¹⁷

Up until this juncture we have analyzed our scenario from the vantage point of an ordinary halakhic issue; namely, by looking for paradigms in the Gemara and *Shulhan Arukh*, and testing how similar or different they are from the case at hand. However, there is another school of thought among the *posekim* that sees such discussions as irrelevant and as obscuring what should be the major point of focus.

Minhat Hinnukh noted an internal conflict in the halakhic system between the generally paramount importance of the preservation of one life and the command to wage obligatory wars when perforce soldier's lives are at danger.¹⁸ He tersely concludes that, in the context of war, the regular prohibition against endangering one's life is waived, but does not elaborate or clarify this important but cryptic contention. One way of formulating war's uniqueness can be gleaned from a responsum of R. A.Y. Kook, which states that, when dealing with communal issues like war, the entity upon which we focus is not the individual, but the community as a whole.¹⁹ Therefore, whatever is best for the community is what carries the day, even if individuals might find themselves in situations that would otherwise be prohibited.

A responsum of R. Eliezer Waldenberg illustrates this notion in a very vivid fashion: Imagine that, during a battle, an Israeli soldier is wounded on the field between the two fighting armies, while his comrades remain in a safe location.²⁰ If this wounded soldier is

to remain untreated, exposed and defenseless, he will almost certainly die from his wounds or enemy fire. Are the other soldiers obligated to expose themselves and put themselves at increased risk in order to save their wounded comrade? R. Waldenberg begins to address this terrible dilemma by outlining the halakhic parameters of putting oneself into a dangerous situation to save someone currently in a high level of danger. He concludes, based on these rules, that the soldiers are not obligated and might even be prohibited from risking their lives to save their comrade. However, at this point of his analysis he changes the tone of the argument. He notes that, in a wartime situation, R. Kook's assertion that the needs of the community eclipse the needs of the individual comes to the fore, and we must therefore ask what is better for the army as a whole. If the army will be more efficient in its task of defending the people if each soldier

The Gemara explains that while, generally, even one who is enduring a difficult time is beset by but a single form of suffering such as hunger or sickness, the plight of a captive "includes the sufferings of all."

are known murderers and pose a threat to the captive's life, he can be redeemed even for an exorbitant sum. After concluding that this is indeed the majority view, R. Ovadiah ruled accordingly, thereby neutralizing the Mishnah in the case of captives of terrorists.¹⁴

However, even if the Mishnah's rabbinic enactment is to be sidestepped, R. Lior called attention to a still more basic and fundamental issue. The release of seasoned murderers and incorrigible terrorists who have unabashedly vowed to return to terror upon their release puts the entire community at risk. Unfortunately, in the past, innocent lives were taken by released terrorists – why should the blood of a single Israeli soldier be considered "redder" than the blood of those potential future victims?¹⁵

Regarding this issue, as well, many different approaches were developed. R. Ovadiah Yosef argued that in conflicts between the alleviation of an immediate threat to a single person on

Cultural Rights to be considered during Israel's Third Periodic Report regarding its compliance with the International Covenant on Economic, Social and Cultural Rights, available in full on the ACRI website at: www.acri.org.il/en.

23 Jabareen 19-21.

24 Aviad Glickman, "Court gives state another year to abandon 'discriminatory budget system,'" Ynet News Online Edition, November, 23, 2008.

25 Jabareen 20.

26 Ibid. 18-19.

27 Ibid. 15.

28 Ibid. 17-18. Information about this initiative is also hard to come by online. I borrowed my summary, including the bios of the two committee chairs, from a chapter in the Dirasat report dedicated to this committee.

29 Organization description on main webpage, available at www.handinhandk12.org.

30 "Brown v. Board of Education of Topeka," 347 U.S. 483, United States Supreme Court (1954).

31 *Hilkhot Issurei Bi'ah* 14:8; *Hilkhot Avodat Kokhavim* 10:6. Rambam rules that our nation may only accept a ger toshav in an era in which the yovel year is observed, and we do not observe the yovel in our era.

32 *Arakhin* 29a.

33 *Mishpat Kohen* 58.

34 See, for instance, *Makkot* 2:3, which rules that a ger toshav who kills a Jew unintentionally is executed, rather than exiled (as a Jewish unintentional murderer would be).

35 Rambam, *Mishneh Torah*, *Hilkhot Issurei Bi'ah* 14:7.

36 Ibid. *Hilkhot Avodat Kokhavim* 10:2.

37 Ibn Ezra to Exodus 22:20.

38 *Tehukah le-Yisra'el al-pi ha-Torah* (Jerusalem: Mossad ha-Rav Kook, 1989) 1, p. 3. For further analysis and development of R. Herzog's views on this matter, see Ariel Picard, "Ma'amad ha-Nokhri be-Medinat Yisra'el be-fsikot Rabbanei ha-Tsiyonut ha-Datit" ("The Status of the Gentile in the State of Israel in the Rulings of the Rabbis of Religious Zionism"), *Reishit* 1 (2009): 187.



knows that, no matter what happens, he will not be abandoned in battle, then a rescue operation must be attempted.

Under the assumption that the kidnapping of Gilad Shalit was part of an ongoing war with Hamas and not an isolated event, the same rules should apply in this situation. Instead of determining whether or not the current prisoner exchange is under the rubric of the prohibition against ransoming prisoners by capitulating to extortion and the like, this approach demonstrates that the more fundamental issue is whether the deal will help or hurt the State of Israel in its war against Hamas. In this regard, the Halakhah would consider the same factors as a national security advisor.

Even with this reframed question, *posekim*, like security experts, have been split on this issue. In a similar vein to R. Waldenberg's ruling on the issue of rescue operations, some look to the morale of the army as matter of utmost importance. One proponent of this view is R. She'ar Yashuv Cohen, the Chief Rabbi of Haifa who was taken captive by the

their position."²³ Certainly, the same argument can be applied to freeing terrorist prisoners.

In addition to the sphere of regular halakhic categories and the communal security sphere that we enter when dealing with war, some have argued that the State of Israel must

Others have argued, also on the basis of the unique perspective of the State of Israel, that succumbing to terrorists' demands is a violation of the most central halakhic principle: kiddush ha-Shem.

approach this issue from a third and even broader perspective. In an article dealing with prisoner exchanges, R. Yehudah Gershuni, a student of R. Kook and a prolific writer in halakhic issues of the modern Jewish State, professed an admittedly original idea: Just as the *Minhat*

Hinnukh argued that war trumps the usual concern for the preservation of human life, so too "to uphold law and justice, there is an obligation on each individual from the community to give up his life."²⁴ As a precedent, he pointed to the civil war between the tribe of Binyamin and the rest of Israel,²⁵ which R. Yaakov Emden had justified by asserting

that each side "thought that justice was with them."²⁶ R. Gershuni argued that "keeping the law is from the very essence of the existence of a country," and that upholding the legal system can be equated with soldiers fighting for the country's physical security. Therefore, he concluded, freeing murderous terrorists who have been sentenced by the legal system to life imprisonment is itself considered endangering the state – a force that eclipses all other opposing factors, including the life of the captive.

Others have argued, also on the basis of the unique perspective of the State of Israel, that succumbing to terrorists' demands is a violation of the most central halakhic principle: *kiddush ha-Shem*. Because of *Am Yisrael's* status as God's chosen nation and its unique relationship with Him, R. Lior²⁷ and R. Yisra'eli²⁸ view Israel's

position vis-à-vis its enemies as a reflection of the standing of God in the world. Therefore, capitulation to the demands of terrorists, which lowers the stature of *Am Yisrael*, constitutes a desecration of God's name. We are obligated to avoid such a situation at all costs.

It is very enlightening to compare the factors raised by various *poskim* to those that were mentioned by government officials and in the Israeli public discussion. In Prime Minister Netanyahu's emotional speech following his embrace with Gilad Shalit, he eloquently expressed the difficulty of his decision and the factors that led him to ultimately sign off on the deal:

It entailed a very difficult decision. I saw the need to return home someone whom the State of Israel had sent to the battlefield. As an IDF soldier and commander, I went out on dangerous missions many times. But I always knew that if I or one of my comrades fell captive, the Government of Israel would do its utmost to return us home, and as Prime Minister, I have now carried this out.²⁹

In this remark, the factor that Netanyahu raised seems parallel that of R. Yisra'eli; namely, that the government and its soldiers are entangled into a single entity. However, as the prime minister's speech continued, this notion of the government's responsibility for its soldiers was expanded to a more general point. It illustrated an emotion apparently viscerally felt by the 80% of the Israeli public who supported the lopsided exchange – mutual responsibility stemming from a sense of unity and brotherhood. In a heartening and enlightening article from Ynetnews, Gili Gurel noted the difficulty that foreign media had in trying to explain Israel's sense of solidarity that motivated its support for the exchange.³⁰ Ethan Bronner conveyed this solidarity in *The New York Times* by explaining, "the notion of the stranger is remote."³¹

At the end of the day, after the halakhic evidence is scrutinized, weighed, and discussed, perhaps the most powerful and inspiring lesson is the one taught to us by the masses of *Am Yisrael* – that after all of the rifts and divisions of which we are all too painfully aware, in our heart of hearts we are all brothers. To conclude, I will simply quote the eloquent closing of the prime minister's address:

Citizens of Israel, in recent days, we have all seen national unity such as we have not seen in a long time. Unity is the source of Israel's strength, now and in the future. Today, we all rejoice in Gilad Shalit's return home to our free country, the State of Israel. Tomorrow evening, we will celebrate Simchat Torah. This coming Sabbath, we will read in synagogues, as the weekly portion from the prophets, the words of the prophet Isaiah (42:7): 'To bring out the prisoners from the

dungeon, and them that sit in darkness out of the prison-house.' Today, I can say, on behalf of all Israelis, in the spirit of the eternal values of the Jewish People: "Your children shall return to their own border [Jeremiah 31:17]." *Am Yisrael Chai!* [The People of Israel live!]

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1 Text of letter available online through Lada'at (*The First Haredi Portal*), October 16, 2011, at www.ladaat.net.

2 Bava Batra 8a.

3 Translation from *Soncino Babylonian Talmud*, available at www.halakhah.com.

4 Tosafot ad loc., s.v. "Pidyon shevuyim."

5 *Mattenot Aniyyim* 8:10.

6 45a.

7 Ad loc., s.v. "O dilma."

8 Ibid. 8:12.

9 *Yoreh De'ah* 252:4.

10 In regard to the means determining the "value" of the prisoners, *Pithei Teshuvah*, *Yoreh De'ah* 252:5 quotes a dispute over whether it follows the slave market value, or what is common in the general world for prisoner exchanges.

11 *Havot Binyamin* 16, p. 123. However, despite his neutralization of the Mishnah, R. Yisra'eli is against negotiating with terrorists for other reasons. See Ibid. 17.

12 See *Rema*, *Yoreh De'ah* 252:4 regarding whether one's spouse is included in this exception.

13 *Torah she-be-al Peh* 19, p. 30-37.

14 It is important to note that R. Ovadiah was writing in the context of Entebbe in 1976, when a death sentence hung over the heads of the captives.

15 Cf. *Sanhedrin* 74a.

16 R. Yosef, Ibid. 9-30.

17 *Teshuvot Noda be-Yehudah Tinyana*, *helek Yoreh De'ah*, 210.

18 *Mitsvah* 425.

19 *Mishpat Kohen* 143.

20 *Tsits Eliezer* 13:100.

21 Recording of remarks available online through *Arutz Me'ir*, November 10, 2009, at www.meirtv.co.il.

22 *Shulhan Arukh*, *Yoreh De'ah* 252:4.

23 Quote from R. Hershel Schachter, *Journal of Halacha and Contemporary Society* 16, p. 74. In addition, see R. Alfred Cohen, "Ransom or Exchange of Prisoners," Ibid. 46, p. 72, who quotes both R. Yaakov Kaminetsky and the above ruling of R. Waldenberg in the context of prisoner exchanges.

24 *Ha-Darom* 33, p. 33-35.

25 *Shofetim* 19-21.

26 *Ha-Darom*, Ibid.

27 See note i above.

28 See note xii above.

29 Translated transcript available online in the English webpage of the Prime Minister's Office, October 18, 2011, at www.pmo.gov.il/PMOEng.

30 Gili Gurel, "The Shalit deal through foreign eyes," *Ynet News Online Edition*, October 18, 2011.

31 "A Yearning for Solidarity Tangles Public Life," *The New York Times Online Edition*, October 15, 2011, available at www.nytimes.com.



Jordanian army in 1948 while defending the Old City of Jerusalem.²¹ He argues that, though at the end of the day it is up to security experts to determine what is best for the country, in his mind, the increase in the morale of the soldiers who know that their comrades and country will not abandon them should be a major factor.

The flipside is just as intuitive. In 1970, R. Yitzchok Hutner was on an airplane hijacked by Black September terrorists and held hostage. A movement arose amongst American Jews to enter separate negotiations with the terrorists in order to ransom R. Hutner at all costs, as it is permitted for Jews to redeem a great Torah leader at all costs.²² At the time, R. Yaakov Kaminetsky opposed these efforts and argued that "the mitzvah of ransoming captives only applies in peacetime, but surely not during hostilities, when the delivery of ransom money to the enemy would strengthen

Teaching Experience

BY: Chumie Yagod

Claim: The only way to true knowledge - that is to say, universal, necessary, and certain knowledge - is through the path of science. This viewpoint is certainly compelling; scientific experiments are replicable, available for analysis to anyone (well, anyone who understands science), and subject to thorough criticism. How could there be any other way to gain knowledge? "Experience," "emotion," and "intuition" - these words dismay the scientific positivist. Experiential knowledge is personal, emotion entirely untrustworthy, and intuition an old wives' tale. My object in writing this article is not to carry out an exposition of the philosophy of science and question the basic premises of the discipline. Suffice it to say that the foundations of scientific knowledge are subject to critique. Yet putting aside these considerations, and assuming science does deliver truth, is it the only truth in the world? Should a truly rational being eschew all other techniques for obtaining knowledge in favor of the scientific method?

My answer is no. Humans possess many faculties for gathering data and reason is but one of them. To ignore all the others, insisting that they are untrustworthy, strikes me as unwise. In the first two sections of *The Halakhic Mind*, R. Joseph B. Soloveitchik carves out a respectable niche in epistemology for non-scientific cognitive acts.¹ As R. Shalom Carmy points out, true religious Judaism cannot be a purely intellectual pursuit.² Despite this fact, the experiential and emotional components of Judaism are frequently under-emphasized.

There are many sources that speak of the need for interaction with one's religion. Jews need to engage their Judaism! Relate to it, argue with it, think something, anything, about it! God should take up space in a religious Jew's mind. This point is obvious; the following point seems less so. Religious Jews should not only engage their Judaism intellectually, but emotionally and experientially as well. Indeed, at times it seems impossible to avoid emotional engagement. Tefillah serves as the primary example of a mitsvah tailored to strengthen our emotional link to God. True, according to the Rambam, tefillah only requires one to focus on the thought of standing before Hashem, regardless of emotional intent.³ However, when reading the stirring words, "*Shema kolenu... hus ve-raham aleinu* - Hear our voice... pity and be compassionate to us,"⁴ one cannot help but suspect that Hazal's establishment of the *amidah* is about more than merely the cerebral "knowledge of God's Presence." Indeed, in his article "Prayer, Petition, and Crisis," the Rav morphs the act of standing before God from a purely intellectual exercise to a deeply emotional and even mystical one.⁵ On a basic level, he explains, the absolute focus on God builds in man a total fixation, an "insane love," for God.⁶ On another level, the soul communes with Hashem in a mystical act of *devekut*, or

cleaving. Clearly, the correct form of prayer is one that connects man to God emotionally.

Studying the halakhot of a mitsvah helps one to understand the extent to which experience is an integral part of that mitsvah's performance. As an example, consider the Biblical obligation of *tsedakah*. In *Devarim* 15:8, the Torah commands, "*patoah tiftah et yadekha* - you must open your hand."⁷ According to *Shulhan Arukh*, one with the means to do so must dispense charity according to the needs of the poor, without an upper limit.⁸ Rema disagrees, asserting that one must not donate more than a fifth of his income.⁹ According to both, however, one must give at least a tenth of his income to the poor. The Mehaber goes on to describe the manner in which one must give *tsedakah*. One is required to donate with happiness, a smile and good-heartedness, and must share words of comfort with the recipient.¹⁰ More astonishingly, even one who is himself dependent on charity has an obligation

Religious Jews should not only engage their Judaism intellectually, but emotionally and experientially as well.

to give some amount of the charity he receives to *tsedakah*.¹¹ If the sole purpose of the mitsvah is to support the poor, why waste time cycling money through the charity system by requiring the beggar to give some of the charity that he himself receives? The answer must be that the experience of performing the mitsvah of *tsedakah* is intrinsically important.

The essential role of experience in mitsvot holds undeniable significance for Jewish education. In *Shemot* 13:8, the Torah commands, "*Ve-higgadta le-vinkha ba-yom ha-hu lemor ba-avor zeh asah Hashem li be-tseti mi-Mitsrayim* - And you shall explain to your son on that day, 'It is because of what the Lord did for me when I went free from Egypt.'" The word "*zeh*," "this," indicates a tangible reality. A father teaching his children about the Exodus points to the *matsah* as a physical example. Here, the Torah clearly affirms the point that experiential truth must not die with the generation that experienced the original event. Further, the quote implies that transmission of experience is not only possible, but essential! Indeed, all of the commemorative holidays carry with them at least one custom or commandment designed to convey a sense of experience to those not present at the original occurrence. We live in a *sukkah* for seven days to remember that God protected the Jews in the desert.¹² The technical details about ratio of shade to sunlight entering the *sukkah* all contribute to the atmosphere. We are supposed to feel somewhat exposed yet also somewhat protected, as the original Jews in the desert must have felt. In this case, as in many others, the mitsvah itself serves as our teacher. The halakhot surrounding the mitsvah design an experience for us and invite us to actively partake of their instruction. However, when it

comes to successfully imparting the experience of Torah and mitsvot to children, a competent guide must illuminate the way.

The greatest responsibility of experiential and emotional teaching lies with parents. Commandments exhorting parents to educate their children appear throughout *humash*, including, "*Ve-higgadta le-vinkha* - and you should explain to your son,"¹³ "*Ve-shinnantam le-vanekha* - impress them upon your children,"¹⁴ "*Ve-limmadtem otam et beneikhem* - and teach them to your children,"¹⁵ and "*She'al avikha ve-yaggedkha* - Ask your father and he will inform you."¹⁶ In this age of formal schooling, we entrust the education of our children primarily to school systems. Children spend approximately eight hours a day studying; surely they have learned all they require. Surely parents are absolved of their religious-instructional duties! Perhaps this is technically true. According to Rambam, a parent may hire a tutor to educate his child, thereby halakhically fulfilling his parental teaching obligations.¹⁷ However, as R. Moshe Taragin explains, a parent's duty to pass on the entire Jewish tradition encompasses far more than the details of text and commandment.¹⁸ What

essential component of education remains after a child receives instruction in all the minutiae? The answer: The closeness to God a mother enjoys when lighting the Shabbat candles, the concentration with which a father ties on his *tefillin*, the awe with which a parent approaches the *Yamim Nora'im* (the High Holidays), the joy a parent radiates when singing *Hallel* at the *seder*...

Unfortunately, reality seldom reflects the ideal. Though parents should be the foremost teachers of their children, they frequently are not. In such cases, the responsibility to transmit the intuitional and experiential meaning of Judaism falls to teachers. I have not conducted a formal study on the prevalence of the inclusion of experiential Judaism in school curricula, nor do I have specific data sets that relate to this matter. Bearing this disclaimer in mind, I believe that this lesson is frequently lost amid the focus on text and quantifiable knowledge that usually comprises formal schooling. Certainly the task of education grows exponentially harder in a classroom setting, with many children and demanding curricula to satisfy. However, nothing really worthwhile is easy. Teachers have a duty to the next generation that they simply cannot neglect: to educate not only intellectually, but experientially and emotionally as well.

Thus, parents and teachers bear the responsibility to educate their charges in all of the ways of Judaism, not just its intellectual components. Critics may be quick to point out that I have laid a burden at the teachers' doors without offering them any solutions. I acknowledge the truth of this accusation. I am not a teacher with years of experience on which to draw, and I cannot offer a definite resolution

to what I see as a gaping hole in our education system.

I can offer suggestions. For example, a teacher might point out how the details of a mitsvah paint a picture of an experience intended for the doer, as in the mitsvah of *sukkah*. Or an educator might challenge his or her students to pay attention to the atmosphere created by a mitsvah when they perform it. In my own experience, the most effective teachers I had successfully imparted these messages by fully serving as personal examples of living Judaism. However, my main object in writing this article is to encourage both present and future parents and educators to consider this a vital part of their mission. Judaism with all head and no heart is a pale ghost of its true, rich, vibrant self. Do not allow this ghost be the sum of your charges' religious existence.

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1 Joseph B. Soloveitchik, *The Halakhic Mind* (New York, NY: Seth Press, 1986).

2 Shalom Carmy, *Forgive Us, Father-in-Law, For We Know Not What to Think: Letter to a Philosophical Dropout From Orthodoxy* (Jerusalem: ATID, 2004).

3 Rambam, *Mishneh Torah*, *Hilkhot Tefillah*, 4:16.

4 Artscroll translation.

5 Joseph B. Soloveitchik, "Prayer, Petition, and Crisis" in Joseph B. Soloveitchik, *Worship of the Heart: Essays on Jewish Prayer*, ed. by Shalom Carmy (Jersey City, NJ: Ktav, 2003).

6 Ibid. p. 24.

7 All translated Tanakh quotes in this article utilize the JPS translation.

8 *Shulhan Arukh*, *Yoreh De'ah*, 249:1.

9 Rema, Ibid.

10 *Shulhan Arukh*, *Yoreh De'ah*, 249:3.

11 Ibid. 248:1.

12 *Vayikra* 23:42-43

13 *Shemot* 13:8.

14 *Devarim* 6:7.

15 *Devarim* 11:19.

16 *Devarim* 32:7.

17 Rambam, *Mishneh Torah*, *Hilkhot Talmud Torah*, 1:3.

18 R. Moshe Taragin, "On Teaching Torah to Children," available at: <http://www.vbm-torah.org>.

Shabbat: A Time of Rest or Unrest?

BY: Gavi Brown

In 2009, when Nir Barkat, the mayor of Jerusalem, opened a parking garage on Shabbat, thousands of Ultra-Orthodox Jews took to the streets in violent protests. A counter-protest was organized by secular Jews who held placards that read “No Religious Coercion” and “Jerusalem is for Everyone.”¹ As the Jerusalem garage protests demonstrate, Shabbat observance has become a contentious political and religious issue and has led to a bifurcation within the Jewish State between the secular and the religious. To the most secular Tel Aviv resident, Shabbat as a “day off” is viewed as a major contribution to civilization,



but its strict religious observance belongs to the religious Jews. To the most religious Jerusalemite, Shabbat is the pinnacle of creation, a divine gift. Every law is scrupulously followed, and those who opt out of Shabbat are violating a divine command. In Israel, both ideologies mix, sometimes in a creative and peaceful fashion, but more often with hostility. Temporary solutions are offered and political concessions are made. A long-term resolution, it seems, is out of reach. However, by thoroughly examining the political origins of this debate, discussing the legal issues, and acknowledging the social reality of contemporary Shabbat observance, the possibility of reaching a long-term solution to this pressing issue facing the modern state of Israel becomes foreseeable in the near future.

Shabbat and the Status Quo Rule

A year before the signing of the Israeli Declaration of Independence, David Ben-Gurion, the head of the Jewish Agency for Palestine, outlined the relationship between religion and state in a letter to the Agudath Israel Organization.² He guaranteed full and equal rights for all citizens and an absence of coercion or discrimination in religious affairs.³ Regarding Shabbat, Ben-Gurion asserted, “It is clear that the legal day of rest in the Jewish state will be on Saturday, obviously permitting Christians and members of other faiths to rest on their weekday holiday.”⁴ After the establishment of the state, legislation was enacted to achieve that goal. A limited number of factories, military bases, hospitals, and power plants were allowed to stay open

if the government deemed them essential to the security or economy of the state.⁵ The law also forbade an employer to force a Jew to work on Shabbat, but left the decision to allow businesses to be opened on Shabbat to the will of various municipalities.⁶ For example, in Jerusalem, buses do not run, and shops and restaurants are closed. The legislation set down in the early days of the state was accepted as policy and was observed as the *status quo*. Religious and secular parties agreed not to alter legislation, and any proposed changes usually met with fierce opposition and were subsequently abandoned.⁷

In 2008, a bill allowing buses to operate throughout the country on the Sabbath, albeit avoiding religious populations, was shut down in the Knesset.⁸ The *status quo* ruling has prevented a *Kulturkampf* between the secular and religious by preventing sweeping legislation concerning Shabbat. Nevertheless, small changes in municipal laws have circumvented national laws and eroded the traditional Sabbath.

The Erosion of Shabbat

From the establishment of the State until the mid-1980s, public Shabbat observance was determined by the *status quo* in each locality. According to writer Elaine Ruth Fletcher, the subsequent establishment of chain stores and large malls in Israel, along with a rise in automobile ownership, began to chip away at Israel’s traditional Shabbat.⁹ Cinemas, theaters, and restaurants began defying national laws while municipalities either turned a blind eye or allowed the openings. Dance clubs opened up in Tel Aviv and even in Jerusalem, where Friday night dances attracted thousands. Since the government does not operate on Shabbat, many semi-public companies and airlines circumvented local and national laws. For instance, El-Al, Israel’s flag-carrier airline, purchases flight codes from Sun D’Or Airlines in order to operate on Shabbat. By the 1990s, automobile ownership soared, and rural Israeli kibbutz collectives began to take advantage of a 1950s loophole in the law banning Sabbath day commerce in cities, by opening warehouse outlets and malls on kibbutz-controlled property.¹⁰

In 2002, journalist Hillel Halkin observed that the consumerism taking over Israel was manifest by a change in attitudes towards Saturday. While most Israelis enjoy a two-day weekend on Friday and Saturday, Halkin writes, “massive Sabbath shopping, once unimaginable in Israel, is today an entrenched fact of life... the shopping mall has already become Israel’s favorite Saturday excursion site.”¹¹ Indeed, more than 45 malls are open on Shabbat, which is creating an irreversible trend toward the commercialization of Shabbat. A quarter of commercial areas are open for business, and 600,000 Israelis leave their homes to shop.¹² In addition to legally operated

stores, there are dozens of commercial centers operating illegally on the Sabbath.¹³

A large workforce is required to sustain this newfound consumerism on Shabbat. Data collected by the Planning, Research and Economics Administration at the Industry, Trade, and Employment Ministry show that 345,000 people, 19% of the working population, particularly those who work in food services and malls, work at least one Shabbat a month. They have not pursued higher education. They work, on average, 240 hours per month, compared to 175 for salaried workers, and earn particularly low wages. Some are not even given extra pay for working on Shabbat.¹⁴ Most work seven days a week, and work 11 hours more per week than Israelis who refrain from work on Shabbat.¹⁵ The poorest Israelis are forced to work on the day of rest. The Biblical injunction to have even the most destitute represented in the celebration of Shabbat has fallen on deaf ears.

Secular and Religious Attitudes

The growing opposition of secular Israelis to Sabbath laws relates to their broader attitudes towards religious coercion and the modernization of society generally. A study conducted by the Avi Chai Foundation in 2000 revealed that secular Israelis wish to preserve freedom of choice. Indeed, while only 17% of those responded to the study actually shopped on Shabbat, over 60% favored having open malls on Shabbat as an option.¹⁶ A poll conducted by the Israel Democracy Institute in 2007 found that only 27% of the population define themselves as Sabbath-observant, while 36% shopped on the Sabbath.¹⁷

Uzi Even, a member of the Knesset representing *Meretz*, defended this phenomenon by saying, “A modern society operates seven days a week.”¹⁸ Eliezer Zandberg, a Knesset representative of the *Shinui* party, said, “Observing the Sabbath for secular Israelis means filling it with content that is suitable for the 21st century, and that is not necessarily prayer... right now, every store that opens is part of the secular struggle for freedom from religious coercion.”¹⁹ The most secularized Israelis wish to see Shabbat as any other day, devoid of overt religiosity and open to all activities. Capitalism, it seems, is welcome if it can lend a hand in weakening Jewish tradition.

Many Ultra-Orthodox Jews believe seemingly coercive and strict Sabbath laws must be in place to both uphold human rights and preserve Jewish identity. The Avi Chai study found that less than ten percent of Ultra-Orthodox Jews in Israel support opening malls on Shabbat. Moshe Gafni of the Ultra-Orthodox United Torah Judaism party said, “A man isn’t a beast. And it shouldn’t be that only the wealthy can be entitled to take off on the weekends,

while everyone else works seven days a week, 365 days a year... If people don’t have a single, fixed day off, then everyone will be working in shifts, and no family will ever be able to spend time all together.”²⁰ Gafni’s petition to secularized society lacks any appeal to traditional, halakhic observance of Shabbat. However, his colleague Meir Porush of United Torah Judaism said, “The Shabbat is a holy day with obligations and commandments... not just a day with cultural, socioeconomic and national-historical meaning.”²¹ For Porush, Shabbat is a day steeped in Jewish religious traditions, which justifies protection using coercive laws in a Jewish state.

Shabbat in Court

The only governmental power that can bypass legislative stagnation caused by the *status quo* law is the judicial system. In 2005, when the Welfare Ministry fined the Design 22 furniture company 5,000 shekels for hiring workers to work on Shabbat, the company filed a suit in the Israeli Supreme Court.²² The company took the position that employees should be able to choose their own day of rest. The court, however, ruled that national and local laws banning work on the Sabbath were legal and compatible with the country’s values.

Supreme Court President Aharon Barak defended the position: “Shabbat is a central value of Judaism - the soul and the essence of its character. It is our national asset. Shabbat safeguards the humanity of the worker, his quality of life, honor, and relationship with family.” He said the law intended to guard the rights of employees and employers, and to ensure equality among both religious and secular workers.” The justices rejected the claim that enforcing Sabbath laws was a form of religious coercion or a Blue Law.²³ They asserted the rules were in accord with international conventions, as well as laws and court rulings in other Western countries.²⁴

With this ruling, the Israeli Supreme Court did not clarify or change Sabbath laws to fit with the changing political and economic realities; rather, it preserved the forty-year-old *status quo*. Yedidia Stern, a professor at Bar-Ilan University, commented, “Regrettably, the High Court of Justice is wary of commenting on the yawning and incomprehensible gap that exists between binding law and the realities of the working Shabbat. Rule of law cannot exist without enforcement.”²⁵ The court’s ability to circumvent the Knesset’s red tape and entrenched politics gave temporary hope to some that Sabbath laws could change. However,



the court's ruling was a disappointment.

With the court's neutrality and the police's fines small, laws alone clearly cannot act as a deterrent. Perhaps the only way to bypass the stagnant law system is to change individual attitudes towards Shabbat observance. In reality, court rulings do not bring about substantial change. Instead of pursuing legal arguments, the polarized discussion of Shabbat in Israel must pursue agreements, compromise, and, most importantly, common ground.

A Shabbat Renaissance

According to Pinchas Peli of Ben-Gurion University, "there is much probing and on-going [sic] search among many sensitive Israelis to rediscover the eternal light of the Shabbat, not only as a nostalgic relic of the past, but as a fresh source of spiritual nourishment in the present and the future."²⁶ There is a yearning for Jewish tradition not bound by religious laws. Judith Shulevitz, author of *The Sabbath World: Glimpses of a Different Order of Time*, wrote in *Slate Magazine* of secular Israeli "Sabbatarians" who "want to save Sabbath from consumerism."²⁷ She wrote of her surprise to learn that other secular Israelis have begun to treat the Sabbath as a national treasure in need of preservation.

Ruth Gavison, a secular professor of Law and a fellow at the Israel Democracy Institute, believes that the sanctity of the Sabbath goes straight to the heart of the Jewish society. "If the masses of secular people think that existence mandates some kind of cultural depth, they will respect the need of a shared day of rest."²⁸ She told Shulevitz in an interview that the Sabbath is intrinsically tied to the legitimacy of Israel, since "a Jewish state must have an authentically Jewish public culture."²⁹ Israel cannot claim to be a Jewish state without respect for its roots, and chief among these is the Shabbat.

A New Shabbat Covenant

In 2000, Professor Ruth Gavison and R. Ya'akov Medan (rosh yeshivah at Yeshivat Har Etzion) initiated a series of discussions attempting to resolve the *status quo* arrangement. Three years later, Medan and Gavison published the Gavison-Medan Covenant, with the help of the Israel Democracy Institute and the Avi Chai Foundation. The covenant is not the first of its kind, but it is undoubtedly the most comprehensive. The covenant covers many issues related to state and religion such as Kashrut, marriage and divorce, and Shabbat.³⁰

The emphasis in the covenant's discussion of the Sabbath is that "The Sabbath is the official day of rest of the state of Israel."³¹ Thus, the government would be closed, and the prohibitions laid out in the covenant would apply to kibbutzim and rural areas just as they would in cities. The covenant makes a distinction between cultural and entertainment activities on the one hand and manufacturing and commerce on the other, the former being permissible and the latter prohibited. Employees have the right not to work on their religious day of rest and are not to be discriminated against based on their preference. Restaurants and places of entertainment would not be forbidden to operate on the Sabbath, and some gas stations and pharmacies would remain open. Large

shopping malls and department stores would be closed.³²

The covenant and personal statements of R. Medan and Professor Gavison gave hope to many that the widening ideological chasm between the secular and the religious could be crossed.

R. Medan and Professor Gavison believed strongly that their proposals would benefit secular society. The first and most obvious benefit would be the existence of a national leisure day. The second would be the re-centering of Sabbath as a "central mode of expression of an overall Jewish - not necessarily religious - identity."³³ The third benefit would be that the mutual concessions on the issues of Shabbat would provide an opening for unity in a bifurcated society. Legal benefits for the non-observant public would include an explicit recognition of all commercial activity as legal

A covenant between people based on shared values and reverence for tradition cannot possibly be successfully legislated. It must be formed slowly... by building grassroots participatory Shabbat communities, rooted in spiritual seeking, hospitality, learning, caring and celebrating.

or illegal. Politically, it would mean the official transfer of decisions regarding the form of the Sabbath in a given town or neighborhood to the residents and their representatives. Socially, it would allow hundreds of thousands of workers to take a rest day without fear of losing their jobs.³⁴

Beyond the legal, political, and economic arguments in favor of the covenant lies an important cultural benefit. Yedidia Stern writes, "If these principles are applied, Shabbat will cease to be an ordinary day for consumers and commerce... Shabbat will be dedicated to *soulful* activities, in the broad sense of the word. The opportunity to enjoy places of culture and entertainment will become available to all - even to those who do not own vehicles."³⁵ The Israeli Sabbatarians, mostly liberal secularists, have a vision of larger audiences for music, art, and theater, more meetings of affinity groups, and even more "salons" devoted to Jewish texts.³⁶ In the Aristotelian sense, Shabbat would be a chance to advance reflective thinking, generate ideas, and encourage morality. By reviving these cultural institutions in a secular setting by closing malls and stores, Shabbat can become a day devoted to the development of culture and entertainment.

Rethinking the Covenant

The Gavison-Medan Covenant's lofty ideas are perhaps elitist and undemocratic. It is impossible to force people to have a soulful day of rest, as Yedidia Stern would like. In *Thinking Aloud*, R. Soloveitchik argues that compulsion stifles spiritual growth:

No undue influence and no coercive circumstances must interfere with the behavior of the person. If one is constrained by legislation which is provided by effective sanctions, by public opinion, by ulterior considerations to conform to certain codes of morality or ethical standards, then the sublime sacrificial action is desecrated, vulgarized.³⁷

It is oppressive to compel cessation from "work and the pursuit of money and livelihood," as R. Medan wishes, especially for the twenty percent of the national workforce whose very livelihoods depend on working on Shabbat.³⁸ To create a utopian vision of Aristotelian leisure, the democratic process will have to disregard the sixty percent of Israelis who want shopping malls to stay open on Shabbat. Rabbi Dr. Alan Yuter, Professor of History and Jewish Studies at Touro College, observed, "being coerced to

observe the Sabbath makes for an angry Jew, not an observant, believing or loyal Jew."³⁹ If the people of Israel want to shop on Shabbat, it is their prerogative.

The covenant is also out of touch with current political affairs. The United Torah Judaism party vehemently opposes any change in the law, as does Shas. Since moderate and even left-wing Knesset members do not want to risk alienating the parties by voting on the bill, the *status quo* remains.⁴⁰ Protests by Ultra-Orthodox Jews of violations of Shabbat continue to become more violent, and secular Israelis fight back religious coercion with their insistence on keeping more stores, malls, and public facilities open on Shabbat. While the Gavison-Medan Action Group insists that a "situation that has been around for decades cannot be altered in a matter of days and that every journey begins with a single step," they did not write the agreement for the current political climate, but for some distant political reality when Ultra-Orthodox and secular parties can sit down together and find common ground.⁴¹ It is no wonder that the covenant has yet to inspire even one piece of legislation. The goal of sanctifying Shabbat through the court system has failed. The hope of securing the holiness of Shabbat through the Knesset is in the remote future. The Gavison-Medan Covenant can only move from proposal to policy, from theory to practice, through a strong activist movement.

A New Grassroots Approach

In 2007, after unsuccessfully protesting the opening of stores and restaurants on Shabbat,

observant Jews in Petah Tikvah switched tactics. They canvassed neighborhoods and stood in front of theaters inviting non-observant Jews to their houses for Friday night meals. Instead of using violent protest as they had in the past, they worked to establish common ground. Rather than trying to push legislation forcing Shabbat observance, they illustrated the beauty of a Friday night meal. The observant Jews who participated in this campaign knew that a covenant between people based on shared values and reverence for tradition cannot possibly be successfully legislated. It must be formed slowly by convincing the public of the worthiness of traditional practice by building grassroots participatory Shabbat communities, rooted in spiritual seeking, hospitality, learning, caring, and celebrating. There is no lawmaking shortcut.

A campaign to legitimize Sabbath observance holds real potential for realizing the aspirations of the contributors to the Gavison-Medan Covenant. A grassroots movement can achieve the goal of moving the legal discussion outside the court system and the Knesset. This campaign may well lead to the materialization of the covenant's goals of renewing a healing process in Israeli society, not through political concessions, but through relationship-building between *datiyim*, *hilonim*, and the so-called Sabbatarians, by coming together in synagogues and salons, coffeehouses and theaters. It can revitalize the "central mode of expression of an overall Jewish - not necessarily religious - identity" by forcing people to evaluate their own Jewish identities when confronted by another stripe of Jew, face-to-face.⁴² Lastly, a solution to the unending clash between the observant and the secular can only be realized when Ultra-Orthodox Jews can no longer use their political and sometimes physical force to close down parking lots or bus routes. Instead, *haredim* would be forced to change strategy, just like the Jews of Petah Tikvah.

Israelis are faced with a unique and unprecedented challenge in shaping the Jewish character of the State while remaining a committed democracy. How the modern Jewish state will observe Shabbat gets to the heart of the Jewish identity of Israel itself. Shabbat can become either an enlightened day of thinking or just an ordinary day, and thanks to the "Shabbat renaissance" in secular communities, perhaps the former is possible. As the history of Sabbath observance has shown, however, temporary solutions that involve coercion are both spiritually damaging and potentially undemocratic. The approach to bridging the distance and creating lasting harmony between polarized communities of *haredim*, *datiyim*, *hilonim*, and Sabbatarians in Israel can only be achieved outside of the follies and foibles of politics. The rebirth of the Shabbat experience across Israel will create a more expansive and majestic platform on which to experiment with the changing nature of Jewish identity in the Jewish state.

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2 David Ben-Gurion, "Status-Quo Agreement," in *Israel in the Middle East: Documents and Readings on Society, Politics, and Foreign Relations, Pre-1948 to the Present*, ed. by Itamar Rabinovich and Jehuda Reinharz (Waltham, MA: Brandeis University Press, 2008), 58-59.

3 Contrary to popular belief, judicially there is no established religion in Israel. Judaism has no preference over other beliefs. According to Amnon Rubinstein, an Israeli law scholar and former member of the Knesset, Muslim courts have far wider jurisdiction than Druze, Christian, and Jewish courts. Further, no discrimination on grounds of religion is tolerated in Israeli law, with the exception of the Law of Return.

Furthermore, according to Rubinstein, Sabbath and holiday laws do not infringe on separation between religion and state, because those laws were selected by a secular legislative body, similar to holiday laws set up in America (Amnon Rubinstein, "State and Religion in Israel," *Journal of Contemporary History* 2.4 (October 1967), 107-121 at p. 117).

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23 Blue Laws are found in the United States and Canada, and are designed to enforce religious standards, particularly the observance of Sunday as a day of worship or rest.

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Renewal in Israel," *Judaism* 31.1 (Winter 1982): 87-92, at p. 90.

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29 Ibid.

30 Yoav Artsieli, *Foundation for a New Covenant Among Jews in Matters of Religion and State in Israel: The Gavison-Medan Covenant: Main Points and Principles* (The Israel Democracy Institute and AVI CHAI ISRAEL, 2004).

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Teaching Prayer: Obstacles, Goals, and Strategies

BY: Hannah Dreyfus

Titters and giggles are clearly audible from the back row. The teacher prowls alertly up and down the aisles of the small synagogue, rushing over angrily to squash the small rebellions that sporadically break out as the minutes of obligatory silence creep by. Creases in the siddur expertly shield cell phones from view. Some students settle for a more passive approach, staring sleepily into space, siddurim opened laxly to any arbitrary page. Some mutter the words, eyes focused absently, uncomprehendingly. The lone, pious few close their eyes tightly, swaying back and forth, trying to concentrate, battling an overwhelming tide of disregard, apathy, and open resentment. The all-too-familiar picture of a tefillah classroom.



Teaching the next generation of Jewish thinkers, leaders, and community members about prayer is an undertaking of irrefutable magnitude. Questions, complexities, disagreements, and failures are an inevitable part of the delicate, intricate process. There is no doubt that the system of tefillah education hailing from our classrooms today is deeply flawed. Steps towards positive reformation demand the crystallization of terms and goals. What is the goal of tefillah? What is the message that administrators and teachers are trying to impart to students through an organized 'tefillah' education? Are the strategies being employed to achieve those goals effective? If not, how can they be improved? Examining the methodology and intended goals fueling prayer education in Jewish schools today is a critical step towards fixing a system calling out desperately for repair.

What are the problems that so deeply underlie and complicate the process of teaching prayer? According to longtime teacher and researcher in the field Dr. Devra Lehmann, the inefficacy of teaching prayer is rooted in a fundamental disconnect between students and teachers. In her detailed article on the topic, *Student and Teacher Responses to Prayer at a Modern Orthodox Jewish High School*, Dr. Lehmann explains, "Conflicts around prayer in a traditional Jewish school can be understood as a concrete illustration of a challenge confronting not only Jewish education, but contemporary Religious Education more broadly: the need to bridge the gap between authoritative doctrine and personal autonomy."¹ As our generation increasingly stresses individual voice and personal preference, most outstandingly noticeable through the rapidly multiplying venues of social media, the emergence of a tension between inflexible dogma and complete self-determination is understandable, even expected. Prayer, a subject so innately personal, strikes at the core of the conflict.

Pooling her data from a long career of investigating the inner workings of Modern

Orthodox institutions, Lehmann found that even those students most intent on receiving a tefillah education felt that the methods of implementation were threatening to their sense of selfhood and assumed personal liberties. For example, upon being asked to elucidate what it was about the tefillah-teaching process that aroused such antipathy among the student body, one student interviewed by Lehmann responded, "We should not be pressured to talk – we should not be pressured to say words. That is no one else's business."² Another student

replied, "They force us into *mincha* [afternoon services]... Personally, I'm going to resent it if you force me to do something."³ On the most elementary level, prayer has become so intricately intertwined with assertion of authority that students have started to mistake one for the other, lines tragically blurring where no overlap was intended. Interestingly, Lehmann goes on to note that "not a single student with whom I spoke explicitly mentioned the traditional Jewish obligation to pray."⁴ For students, the issue of prayer had become one of asserting or submitting personal autonomy, rather than a matter of halakhic obligation. Teachers approached prayer as a matter of religious obligation, using this view as their primary justification for the strict, unyielding rules with which the students had such negative associations. In contrast to the teachers, the students felt the school's responsibility went no further than helping them to develop a desire to pray, force

Orthodox community."⁵

The topic of tefillah was not spared from the difficult and often paradoxical balance between "modern" and "orthodox." The messages often professed as rudimentary elements of a secular education can exacerbate the challenge of teaching prayer. "We did Thoreau's *Civil Disobedience*," relayed a student interviewed by Lehmann. "One of his points was that people who think the way of the majority aren't really thinking for themselves. So if everyone's thinking, 'Go to davening 'cause you should,'" you don't necessarily want to go to davening. You don't necessarily believe whatever you're doing, and—and what you're reading in the *siddur* [prayer book]."⁶

The concept of "religious imperative," introduced by well-known sociologist Peter Berger,⁷ asserts that the plethora of choices available to the modern, secular mind makes what used to be the default religious decisions much more rigorous resolutions. The word "heresy," Berger points out, is derived from the Greek word *hairein*, meaning "to choose." Although the heretical imperative may seem an obstacle, especially to the age-old, taken-for-granted practice of prayer, Berger suggests that the imperative to **choose** prayer ultimately makes the experience that much more rewarding.

So why choose prayer? What is the rudimentary goal of tefillah education? The answer, to no one's surprise, is a matter of significant debate. In a recent article published in *The Journal of Jewish Education*,⁸ Nicole Grenniger divides the varying objectives of prayer education into three delineated objectives: believing, behaving, and belonging. She backs up each objective with an accompanying case study of a community synagogue in tandem with the community school.

For students, the issue of prayer had become one of asserting or submitting personal autonomy, rather than a matter of halakhic obligation.

an unfounded part of the equation. The issue was not commitment, but control.

Lehmann's cumulative thesis points to an underlying generational divide symptomatic of combining predetermined form and edict, i.e. Halakhah, with an overwhelming focus on self-determination ushered in by the age of modernity. As acclaimed author Chaim Waxman points out, "One of the ways in which Modern Orthodox American Jews manifest their modernity is in the realm of self-determination, especially vis-à-vis religious beliefs, and this has had consequences for the nature of rabbinic authority in the Modern

Education at Temple Sinai. "[Of course,] I want them to be able to recognize and identify and read key prayers, but more importantly, I want them to have an idea of what these prayers are about, where they come from, why Jews pray in community, what it's all about, and ultimately what does it mean to me as a 12-year-old, 13-year-old, or 11-year-old growing up in the 21st century?"⁹ Understanding trumps fluency; connectivity overrides familiarity.

Traversing to the other side of the spectrum, at Kehillat Beth Israel, a suburban Conservative synagogue in the Eastern United States with a membership of approximately 900 households, there is a strong focus on knowing how to behave as a community member. Learning correct behavior requires exact and expansive knowledge of the prayers themselves—learning **how** to pray and how to lead traditional services. Beth Israel's spiritual leader, Rabbi Goldberg, describes the community's educational goals for tefillah as a matter of mastering the language and developing a comfort with the text.¹⁰ Emotional fulfillment is not on the agenda. For many, the process and intent of a tefillah education goes no further than teaching the children the prayers in order to develop a fluency that will serve them in good stead throughout their observant lives.

The third and final prayer education objective explored by Greninger focuses on belonging, tefillah serving as a critical venue to achieving social solidarity. Echoing Mordecai Kaplan's coinage of the term Jewish "folkways,"¹¹ this third and final view of the pedagogical goals of prayer frames tefillah first and foremost as a social adherent. The Bay Reconstructionist Synagogue, burrowed on the East Coast, adheres dogmatically to this viewpoint. As relayed in their school handbook, the community seeks to create a cohesive, caring community, accomplished by mandating tefillah attendance.

Naturally, the goal of tefillah to which an institution subscribes dictates the tactics used by the institution to accomplish that objective. With so much hanging on the projected goal, the question begs to be asked: from a halakhic standpoint, what is the purpose of tefillah? The *Shulhan Arukh* states,

The pray-er must direct his heart to the meaning of the words which he pronounces with his lips and imagine that the Divine Presence [*Shekhinah*] is before him; and he should remove all extraneous thoughts which preoccupy him until his thoughts and intention [*kavvanah*] remain devoted purely to his prayer. And he should imagine that if he were standing before a king of flesh and blood he would set out his words and say them with painstaking application so as not to stumble; all the more so [when standing] before the King of Kings, the Holy One Blessed be He, Who investigates every thought.¹²

Both the fastidious formulation and presentation of language, as well as an

appreciation and understanding of the gravity of one's actions are highlighted. Precise annunciation substantiates comprehension and focus. A comprehensive knowledge of the prayers facilitates the mind-blowing realization of what prayer truly is: The unique opportunity to stand before the Creator of the Universe Himself. An ideal tefillah education would therefore synthesize these two goals – a fluency in the texts that weave together to form a dialogue, the fabric of man's most essential relationship.

Tefillah is a halakhic obligation, and must be presented and represented as such to students within the Jewish educational system. Perhaps, in accordance with Dr. Lehmann's article, there has been a failure to do so efficiently; however, students should never make the tragic error of concluding that tefillah goes no further than the halakhic realm. On the contrary, the essence of prayer arguably lies far beyond its halakhic outline. To conclude with a passage from R. Soloveitchik's *The Lonely Man of Faith*:

The Halakhah has never looked upon prayer as a separate magical gesture in which man may engage without integrating it

into the total pattern of his life...This is the reason why prayer per se does not occupy as prominent a place in the Halakhic community as it does in other faith communities and why prayer is not the great religious activity claiming, if not exclusiveness, at least centrality. Prayer must always be related to a prayerful life which is consecrated to the realization of the divine imperative and, as such, it is not separate entity but the sublime prologue to Halakhic action.¹³

In Jewish tradition and thought, most saliently reflected in halakhic practice, God was never meant to be left in the synagogue. Prayer must be integrated into the fabric of daily existence. Prayer does not merely embellish a spiritual existence. It establishes a spiritual existence. As the Rav so eloquently expresses, prayer is not an end unto itself, but rather a means through which to achieve a "prayerful life." Tefillah restricted to the realm of halakhic obligation has been robbed of its most transcendent quality. As Chaim Zvi Enoch (1904-1977), one of the founders of the religious Zionist education, maintained, a teacher's role is to help a student find his or her own voice within tefillah.¹⁴ Success has been achieved

when an educator is able to successfully communicate to the next generation of Jewish parents and leaders that tefillah is no burden, no hindrance, but a world of opportunity; the bedrock to a life of spiritual connection.

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2 Ibid. p. 306.

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5 Chaim I. Waxman, "American Modern Orthodoxy: Confronting Cultural Challenges," *Edah Journal* 4, 1 (2004): 2-13, at p. 4.

6 Devra Lehmann, "Student and Teacher Responses to Prayer at a Modern Orthodox Jewish High School," *Religious Education* 105.3 (2010): 299-316, at p. 306.

7 Peter L. Berger, *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation*

(Garden City, NY: Anchor Books, 1979).

8 Nicole Michelle Greninger, "Believing, Belonging, Belonging: Tefillah Education in the 21st Century," *Journal of Jewish Education*, 76.4 (2010): 379-413.

9 Ibid. p. 384-385.

10 Ibid. p. 395.

11 Mordecai Kaplan, *Judaism as a Civilization: Toward a Reconstruction of American- Jewish Life* (Philadelphia: Jewish Publication Society of America, 1981).

Kaplan (1881-1983), founder of the Reconstructionist movement of Judaism, interprets Halakhah as a group of utilitarian social mores, in contrast to Orthodox Judaism, which considers Halakhah to be a binding legal code.

12 *Shulhan Arukh, Orah Hayyim* 98:1.

13 R. Joseph B. Soloveitchik, "The Lonely Man of Faith," *Tradition* 7,1 (Winter 1964-1965): 5-67, at p. 41-43.

14 Jay Goldmintz, "Helping Students Find Their Own Voice in Tefillah: A Conceptual Framework for Teachers," *Tradition* 37.4 (Winter 2003): 240-241.

An Interview with Rabbi Yosef Adler

BY: Ariel Caplan

AC: You function both as an educator/administrator in a flourishing yeshivah high school, the Torah Academy of Bergen County (TABC), and as the rabbi of the relatively large Congregation Rinat Yisrael. Both of these sound like daunting commitments; together they are undoubtedly difficult to manage. How do you balance these two roles in your life? How do you resolve potential conflicts? Do the roles inform or influence each other in any way?

RYA: There's no doubt that had I applied today for either position, I would never consider them both. No one would be able to handle both. I started at the shul when it was in its infant stage, literally fifteen families, and was not paying a living wage, so I had to have another job. At the time, I was teaching in Frisch, then I went to Hillel in Deal, and I went to Ramaz for a year. I knew I had to get a little closer because the shul was getting a little bigger. I started at the shul in 1979, and this was already 1991. The shul was growing, and I experienced conflicts. A woman's mother passed away and, at that time, I was not the officiating rabbi at the funeral, since they lived somewhere else. All I would have done is gone to the funeral, said hello to the person, "I'm sorry," and so on and so forth. I was in Deal at the time, and I would have to give up almost a whole day of teaching just to go to that funeral at 11:00. And I had to make an evaluation: What's more important? To go to the funeral, to say hello for two minutes, or to teach a whole day? In my mind, teaching a whole day was more important. But that woman never forgave me. Never. And I came to realize that I can give the greatest shi'urim in

the world, give good derashot (sermons), but the most important thing for members of the shul is what I do for them in their time of need.

So, I made a decision: I have to get closer. I can't be 62 miles away everyday. I moved to Ramaz for a year; I was a little closer. Then this job opened up, a school with 66 kids in it - very small. I figured I could handle both. Had my children been younger at the time, very young, it would have been doing them a disservice. They were getting a little older already, and now as the shul and the school have really blossomed, my kids are all married already, so I work full-time, both jobs, whatever that means. I don't have a day off a week. Weekends are a very busy time for the social calendar in the shul. It's incredible how many bar and bat mitzvahs I have to go to. Last year, I counted 114 bar or bat mitzvahs, weddings, or l'chaims. That's not even counting levayahs (funerals) and things like that. That's also considering that there are several weeks a year during which you can't have any bar or bat mitzvahs, during the three weeks and during the omer, and so on. But if there is a conflict, I give first priority to the



shul. If there's a levayah, or someone in the hospital, I leave the school and I go, and the school board knows it. They're aware of it. The president of the school is a member of the shul. Everybody knows about it. They understand it. I have capable people working in the school and

things have been going smoothly. It's just that I have forfeited any private time; I don't have any. During the week I'm in the school, and on weekends I'm in the shul. I teach in the shul three shi'urim a week, at night. So I don't have evenings, daytimes, it's just full-full-time. But as long as I'm

healthy and I can do it, and I can help my kids out financially as a result, I'm continuing to do it.

AC: Presumably, the people of the shul see you primarily as a shul rabbi, while the people of the school, particularly the students and parents who do not live in Teaneck, see you primarily as the Rosh HaYeshiva. Has that ever been a problem?

RYA: No, it has not. And in the shul, people know that I'm involved in education. A lot of my teaching and thinking and derashot harp on educational themes very often. But people

are aware of it. They accept it. I have not had anyone say, "Maybe you should step down from one of the positions." Not one person in either place.

AC: Tefillah education is a major struggle for yeshivot, particularly at the high school level. How can schools better teach students the methods and goals of prayer?

RYA: Davening is one of the great challenges of American Jewry, not just high school kids. Tefillah emerges from a recognition of need and dependence upon ha-Kadosh Barukh Hu. If you have everything, it's difficult to engage in meaningful prayer. It's very difficult. If you wake up in the morning and you don't have to worry about where your next meal is coming from, where to find a roof to put over your head, the only thing that you have to worry about is, "Am I driving a Lexus or a Honda? Do I have a Blackberry or an iPad?" Those are the only major decisions that you have to make, so it's difficult for American Jewry to engage in serious prayer, and it has nothing to do with high school - high school kids are just a reflection of that. And it's a real challenge.

When you can win them over as a ben Torah, then the davening is part of the package. It's not that difficult. If somebody wants to be a ben Torah, he understands that just as you want to observe Shabbat, you want to observe Kashrut, you want to learn Torah, you want to daven properly as well. For those that are not yet in the benei Torah community (and there are some in the school, many of them, certainly not a majority, but many of them), we try things. Three times a week we don't daven

as a shul. Three times a week we daven as a shi'ur, everyone in his own classroom. Five, six minutes every day - ra'ayonot ha-tefillah (ideas about prayer). Every month, we rotate rabbeim. So you'll get seven, eight during the course of the year - different perspectives of their understanding of tefillah. Does it make a real impact? I don't know. But it's one of the real challenges of yeshivah education in general, and it usually goes hand-in-hand: The kids who are serious learners generally daven well. Kids who are not into learning at all, not into shemirat ha-mitsvot (observance of mitsvot), davening is one of the casualties that comes through it as well.

People are shocked at how much of a disciplinarian I am in shul. I am the cop in shul. I stand in the middle of the shul during hazarat ha-shats (the cantor's repetition of the amidah) and leining (Torah reading), and if there's anybody talking, I go over to them and I say, "Look, you know..." So I control the tone and tenor in the shul. I work very hard at it. And I am proud that there is hardly any talking in shul whatsoever. But if the rabbi's going to sit in a seat on the pulpit, and just forget it, it's not going to happen automatically. And stopping davening is not enough. I've done a lot of tefillah education in shul. For six months, before we moved into the new building, for ten minutes after davening, besides for the regular derashah, before we said Adon Olam, I said something about tefillah. I shared with them many of the Rav's ideas on semikhat ge'ulah le-tefillah (juxtaposition of redemption blessings to the amidah), and so on and so forth. And it seems to have had an impact.

AC: Do you think that in today's economic climate, with increasing financial pressures on families, there is a "tuition crisis"? If so, what can be done about it? Are you, in your position as Rosh HaYeshiva of TABC, pursuing any solutions to lower (or at least not increase) tuition?

RYA: The idea of tuition crisis has been bantered about so frequently, and yet PEJE, the Partnership for Excellence in Jewish Education, recently came out with a study that shows that enrollment in day schools across the United States has experienced modest growth in the last three years. The only educational network that has suffered drastically during this time is Solomon Schechter.^{1,2} Now, that tells PEJE and everybody else something very significant: If Jewish education is your bottom line, you know that it's a priori, the number-one function in your life, no matter how difficult the struggle is financially, you are not going to give that up. When you're dealing with a community that's somewhat less religious, however, and now the demands become so severe financially, they don't feel uncomfortable going to public school. So we have not noticed a serious decline in Jewish education in the last three years, since this tuition crisis started. In fact, schools across the United States have experienced a modest increase.

Now, there's no doubt that schools have taken a look at themselves and tried to cut things, tighten things up a little. There's no doubt. We have managed not to raise tuition

for two consecutive years. Tuition is still high - still \$20,000 a year. We're below some of our competitors - Frisch is higher, MTA is higher, SAR is considerably higher. I just saw the packet from Ramaz - it's \$35,000 for high school. It's unbelievable. But for two years in a row, we have not raised tuition. And I think that this is going to continue - that the overwhelming majority of people will recognize their responsibility, though I haven't found a full-fledged system yet. In Bergen County, we have what's called NNJKIDS, which has raised more than a million dollars over the last two years, so that every elementary school has gotten \$300 per student a year for the last two years. Now, that's \$300 a year, which means preventing another \$300 increase in tuition, above and beyond whatever they did increase. The idea is to try to shift responsibility for tuition not just to the tuition payers, but to the community at large. We have not yet accomplished our objective. The OU has a proposal, which I've pushed in my shul, and they have to get this going across the community. Rabbi [Hershel] Schachter says that 75% of your tsedakah allocations should remain right here in your backyard. (Here the community decided that might be a little too aggressive, so they're trying 50%.) Of that, 50% should be directed to Jewish education. So if somebody gives \$15,000 a year to tsedakah, \$7,500 has to stay here in Bergen County, of which 50% has to be given to Jewish education. That's your tsedakah allocation. If this were to be implemented, this would make an enormous impact on Jewish education in our community. It would pump in thousands of dollars, and it would not cost a person an extra penny, because instead of giving it to yeshivot in Israel, hospitals in Israel, and things like that, Rabbi Schachter would say, instead of giving to Yeshivat Har Etzion and Sha'alvim, give it to your local schools. He's spoken publicly about this. He's spoken at the OU.

There's another program, which I think can have a lot of potential if people will buy into it. In Chicago, there's this one guy by the name of George Hanus, who came up with "the 5% plan." Every shul you go to has a big sign listing the people who've signed up five percent. Five percent of your will is to Jewish education.³ We haven't done that yet. We're not a community that's dying yet, thank God. But in several years, that could make a substantial difference. In Chicago, it's made a big difference. Every single person knows five percent of his assets have to be given to Jewish education. Those types of things, in the long run, can generate a lot of funds. But with this 50%, remaining in your keep, your tsedakah money, you don't have to ask the person for one extra dollar, just change the priority. That's important. That can raise big money. And I'm hopeful that it will make an impact.

AC: Some schools have come out against expensive summer camp experiences, insisting that they will not grant scholarships to students who attend summer camps. Advocates of camps will claim that the informal educational setting of camp is a necessary counterpart to the formal setting of scholastic education. Which side do you support, and why?

RYA: From a principal of a school, I'm in favor of that idea. If you can't afford yeshivah high school, you can't expect a full-paying tuition customer to support your son going to Morasha for the summer. Because when you give a scholarship to a needy family, who's paying for it? The person who can afford it. The school has to pay its bills, so when you give away, let's say, a million dollars in scholarships, the million dollars has to be made up some place. So the full tuition is now determined based on the fact that you have X number of dollars in scholarship. That's how every committee makes up their tuition line. So, the question is, does the full-tuition-paying parent have an obligation to make sure that this other kid can go to NCSY Kollel? I don't think they do. That's a luxury. It's an important, valuable educational supplement. There's no doubt. I push it all the time. TABC used to offer financial discounts, \$500 off your tuition if you sent your kid to NCSY Kollel, but then we realized that it's not fair. It's not fair. And, in effect, by giving a scholarship because you're paying for Morasha, Moshava, or NCSY, the full-tuition-paying parents are paying for that kid to go to summer school, to summer camp. If you took that to a parent-body vote, they'll vote it down in a second, and I think they're right.

AC: How should yeshivot deal with students who display problematic behaviors, including drug abuse, drinking, smoking, and abuse of peers? At what point is it appropriate to consider dismissing such students from the framework of a yeshivah day school or high school?

RYA: Yeshivot are in the business of education. We want to give everybody an opportunity. On the other hand, there are guidelines that have to exist in order to create an atmosphere conducive to producing benei Torah. So there are guidelines that every yeshivah high school has to have. We, and many other high schools, have signed up with an OU policy in terms of drug use and alcohol use: the first time you are caught, the school maintains a commitment not to throw you out, but you must submit to going to professional therapy. Whatever the therapist recommends, the student has to be willing to abide by. That is clearly stipulated. If you peddle in school - if you sell drugs, promote and facilitate, that is grounds for immediate expulsion, because you are a danger to somebody else. And, as an administrator, I have an obligation to protect students in the school. And if somebody is a threat to their safety and security, I have an obligation to throw that kid out of school. And if he is going to public school, I have no compunctions whatsoever. I would hope he would get into another yeshivah high school, but if he doesn't, the kid blew it himself. I feel bad, but there is no alternative.

The same thing is true for theft. I do not have any tolerance for someone who does not respect someone else's property. Two years ago, we had several problems with theft, and then we finally caught the guy, and I asked him to leave the next day. That is threatening the safety of other students, and he has no right to do that.

You have a right to go to public school, by virtue of the fact that you pay taxes. But coming to a yeshivah high school is a privilege, not a right. And if you forfeit that privilege, you forfeit it. Students know the rules and regulations; they are clearly indicated in the handbook. We have a very strict bullying policy. It is a serious issue; we do not take it lightly. I am not going to throw out a kid the first time that he does it, but if it happens, there are serious disciplinary consequences. If he does it again, he is prone to being asked to leave. If he gets into another yeshivah high school, that's fine. But I do not think that I have the responsibility to carry this boy, because he has a Jewish soul, at the expense of him oppressing another kid who is smaller or weaker, more prone to being taunted. I have a responsibility to protect the people who are here who want to be here, who want to cooperate. If you are not interested in doing that, then I do not feel any responsibility to you.

AC: Is this all for behaviors that are expressed within the context of school, on school grounds, or are there ever occasions where what they do outside of school can carry in-school consequences?

RYA: Obviously, there is greater flexibility if it takes place off school grounds. But we advise parents and students that issues like drinking and drugs may have an impact on their future at TABC, even if it does take place off-campus. Certainly in terms of mandating that they go for therapy, that for sure is going to happen.

AC: You have been involved with teaching and administration in several schools, including both co-ed and single-sex environments. In your experience, what are the deficiencies inherent in each model?

RYA: The primary deficiency in coeducation is coeducation. For young men with hormones and young women with hormones, social interaction becomes a primary concern under those circumstances. I believe that coeducation is not as effective for that very reason. I don't think it is a problem halakhically, and I don't think there is a problem with young women studying together with, and being able to compete with, young men. When I taught in Frisch, some of my best students were girls, with co-ed classes all the way. There was one girl my second year in Frisch whom I used to call Berel - that was the Rav's nickname - because she was so good. However, I think that the social interaction is such an all-encompassing issue in a co-ed school, and that does not exist in single-sex schools. There have been studies done by Princeton University that showed that girls' SAT II scores are considerably higher in the sciences in separate educational environments. They concluded that girls are ashamed to ask questions in the presence of boys, because they don't want to look like fools. I see this in my shul also. I have a mixed Gemara shiur on Monday night - a handful of women come, but it is mostly men. The women are generally very quiet. I have a Wednesday night Mishnah shiur, only women, and they question non-stop. Several men have asked me if they can

come to the Mishnah shiur, but I said no – not because I am against a mixed shiur, but because I want to give the women the opportunity to feel comfortable. When the men are sitting there, the women think, “I’m going to look like a novice, asking a question in front of this guy; he’s been learning for twenty years already!” So I think there are educational advantages to separate education.

On the other hand, I think that boys behave better in the presence of girls. Immature, stupid behavior is an issue far more compelling in a separate boys school as opposed to a co-ed environment. There they are much, much better behaved in that regard. The boys don’t want to make fools out of themselves in the presence of girls. But educationally, I think separate education is better.

AC: Education in matters of faith and belief has classically been marginalized in favor of the study of Gemara be-iyun, Halakhah, and Tanakh. Is this justified, especially for a generation in which fealty to tradition is simply insufficient to retain believing Jews?

RYA: That is a very good question, and we have come a long way in recognizing the need to enable students to explore emunot ve-de’ot (beliefs and outlooks) issues. Now, besides Gemara, Humash, and Navi, there is one Judaic Studies elective where they can choose between emunah u-bittahon, understanding the masorah, more practical Halakhah options, introduction to Hassidut, and Jewish philosophy. We recognize that students like to pursue such issues. But for the students who have struggled with these issues, I have found that when they go to Israel, they have twelve hours a day to explore those issues.

In Israel, there are no other pressures and no requirements, and I think that that is a much better environment to pursue those issues, where there can be a lot of one-on-one. In a class environment, a guy is going to start talking, “I don’t believe in God.” It is difficult to launch such a discussion in a public forum. When you are dealing one-on-one with a rebbe, you can talk to him any time you want, and the discussion can go on for hours, as it typically does, where they have the time for it.

We have recognized the fact that there is a need for it, and privately, the guidance counselors, many of whom are frum, deal with that. There is one guidance counselor, Rabbi Friedman – that is all he does, guidance with religious issues, and not so much classic academic guidance. It is very successful, but it is hard to do that across the board. There has to be ample time given for it, dedicated to it. Years ago we didn’t have anything, maybe just a question-and-answer session. But now it is given much more thought, rigorous study, and a little more proactive pursuit.

AC: Is the “Year in Israel” for everyone? From the perspective of a high school educator, what challenges do you see in the established system?

RYA: Overall, obviously with some exceptions, the year in Israel has been a very positive experience for the overwhelming majority of our graduates. Not only those who are already in the benei Torah camp, but even those who are not in the benei Torah camp. Many have experienced tremendous growth going for the year, and it has made an enormous impact on their lives. I am not saying it is for everybody. Obviously, Israel schools have to be careful and should be monitoring

students a little more effectively than they do. They should set up the same guidelines that high schools do. You don’t want to join the program? Goodbye, Charlie! This is an option year, and there is no obligation that you have to be here. If you want to go drinking at Ben Yehuda, then this is not the place for you. They should let students know this right from the beginning. However, overall, our experiences with the year in Israel have been very positive.

AC: You are a noted advocate of the use of derekh Brisk (the Brisker method of Talmud study) in high school education.⁴ How do you respond to the concerns of educators who feel that high school is a time to focus on reading skills and general familiarity with the spectrum of Torah?

RYA: My number one objective in yeshivah high school education is to turn people on to learning. I try to show them that learning can be taken seriously and is enjoyable, and I hope to pique their curiosity to learn. I love to have guys who are budding talmidei hakhamim, but I want most of them to be baalebatim (laymen) who respect learning and I want them to get turned on to learning. My goal is not that every kid should know how to “make a leining” (read a passage of Talmud). I do not think that in the time that is allocated in yeshivah high schools of our orbit – an hour and a half or two hours a day – is sufficient to communicate that. It is, if it is your only objective. If your only objective is skills, then perhaps you could have kids read, and reread, and reread. But I think you will turn off eighty percent of them, because it is a little boring. I am willing to forfeit that for the experience of getting them challenged and letting their minds explore what is happening, let them get involved in the learning process

and hopefully turn them on to make Torah-learning an incredibly important value in their life. I think that intellectual stimulation and lomdus and Brisker Torah is the way to go.

Rabbi Yosef Adler is the Rosh HaYeshiva of the Torah Academy of Bergen County and is rabbi of Congregation Rinat Yisrael in Teaneck.

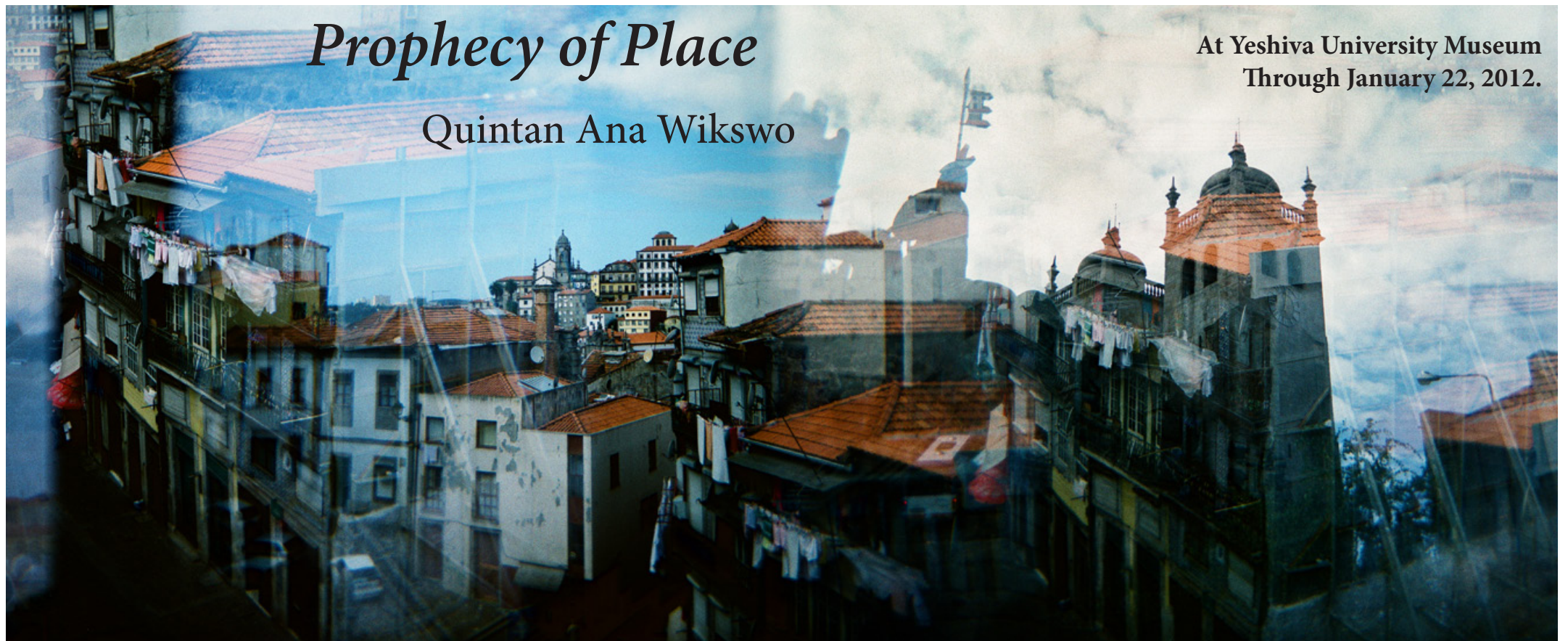
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1 The Project for Excellence in Jewish Education, “Enrollment Changes in Jewish Day Schools 2008-2009 to 2009-2010, Summary of Key Findings,” available at: http://www.peje.org/docs/Summary_of_Data.pdf.

2 Editor’s Note: According to the report, schools labeled “Centrist Orthodox” grew somewhat during this period, but schools described as “Modern Orthodox” decreased their enrollment. Jewish community day schools and Reform day schools (of the RAVSAK and PARDeS networks, respectively) also experienced decreased enrollment.

3 Sam Selig, “PROFILE Day School Champion Races Ahead with his ‘5 Percent’ Funding Solution,” JTA, July 7, 1999, available at: www.jta.org.

4 Yosef Adler, “Conceptual Approach to Learning and Hinnukh,” in Lomdut: The Conceptual Approach to Jewish Learning, ed. by Yosef Blau (New York: Yeshiva University Press, 2006), 131-144.



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Nakh: The Neglected Nineteen

BY: Gilad Barach

Why learn Nakh?² It is a foolish question, really. Virtually all Torah Jews agree that learning Nakh constitutes *talmud Torah*, and it should therefore follow that a Jew's familiarity with all twenty-four books of Tanakh is not only proper and appropriate, but mandated and expected. Nonetheless, the unfortunate neglect of Nakh that too many members of our community exhibit necessitates a quick review of some of the self-evident reasons, as well as more recent perspectives, why every Jew should seriously learn Nakh.

Nakh in the Traditional Sources

It is quite difficult to coax a Bible commentator to explain his rationale for spending years of his life on his area of study. He does not volunteer explanations, because the alternative never occurred to him. Nobody ever asked Rashi why he commented on the Torah, just as nobody asked him why he did so for the Talmud. The Rishonim did not find it necessary to justify their occupation with the most basic texts of Judaism: Tanakh, Mishnah, Talmud, Halakhah, etc. Rashi would probably be dumbfounded were one to ask him why he seriously learned the *Humash*. Is it not *devar Hashem*? the purest form of divine revelation available to a Jew? the basis of our faith throughout the millennia?

Fortunately, it is fully accepted that Jews must learn *Humash*, and learn it well. The requirement of *Shenayim Mikra ve-Ehad Targum* is designed, according to *Levush*,³ to make one proficient in Torah. Better yet, many go far beyond the minimum and learn a variety of *peirushim* – Rishonim or Aharonim – to better understand the basic text as well as its deeper meanings.

Nakh does not have a *Shenayim Mikra ve-Ehad Targum* obligation, but this does not reflect a sense of disregard by Hazal; on the contrary,

many statements in the Talmud reflect the importance of Nakh from various perspectives, even if not at the same level as *Humash*. The *Nevi'im*, or Prophets, are, obviously, a series of divinely transmitted revelations. The *Ketuvim*, or Writings, were written with *Ruah ha-Kodesh*.⁴ The Talmud⁵ says that all of Tanakh, and more, was given to Moshe on Mount Sinai.

Furthermore, Halakhah firmly backs the study of Nakh. The Talmud⁶ requires every Jew to split his learning into three equal parts: Mikra, Mishnah, and Talmud. Tur and Shulhan Arukh⁷ interpret Mikra as encompassing all of Tanakh.

By understanding and relating to the great personalities who appear throughout Tanakh, one can learn spiritual lessons and strengthen personal commitment to God.

Rabbeinu Tam offers a “way out” of this apparent obligation, quoted in three *Tosafot* comments in *Shas*.⁸ An aggadic exposition in Sanhedrin⁹ explains the origin of the Gemara's proper name, Talmud “Bavli,” as “*belulah*” – a “mixture” of Mikra, Mishnah, and Talmud. Rabbeinu Tam extracts from here a leniency for people who learn Talmud Bavli, as he thinks that they fulfill their obligation to divide their learning in thirds with this alone. Indeed, Rema¹⁰ quotes Rabbeinu Tam as Halakhah. However, there are several important details that demand attention, and can potentially cast Rabbeinu Tam's *kula* (leniency) in a new light.

The phrasing employed by Rabbeinu Tam does not exactly exude excitement. His wording (which varies from source to source) reflects, to a certain extent, a *be-di'avad* (less than ideal) approach. *Tosafot* in *Avodah Zarah* quote Rabbeinu Tam as saying, “*Dayeinu*,” “It is sufficient for us”; in *Kiddushin*, “*Somekhin*,” “We rely”; and in *Sanhedrin*, “*Poterin atzmeinu*,” “We exempt ourselves,” to refer to the fulfillment of the obligation with Talmud Bavli study alone. The three terms all indicate resignation, and suggest that something makes Rabbeinu Tam uncomfortable with his own *hetter* (permission).

The *Ba'alei ha-Tosafot* themselves seem uneasy about Rabbeinu Tam's leniency. In all three places in which his opinion is cited, *Tosafot* also quote the practice of R. Amram Ga'on. In response to the Gemara's requirement to learn Mikra, Mishnah, and Talmud, he introduced elements of each “third” of the Torah into the daily prayers: the *Parashat ha-Tamid*,¹¹ the Mishnayot of *Eizehu Mekoman*,¹² and the Beraita of R. Yishma'el.¹³ Now that a minimal degree of Mikra, Mishnah, and Talmud appears in the framework of *Shaharit*, all Jews fulfill, to some

extent, the requirement of the Gemara. The *Ba'alei ha-Tosafot*, by quoting R. Amram Ga'on who upholds, rather than undermines, the Gemara, further seem to undercut the scope of Rabbeinu Tam's *hetter*.

Moreover, when the *Arukh ha-Shulhan* discusses the *sugya*,¹⁴ he agrees that the custom is to study Talmud Bavli alone, in accordance with Rabbeinu Tam, but adds that everyone must surely still know Mikra and Mishnah.

The apparent uneasiness of Rabbeinu Tam and the *Ba'alei ha-Tosafot*, and *Arukh ha-Shulhan* in their footsteps, seemingly indicates that Rabbeinu Tam does not simply mean that a

obvious one – that it is *devar Hashem* – which the Rishonim, through silence, provided.

Nakh in the Modern Era

R. Samson Raphael Hirsch, champion of the “*Torah Im Derekh Eretz*” philosophy (advocating the importance of secular studies in addition to Torah), articulated many fundamental Jewish philosophies in his book, *Horeb*.¹⁹ His ideal educational system is based on the famous Mishnah in *Avot* that mandates the introduction of a young boy to Mikra, Mishnah, and then Gemara. R. Hirsch explains that the early exposure to Tanakh serves both to familiarize the child to its language and, ultimately, to instill in him its content. Echoing Rambam, Rabbeinu Tam, and Shulhan Arukh ha-Rav, he bemoans, “Why has this system been abandoned? Why has it been perverted?”²⁰

R. Hirsch also provides a more complete picture of what a Jew gains when he or she studies Tanakh:

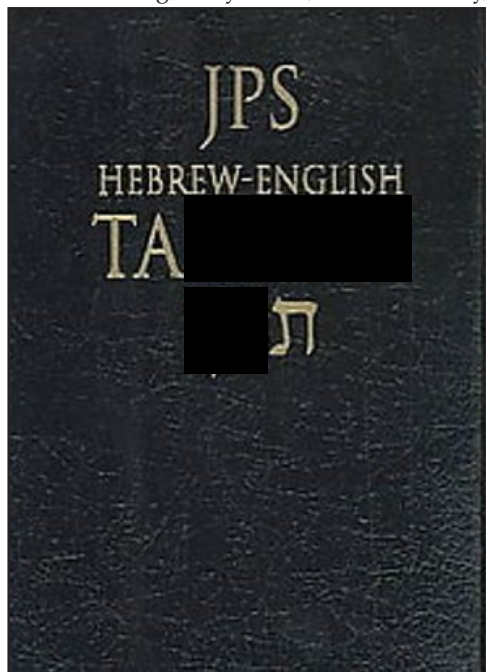
Learn from the Torah the origin and mission of your people, and the utterances of God which reveal to you how to fulfill this mission. Learn from the Prophets to know your people as the bearers of this law, in the fight against the deification of wealth and enjoyment and the evil example of the nations; learn to know your own destiny as the outcome of this struggle, and let your own spirit take fire from the spirit of the Prophets. Learn to contemplate, to understand, and to love the lofty mission of your people and its age-long record of scorn and sorrow; learn to recognize its grandeur in its degradation. And in order to support yourself spiritually and to guide your steps in your own passage through life, attune yourself to the sweet harp notes and the words of wisdom of the noble writers in the *Ketuvim*, drawn from the fountain of their own life-experience.²¹

R. Hirsch specifically addresses the relevance of Tanakh for children:

And when Torah and *Nevi'im* have opened their mind and heart and given them a clear and vivid idea of their duty as Jews, then to aid them in the struggle to fulfill that duty and to combat the storms that will befall their inner and outer life, place before them the book of the *Ketuvim*, in order that they may be inspired by the strains which have sprung from similar storms and conflicts, that they may be enlightened by the Proverbs, that ripe fruit of calm contemplation, and the Book may continually serve them as staff and a light in their wanderings.²²

R. Hirsch's approach to the significance of Nakh lies in its ability to develop one's worldview and personal character. His central motive in learning Nakh is its spiritual relevance rather than halakhic obligation.

The recent resurgence²³ of Nakh study, especially in Israel's *Dati Le'umi* (Religious Zionist) community, has been matched by increased discussion about Nakh's importance



by prominent leaders of Orthodox Jewry. Many of the arguments to reinstitute serious Nakh study are similar to those made by R. Hirsch.

R. Aharon Lichtenstein, *rosh yeshivah* of Yeshivat Har Etzion, believes Nakh is relevant to modern Jews for its humanistic side.²⁴ By understanding and relating to the great personalities who appear throughout Tanakh, one can learn spiritual lessons and strengthen personal commitment to God.²⁵ Of course, he concedes, the main text of the covenant between God and Jews is the *Torah she-Be'al Peh*.²⁶ However, Tanakh speaks to the soul in a different way from the way other core texts of Judaism do. Ultimately, *Torah she-Bikhtav* and *Torah she-Be'al Peh* stand together as the “*Yakhin* and *Bo'az*”²⁷ at the center of our world. In his own words:

When we speak of Talmud Torah generally... the sense of being in live contact with the *heftzah* of Torah is overpowering and awe-inspiring, and, spiritually speaking, energizing. But, there are areas of Torah,

Still, some yeshivot choose to teach their students iyun (in-depth) topics in Tanakh, hoping that they will later gather the broader beki'ut independently on their own time. Unfortunately, that time never comes, and what begins as an educational problem continues as a societal one.

areas of Tanakh in particular, which speak to us more directly in terms of the element of power, in terms of the element of our experience, our moral sense, our religious sense. That has nothing to do with minimizing, *has ve-shalom* (God forbid), the importance of *hukkim u-mishpatim* (laws and statutes); those are central, that is the bread and butter. But the *Ribbono Shel Olam* (Master of the Universe) has created us multi-faceted, with various aspects in our personalities and a gamut of spiritual and emotional needs, some of which are satisfied in a more direct – in a more immediate – way by certain texts, and certain kinds of texts, than by others.²⁸

RIETS *rosh yeshivah* R. Michael Rosensweig notes one more aspect of Nakh's importance, that Nakh also provides a history of Israel's implementation of Torah and Halakhah in a national religious society:

What *Nevi'im* and *Ketuvim* are crucial for is the application to real life of the values of Torah that are derived from *Hamishah Humshai Torah* and from *Torah she-Be'al Peh* and from Halakhah. That interface between real life, the models of the *Avot* (Patriarchs) and the *Immahot* (Matriarchs) and the *Shofetim* (Judges) and the *Nevi'im*, how *Kelal Yisrael* from the earliest time struggled, the mistakes they made, the triumphs that were theirs, the great potential that they had – that whole story – both in terms of its Hashkafah and in terms of what it reveals about the character of *Am Yisrael* as well as the sterling and very

inspiring personalities that we encounter in Tanakh, all of these things are of course crucial to our worldview.²⁹

Nakh in the Here and Now

So why does no one care? The predominant yeshivah-education system in our community does not prioritize – indeed, it scarcely addresses – basic knowledge of even the most foundational portions of Nakh. In addition to my personal educational experience, years of conversations with my Modern Orthodox peers from across the country reveal that schools everywhere are missing the mark.³⁰ Most of our grade schools gloss over Tanakh, giving it minimal attention and sandwiching it between classes in Mishnah and Talmud, areas which are supposed to be founded on a sound grounding in Tanakh. Our high schools do not fare much better. Israel programs vary; some offer students virtually no Nakh, others only superficial Nakh, and some, perhaps, advanced Nakh. Clearly, this is a losing battle.

R. Aharon Lichtenstein, who is *rosh yeshivah* of arguably the central institution of Tanakh study in the Modern Orthodox world, admits that there is a crisis that cannot be fixed with a year or two at his *yeshivah*. In the time and place ripe for serious, in-depth study of Tanakh, most of our teenagers know next to nothing of the prerequisite *beki'ut* (basic information). Still, some *yeshivot* choose to teach their students *iyun* (in-depth) topics in Tanakh, hoping that they will later gather the broader *beki'ut* independently on their own time.

Unfortunately, that time never comes, and what begins as an educational problem continues as a societal one. I had the misfortune of spending months of this past summer learning in a prominent *beit midrash* that did not have a single Tanakh among its collection of thousands of *sefarim*.³¹ I recently saw a shopping bag from a Jewish bookstore that depicted the many areas of Torah represented by the books they sold: *Humash*, *Gemara*, *Aharonim*, *Posekim*, *Mussar*, you name it. Nakh? Absent.

This problem is larger than any individual student, who cannot be blamed for never having been taught the entirety of Tanakh. But eventually it becomes a personal obligation to teach oneself. And, though it is a psychologically tempting way out, a mere acknowledgement of Nakh's importance is not an exemption from actually learning it.

Fortunately, that is not so difficult: A good deal of Nakh is in straightforward Hebrew (there are fine translations available

for beginners, as well), and there are great commentaries that guide a self-teaching student through the books. It is within reach, but it requires a steady commitment. Why not start right now?

Gilad Barach is a junior at YC majoring in Physics and Mathematics, and is a staff writer for Kol Hamevaser.

1 It is not the purpose of this article to support one method of learning Nakh over any other; the choice of *derekh ha-limmud* comes only after accepting the premise which is the argument of this article, that Nakh should be seriously learned at all. In addition, any significance that is herein attributed to the study of Nakh is not meant to take away from other areas of Jewish study, including the prominence of Talmud or Halakhah in our community.

2 R. Aharon Lichtenstein, in the first chapter of *Leaves of Faith* (Ktav Pub. House, 2003), analyzes two distinct meanings of the question, “Why?” It can mean either to challenge an assumption or to innocently inquire as to its reason. This article discusses the latter “why,” though it may well counter the attackers of the former.

3 *Levush* to *Shulhan Arukh*, *Orah Hayyim* 285.

4 Rambam, *Moreh Nevukhim* 2:45.

5 *Berachot* 5a.

6 *Kiddushin* 30a and *Avodah Zarah* 19b.

7 *Yoreh De'ah* 246:4.

8 *Avodah Zarah* 19b s.v. “*Yeshaleish*,” *Sanhedrin* 24a s.v. “*Belulah*,” and *Kiddushin* 30a s.v. “*Lo*.”

9 *Sanhedrin* 24a.

10 *Mapah* to *Shulhan Arukh*, *Yoreh De'ah* 246:4.

11 *Bemidbar* 28:1-8.

12 *Zevachim* 5.

13 *Sifra*, Introduction.

14 *Arukh ha-Shulhan*, *Yoreh De'ah* 246:14.

15 As it happens, regularly learning Talmud Bavli (in a *Daf Yomi* type of setting) is a decent way to maintain one's core knowledge of Torah even after he may stop dedicating more of his time for *talmud Torah*. As one comes across key ideas and central themes of Torah, he will be more likely to upkeep (if not significantly increase) his knowledge of Torah. Perhaps it is this type of “retired *lamdan*” which Rabbeinu Tam seeks to protect with his ruling. (I thank Rabbi Shalom Carmy for this perspective.)

16 *Mishneh Torah*, *Hilkhot Talmud Torah* 1:12-13.

17 *Lehem Mishneh* to *Mishneh Torah*, *Hilkhot Talmud Torah* 1:13.

18 *Shulhan Arukh ha-Rav*, *Hilkhot Talmud Torah* 1:6.

19 *Horeb*, translated by Dayan Dr. I. Grunfeld, (London: Soncino Press, 1962).

20 p. 410.

21 p. 371.

22 p. 414-415.

23 The term “resurgence” is intended only in relation to the more complete abandonment of Nakh by prior generations. Only a small number of Orthodox Jews are seriously engaged in studying this critical corpus of Judaism, far fewer than the number learning Talmud or Halakhah.

24 *Hayyim Sabato*, *Mevakeshei Panekha* (Tel Aviv: Yedi'ot Aharonot, Sifrei Hemed, 2011),

195-202.

25 R. Lichtenstein notes the dual danger one faces when relating to the great characters of Tanakh. On one hand, one must not demote them to a common status, where “Haman may be like a professor, next to them in the class.” On the other hand, even great people have emotions which must not be marginalized, and it is an error to say, “Avraham went to the *Akeidah* like a person goes to a wedding.”

26 See *Gittin* 60b.

27 *Yakhin* and *Bo'az* are the names of the two columns at the entrance to Solomon's Temple, described in detail in I Kings 7. The metaphor refers to the dual centrality and significance of Written and Oral Torah.

28 Speech to the overseas program of Yeshivat Har Etzion, February 6, 2003. I edited the transcript minimally, for clarity purposes.

29 “How to Relate to the Study of Tanach?” September 18, 2008. The *shi'ur* is available at yutorah.org.

30 At this point, I speak primarily of the male education system. The obvious divide between men's and women's education in Nakh is both a blessing and a curse. Of course, it is wonderful that many women's schools and Israel programs appropriately emphasize Nakh study. Unfortunately, the lack of equal commitment by men's programs often suggests – incorrectly – that Nakh is an area of Torah study that is more relevant or suited for women, which further discourages men from learning the subject independently. Needless to say, all of the reasons to learn Nakh quoted earlier were intended equally or exclusively for men.

31 There were, in fact, a few forlorn sets of *Mikra'ot Gedolot* (Nakh volumes with commentaries) in the back of the room. They were outdone in both placement and quantity by the *Zohar*. Why is this acceptable?



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Single-Sex Education: Still *Le-ka-tehillah*

BY: Rachel Weber

This summer, while explaining my choice to study at Stern College to someone who had never heard of Yeshiva University, I was challenged by one question more than any other. This question was not about the double curriculum, nor about the relatively homogenous student body, but was rather the incredulous, “Are you really going to a college with only girls?” Although I answered quickly, explaining that Stern is part of a larger co-ed university and therefore has many of the benefits of other co-ed schools, this question caused me to think more about my past educational environments, which have also been single-sex. While most of the college-age readers of *Kol Hamevaser* are not currently deliberating between single-sex and co-ed schools, either for themselves or for their future children, this debate carries with it great societal import, and is worthy of serious discussion.

I am in no way prepared to discuss all aspects of this question, and so I beg the pardon of those who feel that their position is not fully represented. Rather, I will attempt to give a cursory halakhic overview of the issue and relate to some of the scholarly research done on this topic outside of a religious context. However, my main argument is a social and educational one, based on my own personal experiences and interactions. For this reason, I can only claim to represent the female perspective, although I will attempt to relate to the other fifty percent of the population as well, in explaining why I believe that single-sex education is the best model for a Jewish high school.¹

Unsurprisingly, classical halakhic sources that deal with coeducation are few and far between. Some more recent prominent halakhic decisors who do address the issue reject it soundly.² In the past century the idea of a co-ed Jewish school gained a modicum of support from Orthodox rabbis, albeit only a distinct minority. This, however, has not hindered the rise of co-ed institutions in many Modern Orthodox communities, and therefore it is important to analyze the halakhic sources to understand the basis for this practice before discussing the topic further.³

There are numerous sources from the Gemara, Rambam, and *Shulhan Arukh* that go into great detail as to the extent of separation required between men and women in society at large. Specifically, *Shulhan Arukh* writes that men should distance themselves “very, very much” from women.⁴ To explain why this is not the norm in our community is an entirely separate issue, so I will attempt to focus my discussion on the question of mixing the sexes in school, even if they will definitely be mixed in other contexts.

There is only one source in the Rishonim that specifically discusses coeducation, for the obvious reason that women were not formally

educated during that period.⁵ The Mishnah in *Kiddushin* 4:14 says that a father may not teach his son “*omanut...bein ha-nashim* - a job... amongst the women.”⁶ Most Rishonim interpret this to mean that the son’s job should not be one that requires constant interaction with women.⁷ *Meiri*, however, explains that the prohibition is for a father to educate his son in a school with girls, which could lead to sin.⁸

There are those who suggest that exposure to a sexualized modern culture may have minimized the extent to which male students are negatively distracted by their female counterparts, a development that would afford greater leniency in the area of coeducation. If men encounter women in all aspects of their

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lives, Halakhah may have less reason to worry about men having inappropriate thoughts or sinning every time they come into contact with a woman. The minimization of inappropriate behavior due to familiarity between the sexes has halakhic implications in other instances as well. *Levush* says that at a wedding with mixed seating, one is permitted to say the berakhah of “*she-ha-simhah be-me’ono* - in whose dwelling place is joy,”⁹ if mingling between the sexes is the communal norm, since the men will not be having inappropriate thoughts.¹⁰ *Arukh ha-Shulhan* similarly writes that even though a married woman’s uncovered hair is traditionally considered *ervah*, a man may recite *berakhah* in front of a married woman’s bare head because married women frequently did not cover their hair and would thus not constitute a distraction.¹¹ Although these two sources seem to imply that increased exposure lessens the severity of sexual temptation, Rav Ovadia Yosef argues that the opposite is true.¹² He claims, based on numerous sources in the Gemara, that in less modest times, people are actually more likely to succumb to inappropriate inclinations.

While in the more “right-wing” Orthodox world coeducation is widely condemned, Modern Orthodoxy has accepted coeducation as an option, largely based on the example of Rav Soloveitchik and the Maimonides School.^{13,14} Students of Rav Soloveitchik disagree as to whether he believed that coeducation is *le-ka-tehillah* and that boys and girls should be in class together, or whether he

felt that it is *be-di-avad*, and himself chose to open a co-ed school due to mitigating factors. Benny Brama, a former teacher at Maimonides, suggests that Rav Soloveitchik truly valued coeducation, and it was for this reason that the Rav fully integrated his school. If this is true, the practice of coeducation could be justified by bringing to bear the view of the Rav. On the other hand, Rabbi Hershel Schachter, a leading student of Rav Soloveitchik, claims that the Maimonides School was modeled to fit specific circumstances, namely, to accommodate the fact that had the school not been co-ed, girls would have received an inferior Jewish education, or none at all. Thus, according to this latter perspective, the co-ed aspect of Maimonides

should not be used as a paradigm for yeshiva education.¹⁵

In addition to halakhic considerations, there are many other variables that contribute to the educational decision regarding co-ed versus single-sex education.¹⁶ To further understand the complexity of this issue, we must analyze it from a secular educational perspective as well.

While for years single-sex education was marginalized in favor of a coeducational model, in recent years, single-sex education has come into vogue, in part due to a wave of studies attempting to show its benefits. Although single-sex public education is still rare in the United States, it is fairly common in many other countries, thereby providing wider bases for academic studies. In 2002, the National Foundation for Educational Research in England released a study on school size and co-ed vs. single-sex schooling, which studied 2,954 high schools.¹⁷ The study concluded that both boys and girls benefited from separate classrooms. Test scores improved almost completely across the board, and girls in single-sex schools were found to be taking more traditionally male courses, like the sciences. In his 1998 study “Single-Sex and Coeducational Schooling: Relationships to Socioemotional and Academic Development,” Dr. Fred Mael argues that allowing development in single-sex environments helps adolescents mature into more socially adept adults.¹⁸ This applies to men and women equally.

While these studies and others¹⁹ strongly support the hypothesis that single-

sex schools are more beneficial for both boys and girls, other studies have shown no discernible difference between the two models of education. In 2005, the United States Department of Education commissioned a report to review all previous studies in this field. The report’s conclusion was decidedly ambiguous, noting that many studies indicated higher standardized test scores for students in single-sex schools, but could not show any long-lasting gains, whether academic or social.²⁰ Therefore, given the available scientific evidence, coming to a definitive conclusion in regard to which model is scientifically most beneficial does not seem to be possible.

However, we should not be discouraged from analyzing the issue from a communal, values-based perspective, rather than a scientific one, as the Modern Orthodox community has many educational goals that these studies do not consider. When it comes to education, we do not look just for high scores and academic success, but also aim to create environments that will help students grow to be committed Jews, *ovedei Hashem ve-lomedei Torato*.

Even when coming from the perspective of Jewish values, the sample of Modern Orthodox high schools is too small and too diverse to make any broad judgments. What I can do, though, is share some specific educational issues relevant to our community with the goal of showing that single-sex education is a better choice than co-education, specifically for girls.²¹ An all-girls high school is an environment in which teenage girls can grow to their fullest potential, without distractions from the opposite gender. From personal experience in numerous co-ed settings, I can confidently say that daily interaction with boys influences girls to focus more attention on their looks. When educators struggle to convey the values of *tseniut* to their students, both male and female, a co-ed school environment is likely to inhibit the achievement of this goal. Strong anecdotal evidence also suggests that the presence of boys in a classroom leads some girls to shy away from participating in heated classroom debates and impedes their ability to exercise their full academic capacities. Do these problems prove that single-sex schools are ideally better? Could these issues be solved with effective educational tactics? It is hard to say for sure, but it is critical to acknowledge that the mixing of the sexes in a school setting is often detrimental to the female students, and many high schools may not be equipped with the educational tools to forestall these negative effects.

In addition to potentially negative aspects of co-ed schools, there are numerous benefits to single-sex schools. The Jewish world has been decades behind in proving to its daughters that they need not be held back educationally because of their sex. We recognize differences between men and women, and a school would be remiss to claim that those differences are insignificant. Nonetheless, the best way to demonstrate the opportunities available to women is by providing them with those opportunities. In an all-girls school, student

positions such as GO President and captain of the Debate Club will always be held by girls. Every student in AP Calculus and Advanced Talmud will be female as well.²² The effect that this has on students cannot be overstated. In an all-girls school, a student's sex plays no role in determining which classes she takes or how she views herself in relation to other students and will not be intimidated by the presence of boys. No one talks about the smartest boy in the class and then the smartest girl. For adolescent girls who are struggling with peer pressure and are attempting to develop an identity, an all-female environment allows them to express their individuality more easily and develop the confidence to express their true selves to the outside world.²³

An all-girls school also affords the best role models for female students. To begin, the administration of an all-girls school is often female, providing students with a variety of women to respect and admire. While there is nothing wrong with having rabbis as principals, students in co-ed schools who consistently see men in administrative positions are often denied exposure to females in leadership roles that are already accepted in the Modern Orthodox community.²⁴ The importance of role models is relevant to individual classroom setting as well, and applies in both boys' and girls' schools. Students are able to develop close, meaningful relationships with their teachers when the relationship relates not only to material learnt in the classroom, but extends to the personal realm as well. I believe that such personal connections are often easier to forge in single-sex classrooms. For example, girls often feel more comfortable talking to teachers about specifically female issues in single-sex settings. On the other hand, many boys may develop close relationships with male teachers while playing basketball, an activity that would be skipped in a co-ed class. Teachers in single-sex schools have more opportunities to become close with their students and influence them in a positive way.

Another benefit of single-sex schools is the administration's ability to tailor the curriculum to meet the needs of the students.²⁵ Issues of women in Judaism, for example, are extremely important to teach, but co-ed schools may have a difficult time dedicating a year of their curriculum to an issue that does not resonate with fifty percent of their population. SAR Academy, a co-ed school in Riverdale, for example, has offered a senior elective that deals with women in Judaism. In contrast, Yeshiva University High School for Girls is well known for its mandatory WIJL (Women in Jewish Law) course. Similarly, Ma'ayanot Yeshiva High School for Girls in Teaneck, NJ guarantees that every senior spends her year learning about issues relating to Jewish women. Even if a co-ed school chose to allot the time for such a course, students will feel most comfortable in an all-female environment, asking questions that are often personal and fraught with emotion.

Many still argue that coeducation is better for all students: It gives a wider variety of opportunities and interactions and prepares

students for the "real world," where the sexes mix freely. Some worry that single-sex environments hinder girls' development, both academically and socially. On an academic front, since boys add diversity to the classroom discussion, bringing new perspectives and experiences, a co-ed environment may be more conducive to a broad and rich learning experience. However, Rivka Kahan, principal of Ma'ayanot, argues, "Differences between individuals dwarf the differences between boys and girls."²⁶ Thus, if the students in a single-sex school have diverse backgrounds, the diminished diversity due to the lack of boys will be insignificant.

On the social level, some claim that the lack of interaction between the sexes stunts students socially and impairs their ability to interact normally with the opposite sex. This detriment may continue into their adult life and may even affect their marriages. This objection is unfounded for two reasons: First,



we have already established that many believe that interaction between boys and girls is halakhically permissible. Therefore, even if the classroom is separate for the aforementioned reasons, there are many other venues for co-ed activities, such as youth group activities and summer camp.

Finally, some claim that girls receive a better Jewish education, particularly in the area of Gemara, in co-ed schools. This argument reflects the real correlation between all-girls schools and schools that do not teach or do not emphasize Gemara learning. However, this does not mean that a single-sex school cannot be the setting for a girl who wishes to learn Gemara at the highest possible level. I have heard first-hand from a teacher in a single-sex school that there was no difference between the level of the twelfth grade advanced Talmud class that she was teaching and the twelfth grade advanced Talmud class that her husband was teaching in a co-ed school. In areas where the learning gap between a co-ed and single-sex school is a small one, it is also important to consider the added value of girls learning Torah in an environment where its import is discussed openly. With the background of "Kol ha-melamed et bitto Torah ke-ilu lomdah tiftut, - Whoever teaches his daughter Torah teaches her obscenity,"^{27,28} girls in single-sex schools often connect more deeply to learning Gemara, especially because all-girls schools are often

classified based on whether or not they teach Gemara, a distinction not found in co-ed day schools. Those people who believe that an all-girls school will, by definition, have a lower level of talmud Torah should at least consider this additional factor.

It is difficult to write an article about an issue that is particularly close to my heart. I openly acknowledge that my high school experience was an extremely positive one that has influenced my beliefs on this issue. However, as a halakhic Jew, I believe that the first place we look for guidance in life is not personal opinion but rather Halakhah. Finding that Halakhah strongly encourages single-sex education was a push for me to continue developing my own thoughts on this issue. There are still, and will continue to be, disagreements within Modern Orthodoxy as to the best educational model, and every school makes a decision based on its unique circumstances. I would like then, to echo the words of Rav Aharon Lichtenstein on this issue: "You ask another question and it is not a question just of issurim: assur mutar, mutar assur... in education you run a wide gamut from relatively minimal situations to maximalist situations."²⁹ The challenge for us is to think critically about this question and to view it through a variety of lenses, including halakhic, scientific and educational ones. Serious debate and discussion can only enrich the educational opportunities available to students, and even those who disagree with each other can certainly agree on a shared goal of improving the experience available to every Jewish student.

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1 This debate also exists with respect to elementary schools; however, the halakhic debate about when to begin separating the sexes is complex, and the social issues involving elementary school students are also very different from those of high school students. For these reasons I have limited my argument to high schools, an environment with which I am also more familiar.

2 See, for example, *Iggerot Moshe, Yoreh Deah* 1:137 and Responsa *Yabia Omer* 10:23.

3 For a more comprehensive view of the halakhic issues at hand, please see Rabbi Aryeh Lebowitz, "Co-education - Is it Ever Acceptable?," *The Journal of Halachah and Contemporary Society* LV (Spring 2008), from which much of this research was taken.

4 *Shulhan Arukh, Even ha-Ezer* 21:1 (translation mine).

5 Rabbi Seth Farber, *An American Orthodox Dreamer: Rabbi Joseph B. Soloveitchik and the Maimonides School* (Hanover, NH: Brandeis University Press in Association with The Rabbi Joseph B. Soloveitchik Institute, 2004), 79.

6 Translation mine.

7 See *Kehati* to Mishnah *Kiddushin* 4:14.

8 *Beit ha-Behirah* to *Kiddushin* 80b, s.v. *ve-lo yelamed adam omanut le-beno bein ha-nashim*.

9 Koren *siddur* translation.

10 *Levush ha-Hur, minhagim* 36.

11 *Arukh ha-Shulhan, Orach Hayyim* 75:7.

12 Responsa *Yabia Omer* IV, *Even ha-Ezer* 4.

13 See Rabbi Lebowitz's article for more details, as well as the more moderate opinion of Rav Aharon Lichtenstein.

14 For a detailed analysis of the opinions related here, and other information about Rav Soloveitchik and coeducation, please see Rabbi Seth Farber's article, "Rabbi Joseph Soloveitchik and Coeducational Jewish Education" in *Conversations*, the journal of the Institute for Jewish Ideas and Ideals, available at: <http://www.jewishideas.org/articles/rabbi-joseph-soloveitchik-and-coeducational-jewish->, and his book *An American Orthodox Dreamer: Rabbi Joseph Soloveitchik and the Maimonides School* (see endnote 2 above).

15 Farber, 76-7.

16 This idea was originally shared with me by Rivka Kahan, principal of Ma'ayanot Yeshiva High School in Teaneck, NJ.

17 Available at: <http://www.singlesexschools.org/NFER.pdf>.

18 This study was quoted in Rabbi Lebowitz's article mentioned in endnote 1 above and was originally published in *Review of Educational Research* 68.2 (Summer 1998), 101-129.

19 See, for example, "Single-Sex vs. Coed: The Evidence," *National Association for Single Sex Public Education*, available at: <http://www.singlesexschools.org/research-singlesexvscoed.htm>.

20 Available at: <http://www2.ed.gov/rschstat/eval/other/single-sex/single-sex.pdf>.

21 As I mentioned above, my experience is limited to that of girls' high schools and therefore I will try to only address what I know personally.

22 I once again owe gratitude to Mrs. Kahan for her insight into this pattern.

23 Erik Erikson, in his stages of psychosocial development, calls adolescence a phase of "Identity vs Role Confusion." See Francis L. Gross, *Introducing Erik Erikson: An invitation to his Thinking* (Lanham, MD: University Press of America, 1987), 47.

24 While adding female administration to co-ed schools could conceivably solve this problem, most co-ed Modern Orthodox high schools would continue to prefer ordained rabbis as principals over women for numerous reasons, including the importance of male role models for male students. In an all-girls high school, the idea of a female administration is more accepted, and interacting with such female leaders will enable students to develop confidence in their own leadership abilities, even in areas that are traditionally male.

25 For more information on gender differences in learning, please see the numerous scholarly articles collected at <http://www.education.com/topic/gender-differences>.

26 Based upon a personal conversation.

27 *Sotah* 21b.

28 Soncino translation.

29 AMODS Convention, Center for the Jewish Future, 2007.

Creative Arts



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Strictly Kosher: How *Haredi* Literature Reflects and Influences *Haredi* Culture

BY: Davida Kollmar

Reviewed Book: Yoel Finkelman, *Strictly Kosher Reading: Popular Literature and the Condition of Contemporary Orthodoxy* (Boston, MA: Academic Studies Press, 2011).

Even at Yeshiva University, a Modern Orthodox institution, students are familiar with the *haredi*, or Yeshivish, community. This community is often defined by its adherence to a more *mahmir* (stringent) interpretation of Halakhah, dedication to learning indefinitely in *kollelim*, and vehement opposition to and separation from secular culture.¹ Most, if not all, students are also familiar with *haredi* publishing companies; many have prayed from an Artscroll *siddur*, or looked up a *halakhah* in Feldheim's *Shemirat Shabbat ke-Hilkhatah*. However, these publishing companies release more than just "*sefarim*"; they print novels, magazines, and books on topics that extend beyond Torah proper, such as cooking, history, and parenting.² In his new book, *Strictly Kosher Reading: Popular Literature and the Condition of Contemporary Orthodoxy*, Yoel Finkelman examines the impact of these books, which he calls "Popular Literature," on American *haredi* Judaism. Finkelman contends that *haredim* use this literature as a tool for self-definition and for demonstrating how their

values are different from and superior to those of the American public.

Finkelman effectively portrays the attitude of the *haredim* in the preface to the book. There he describes a popular children's book on *middot*, in which *haredim* are depicted as having idyllic, meaningful lives while the non-*haredim* have low moral standards and live in slum-like conditions. The outside world is an evil place with no redeeming value, while the inner *haredi* world of Torah is perfectly pure and all its inhabitants achieve happiness. There exists no possibility of a middle ground, where those who do not believe in *haredi* values do achieve lives of happiness and fulfillment or where *haredim* face many struggles.³ Despite the *haredi* idealization of a separatist Torah culture which is entirely at odds with American secular society, Finkelman notes throughout the book that *haredi* literature indicates a significant degree of acculturation, largely mirroring the acculturation found in the Evangelical Christian community.⁴

Finkelman discusses three different aspects of this acculturation: "coalescence," whereby secular values are portrayed as Jewish ones; "filtering," where books include secular values only selectively; and "monopolizing," by which books attempt to influence readers to read *haredi* works only.⁵ Much of the *haredi* literature on marriage demonstrates these various aspects of acculturation. In these books' descriptions of the Jewish view on marriage, the Jewish and secular views coalesce into one. These books emphasize the need for partner cooperation and effective communication, and portray the home as a refuge from the dangers of secular surroundings; however, these views drastically differ from traditional Ashkenazi Jewish marriages. Historical marriages were primarily economic arrangements, whereby a father aimed to find a husband who could financially support his daughter. Furthermore, the home was primarily the workplace because goods to be sold were produced there. The current *haredi* view of marriage, which is focused on developing a supportive,

emotional connection between spouses, is much closer to the contemporary, secular one.⁶ Publications on marriage also exhibit filtering, most obviously by ignoring sex beyond the treatment that is minimally necessary for a discussion of *taharat ha-mishpahah*. While sex is a significant component of much of secular culture and is relevant to marriage as well, *haredi* publishers opt to avoid the topic to limit communal exposure to such matters.⁷ As for monopolization, *haredim* publish a wide range of literature so that their *haredi* consumers will not feel the need to read secular works,

European Jewish world, inaccurately depicted as always wholesome and saintly. Chapter five deals with the different presentations of Judaism to *haredim* and to non-*haredi* Jews in *haredi* works of theology, and the messages about *haredi* separatism that the differing presentations send. Chapter six examines *haredi* self-criticism in periodicals and how *haredim* attempt to condemn parts of their system without undermining it.⁹

Finkelman maps out his arguments very clearly, and continuously summarizes previous points and presents outlines for

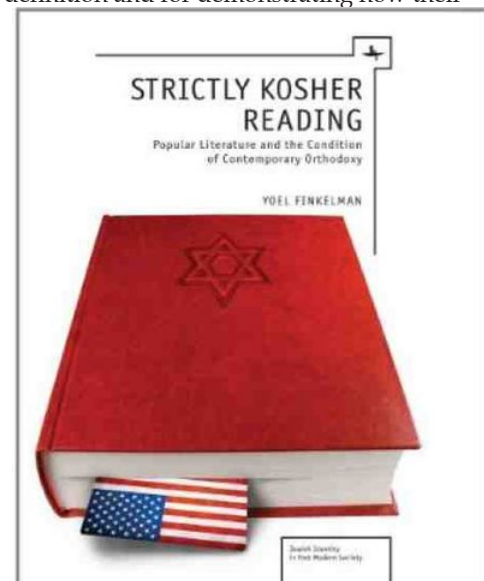
Despite the haredi idealization of a separatist Torah culture which is entirely at odds with American secular society, Finkelman notes throughout the book that haredi literature indicates a significant degree of acculturation

since similar *haredi*-versions of the works are available. Since *haredi* readers will not hear opposing voices, they will be more likely to accept the *haredi* agenda. While *haredim* are not forced to read the *haredi* books, their existence makes reading secular ones less desirable.⁸

Other than the first and last chapters, which serve as an introduction and conclusion, respectively, each chapter, as delineated in the book's preface, focuses on a different type of *haredi* literature and analyzes what it shows about *haredi* Jews and their worldview. Chapter two examines how *haredi* self-help books show varying degrees of acculturation, while chapter three analyzes the ways in which *haredi* authors of both self-help and fiction books either deny this acculturation or explicitly justify the presence of any secular content. In chapter four, Finkelman demonstrates how *haredim* utilize biographical and historical works to stake their community's claim as the authentic heir of the

upcoming claims. Each chapter begins with a recapitulation of the previous chapters followed by a breakdown of the main points in that chapter, and ends with a summary of the chapter's main points and a preview to the next chapter. While all of this explaining enables the reader to easily follow Finkelman's argument, it also feels repetitive at times. The repetition is likely a result of the fact that Finkelman had previously published parts of the work in various journals, so much of the explanation is a way of stringing the different pieces together.¹⁰

Finkelman's endnotes list citations of the various books he references in the main text. Upon examination of these citations, it is interesting to note that most of the works fall into two main categories: *haredi* literature and scholarly works which analyze the potential to understand a culture from its literature. What seems to be mostly absent is literature from other Jewish communities, such as the





Alef-Bet Chart, Germany or Italy, ca. 18th century

Collection of Yeshiva University Museum. The Jean Sorkin Moldovan Collection Gift of the Jesselson Family. The woodcut in the center of this chart shows students on their first day of studies being rewarded with honey dropped from heaven by an angel, while a more senior, and apparently less eager, student is flogged by a disciplinarian teacher. This chart is modeled after an example published in Ferrara in 1590, where this woodcut scene is reversed.

Modern Orthodox community. Finkelman rarely addresses how the purpose and style of *haredi* literature differs from that of Modern Orthodox literature. Although he does affirm that Modern Orthodox works display a higher level of acculturation than do *haredi* works, he rarely illustrates the truth of this claim with examples.¹¹ While it may be that such an analysis is beyond the scope of Finkelman's work, a comparison of *haredi* and Modern Orthodox literature could provide insight into how *haredi* literature's attempt to influence its community is unique. Among the few works authored by Modern Orthodox writers cited by Finkelman, most were articles published

in scholarly journals, not books published by Modern Orthodox publishers.¹² While both *haredi* and Modern Orthodox publishers likely censor the books which they print, since Finkelman does not quote many books published by the Modern Orthodox, it remains unclear how censorship differs in the two communities. Another fact rarely mentioned is that *haredi* literature is also often read by the Modern Orthodox. Finkelman extensively portrays how *haredi* literature attempts to influence *haredi* culture, but with the exception of chapter five, he does not address how or if that literature attempts to influence non-*haredi* readers.¹³

Finkelman's broad definition of *haredi* literature includes anything published by a *haredi* publishing house. However, not all of the authors who have published with *haredi* publishing houses are *haredi*. For example, Finkelman cites an article published in *The Jewish Observer*, Agudath Israel's magazine, which was written by Dr. David Pelcovitz, who is not *haredi*.¹⁴ While Dr. Pelcovitz's non-*haredi* association may have been irrelevant for Finkelman's specific point about the article, it is unclear if the line between *haredi* and non-*haredi* authorship was blurred elsewhere in a more significant way. Finkelman justifies his broad definition by

stating that the *haredi* publishers have such a high level of censorship that all published works meet *haredi* standards. Therefore, any work published by a *haredi* publishing house can reasonably be classified as *haredi*, and be viewed the same way as literature actually written by *haredim*.¹⁵ A possible flaw in this argument is that if certain information is absent in an article written by a Modern Orthodox Jew, it is difficult to ascertain if this absence is due to the publisher's censorship or to the author's personal decision (made for whatever reason). Therefore, theorizing about the uniquely *haredi* messages of such a work based on absent information would not be

possible.

While Finkelman may be wide-ranging in his consideration of *haredi* literature, he is very clear about which community he is talking about when he uses the term *haredi*, explicitly differentiating between the *haredi* community and the hassidic one. He emphasizes that unlike hassidic Jews, who are more insular and less acculturated, the *haredi* community has undergone significant acculturation, which manifests itself in *haredi* writing.¹⁶ Similarly, he distinguishes between the *haredi* communities in America and those in Israel. According to Finkelman, Israeli *haredim* tend to be more extreme and separatist than their American counterparts, so their literature is less influenced by secular culture. Although some Israeli *haredi* authors are quoted, they are generally Americans who had made *aliyah*, so their works exhibit the acculturation more typical of the American community.¹⁷

Finkelman is quite open about the fact that he is not part of the *haredi* community which he is examining, and is in fact Modern Orthodox. As a result, he “[makes] no claim to strict objectivity” and admits that he is conducting this research “to understand what [he is] not.”¹⁸ While he does make judgment calls about *haredi* literature, Finkelman speaks primarily from an analytical viewpoint.

Although he concedes that he shares the opinions of many Modern Orthodox authors who write polemics against *haredi* literature, Finkelman states that he attempts to avoid being overly polemical so as not to detract from the understanding of *haredi* works and their effects.¹⁹ In this regard, he is successful; while there are many critiques of *haredi* literature in the book, the tone remains respectful.

My greatest praise for Finkelman’s work is that after reading the book, I was more aware of the underlying sociology when reading *haredi* literature on my own. While reading the volume on *Sefer Devarim* from *The Midrash Says*, a popular series which explains each *parashah* in the Torah based on midrash, I noticed that a significant percentage of the foreword and footnotes comment on the *haredi* worldview, both how it sees itself and how it sees the secular world.²⁰ The foreword warns against Jews reading “literature that is not Torah-true,”²¹ I immediately thought of Finkelman’s analysis of the *haredi* monopolization. A footnote laments that today’s generation “[does] not achieve the level of Torah knowledge and greatness that was standard in Europe,”²² and I am reminded of Finkelman’s description of idyllic Europe as portrayed by the *haredim* which is not an

accurate description of the historical reality. Several footnotes compare *haredi* values to secular ones, and as Finkelman predicts, they all emphasize *haredi* distinctiveness.²³ Finkelman’s book is enlightening and offers a coherent and accurate description of *haredi* literature. His analytical, respectful attitude throughout the book enables him to be critical of the literature without sounding polemical. While several important issues were not completely addressed, the reader comes away with an enhanced understanding of how *haredi* literature is written in such a way as to influence *haredi* culture.

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1 Yoel Finkelman, *Strictly Kosher Reading: Popular Literature and the Condition of Contemporary Orthodoxy* (Boston: Academic Studies Press, 2011), p. 24.

2 Ibid. 19.

3Ibid. 11-14.

4 Ibid. 15, 31-33. Evangelical Christianity focuses on outreach and missionizing. Evangelicals are generally conservative both politically and theologically. Like *haredim*, they have their own literature and media. See Ibid. 31-33.

5 Ibid. 43-44.

6 Ibid. 48-51.

7 Ibid. 54, 58.

8 Ibid. 65-66.

9 Ibid. 16-17.

10 Ibid. 10.

11 Ibid. 23-24.

12 Ibid. 37-38.

13 Ibid 19.

14 Ibid. 180, 231n43.

15 Ibid. 35-36.

16 Ibid. 23-24.

17 Ibid. 25-26.

18 Ibid. 40-41.

19 Ibid. 21.

20 Rabbi Moshe Weissman, *The Midrash Says: The Book of Devarim* (Brooklyn: Beney Yakov Publications, 1985).

21 Ibid. xii.

22 Ibid. 95.

23 See Ibid. 211, 238.

The Untraveled Road from Ma’aleh Adumim to Alon Shevut

BY: Talya Laufer

Reviewed Book: Haim Sabato, *In Quest of Your Presence: Conversations with Rabbi Aharon Lichtenstein* (Hebrew) (Tel Aviv: Yedioth Aharonoth Books and Chemed Books, 2011).

This past *Rosh Hodesh Elul*, for the first time in recent Israeli publishing history, a non-fiction book was sold out before its release date.¹ *Mevakshei Panekha* (the Hebrew title) has created a stir in educated Israeli society that is unprecedented for a book authored by figures representing a group such as the elite intellectualist stratum of the *hesder* yeshivah community. The book is the product of a series of twenty interviews conducted by R. Haim Sabato, written in transcript form and organized into seventeen topics. The interviews include treatment of several issues at the forefront of conversation in the National Religious community in Israel today, such as feminism and the status of secular Jews in Israeli society, as well as topics of broader relevance, such as religious humanism and the State of Israel. Many of the topics covered in the book are ones that R. Lichtenstein has himself written about in the past, whether in English, Hebrew, or both, as evidenced by the relevant excerpts from his writings included

at the end of each chapter. Thus, for readers familiar with R. Lichtenstein’s *weltanschauung*, which serves as the philosophical foundation of Yeshivat Har Etzion (the *hesder* yeshivah headed by R. Lichtenstein) and, to a large extent, Yeshiva University, much of the book will feel very familiar. That being said, the book is distinguished from all of R. Lichtenstein’s other writings by one factor: It was not written to be read by *Gushnikim* (a colloquial term used to refer to students at Yeshivat Har Etzion).

A primary manifestation of this distinctiveness is that, unlike R. Lichtenstein’s other books, *Mevakshei Panekha* was published by Yediot Sefarim. A branch of the prominent Israeli newspaper *Yediot Aharonot*, Yediot Sefarim publishes popular books with the intention of appealing to a broad consumer base and making a profit, as do most other publishing companies. The same cannot be said of Ktav or Machon Herzog, two publishing houses that have published much of R. Lichtenstein’s writing in the past and which are primarily focused on publishing academic works. The change in publisher may indeed be reflective of a change in goal. Until now, the objective of publishing R.

Lichtenstein’s thoughts and writings was to make them accessible in print to his students and to the extended Yeshivat Har Etzion and YU community, who were already familiar with the overarching concepts that define R. Lichtenstein’s hashkafah. This book, however, seems to have been written in order to deliberately engage people who might not otherwise know anything about its contents. For Yediot, perhaps, this means revenue. For R. Lichtenstein, this means disseminating his ideas and views to an audience much larger and more diverse than those who already consider themselves his followers.

As part of the far-reaching advertising campaign that preceded the book’s publication, a blurb was written by Yediot Sefarim, singing the praises of the two rabbinic figures involved and romanticizing the beauty and brilliance that was supposedly brought forth through their collaboration.² The blurb placed a great deal of emphasis on the remarkable nature of the meeting of two giants from such different backgrounds: a scion of the Lithuanian Brisker dynasty and the Cairo-born heir to a distinguished Aleppan rabbinic family. Yet with the exception of the chapter named for the Brisker method, the presumed vast cultural

chasms in the upbringings of R. Lichtenstein and R. Sabato did not profoundly affect the book. More significantly, however, the blurb seemed, to this writer, to dilute the complexity and nuance of R. Lichtenstein’s personality in order to “speak to” and “inspire” readers by giving them a glimpse of this previously hidden remarkable human being.

The decided majority of *Dati Le’umi* (Religious Zionist) youths in Israel do not subscribe to the ideals of the Brisker tradition upon which, to a large extent, Yeshivat Har Etzion was founded (with the exception of Brisk’s anti-Zionism, which Yeshivat Har Etzion rejects). This is evidenced by the fact that Yeshivat Har Etzion is one of the very few *yeshivot hesder* with a program of study that does not place a heavy emphasis on the teachings of Rabbi Abraham Isaac Kook. With Yeshivat Merkaz Harav as the original institution devoted to carrying on the torch of R. Kook’s philosophy, the vast majority of yeshivot have been modeled after its basic curriculum, with a few exceptions including Yeshivat Har Etzion, Yeshivat Birkat Moshe in Ma’aleh Adumim (headed by R. Sabato), and Yeshivat Ma’aleh Gilboa of the Kibbutz Hadati movement. R. Kook’s philosophy draws

on a great deal of mysticism, in a manner similar to neo-Hassidic movements that have cropped up recently in Israel. Thus, the popular brand of ideology for most of *Dati Le'umi* Israeli youth today is decidedly *Kooknik* (associated with the tradition of R. Kook) and neo-Hassidic — adjectives that cannot be accurately used to describe R. Lichtenstein's worldview.

The idea for this particular book was conceived by Sabato, who began the project after making a very well-received proposal to Yediot.³ However, as evidenced by several recent steps taken by R. Lichtenstein and Yeshivat Har Etzion, the book is also part of an agenda to expose broader Israeli *Dati Le'umi* society to the yeshivah's hashkafah, generally, and to R. Lichtenstein's, specifically. Last December, R. Lichtenstein addressed a strongly worded open letter to the 50

whether the hashkafic integrity and nuance of the book were compromised in an effort to deal with these realities. However, though the book does not mirror the rigorous academic style typical of R. Lichtenstein's writings, his views are fairly and accurately represented.

Though the public response to *Mevakshei Panekha* was, on the whole, overwhelmingly positive, the reasons for its enthusiastic reception varied from one community to the next. The book was hailed in the secular Israeli media as a triumph of humanism and as evidence that, at its heart, the National Religious enterprise is in line with the values of social justice lauded by the Israeli left. "A reading of the book... illustrates R. Lichtenstein's character as a brilliant intellectual in the realm of Halakha, a very open-minded man of the humanities, and, primarily, as a great religious humanist."⁶ In

been questioned in the Israeli media and blogosphere.⁷

Throughout the book, R. Lichtenstein makes use of many aggadic anecdotes and Talmudic metaphors to illustrate his thoughts. The book is full of references to *sugyot* (topics) in the Gemara and to rabbinic figures throughout the ages. As a result, the reading experience can vary greatly depending on the knowledge base of the reader. However, understanding these concepts is not crucial to following the gist of the material; a grasp of the referenced information will only serve to enhance the reading experience.

The questions R. Sabato poses to R. Lichtenstein in the interviews, while sometimes preceded by brief explanations, make up a very small percentage of the book. This makes it difficult to discern whether R. Sabato's role as interviewer is particularly significant. In this writer's view, his value as interviewer lies in his extensive and in-depth knowledge of both Jewish tradition and Israeli history and society. The questions were productively framed, and R. Sabato was often persistent in pushing R. Lichtenstein to get to the heart of a matter he had not adequately covered or had theorized into abstract oblivion. Furthermore, R. Sabato's style is poetic and flows beautifully to ears attuned to literary Hebrew. However, this will be lost on readers not proficient in Hebrew, and may actually prove to be an annoyance to foreign readers.

With the decided majority of the text of the book being R. Lichtenstein's verbose and multi-step answers to R. Sabato's questions, the reader gets the feeling that R. Lichtenstein is speaking through the pages. While this writer would not characterize *Mevakshei Panekha* as a "light read," particularly for readers whose Hebrew reading comprehension is limited, it reads far more easily than R. Lichtenstein's own writing, which is peppered with Latin phrases and esoteric references. *Mevakshei Panekha* retains a casual, albeit lofty, tone, such that the reader need not consult a Latin-English dictionary to stay afloat

amongst R. Lichtenstein's thoughts. It should be noted, however, that, though the references in the book are most frequently Talmudic in nature, R. Lichtenstein's anecdotes and references do span a broad cultural range, from Lithuanian rabbinic lore to American Modern Orthodox culture to Israeli *Dati Le'umi* society to early American and British literature.

Though I found Yediot's blurb about *Mevakshei Panekha* alarming because of its inaccurate description of R. Lichtenstein and his hashkafah, the content of the book itself did not reflect these errors. The book is written in a refreshing format and does not compromise the values underlying the corpus of R. Lichtenstein's writings. While I would not recommend it to a reader seeking a comprehensive and nuanced understanding of R. Lichtenstein's *weltanschauung*, it is certainly a worthy read for someone looking for an overarching account of R. Lichtenstein's take on many issues relevant to today's *Dati Le'umi* and Modern Orthodox communities.

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1 Uri Pollack, "Entire First Printing of Mevakshei Panekha Sold in Advance," *Kipa*, August 22, 2011, available at: www.kipa.co.il.

2 Available at: <http://tinyurl.com/yediotsefarim-mevaksheipanecha>.

3 Pollack.

4 Jonah Mandel, "Rivlin: 'Rabbis' Letter' is Discriminatory," *The Jerusalem Post*, December 15, 2010, available at: www.jpost.com.

5 Akiva Novick, "Rabbis Slam 'Price Tag' Activities," *Ynet News*, September 19, 2011, available at: www.ynetnews.com.

6 Dov Alboim, "*Gesher al Mayim So'arim*" (Hebrew), *7 Yamim*, October 7, 2011, 30-36, available at: <http://etzion.haretzion.org/images/stories/YHE/pdf/ral-gesher-mayim-soarim.pdf>. Translation is the author's.

7 Daniel Lehmann, "*Lamrot ha-Pirsomot, hu Lo Sefer Mahashavah*" (Hebrew), *Srugim*, September 6, 2011, available at: <http://tinyurl.com/srugim-mevakshei-panekha>.

These divergent responses to the book are reminiscent of the varying and occasionally contradictory ways that different communities understood R. Joseph B. Soloveitchik's works.

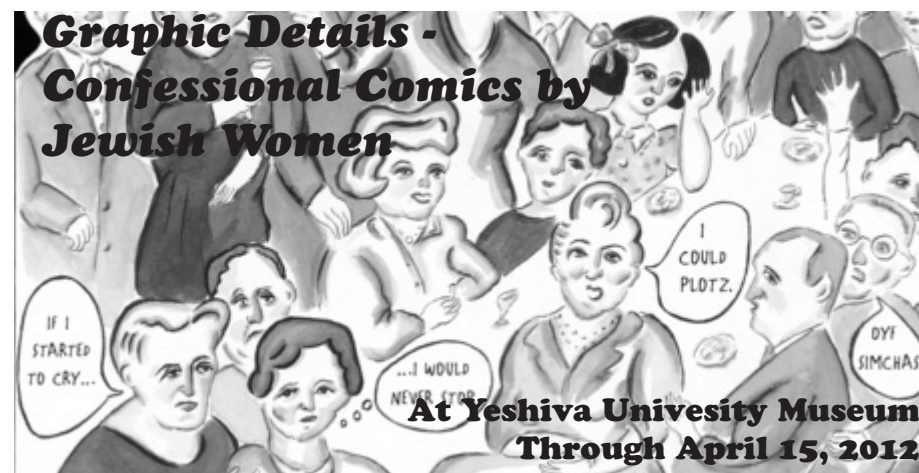
Israeli rabbis who came out with a statement halakhically prohibiting the sale or rental of real estate in Israel to non-Jews.⁴ Only two months ago, he co-signed a letter condemning the "price tag" activities of extreme right-wing activists in the West Bank.⁵ It seems clear, then, that *Mevakshei Panekha* was written with particular intent to speak to the broader *Dati Le'umi* society.

Given the limited appeal of R. Lichtenstein's worldview and the attempt to attract a broader audience, one may wonder

the religious camp, however, despite not being unanimously deemed an innovative work, the book is viewed primarily as a work of Jewish thought by a prominent Torah scholar and community leader.

These divergent responses to the book are reminiscent of the varying and occasionally contradictory ways that different communities understood R. Joseph B. Soloveitchik's works. After the death of the Rav (and, to some degree, during his lifetime), there was and continues to be disagreement on whether the Rav was, at his core, a man of Halakhah, of Jewish philosophy, or of the general arts and sciences. The publication and publicizing of *Mevakshei Panekha* in a manner that attracted the attention of communities previously unfamiliar with R. Lichtenstein has triggered attempts to harness the novel phenomenon that is R. Lichtenstein's worldview for purposes of bolstering social agendas across the spectrum of the educated Israeli populace.

The advertising campaign responsible for this phenomenon focused heavily on the respective virtues of Rabbis Lichtenstein and Sabato, and the indubitable greatness that would result from the joining of these two forces to produce a philosophical work. This campaign was presumptuous on two counts: First, the extent to which R. Sabato's playing the role of interviewer contributed to the book is certainly subject to dispute; second, dubbing the book "the most important Jewish philosophical book since Rabbi [Joseph B.] Soloveitchik" presumes that it is actually a work of philosophy, a premise that has already



Workers' evening class in Jerusalem

Glass lantern slide
Brooklyn, New York, ca. 1940
Collection of Yeshiva University Museum
(2009.437)
Gift of Av Rivel

This is one of a group of slides used at Cejwin Camps in Port Jervis, New York, to teach campers about life in Israel. These slides emphasize the strides made in education, technology, industry and agriculture.



Girls Class, Early State of Israel

Glass lantern slide. Devereaux View Company, Brooklyn, New York.
Collection of Yeshiva University Museum
(2009.555),
Gift of Av Rivel.

Girls learning in a classroom, early State of Israel.





(Left)
At the Yeshiva

Albert Dov Sigal (1912-1970)
Enamel on copper
New York, mid 20th century
Collection of Yeshiva University
Museum
Gift of Rose Sigal Ibsen

Albert Dov Sigal was an expert enamellist who transformed the ancient media into an art form and contributed to a renaissance in enamels in Europe and the United States. He was one of the first artists to arrive in Israel from Kolozsvár, Transylvania in 1948.

(Above)
Future artists

Samuel Rothbort (1882-1971)
Watercolor
Collection of Yeshiva University Museum (2001.114)
Gift of Janice Caban

Samuel Rothbort came to America in 1904. He never received formal art training and is therefore characterized as a naive painter or folk artist. His work is executed in a personal, impressionistic manner which did not follow the formal art movements of his time. Rothbort was an associate of teacher and publicist Easter Field (1873-1922), who was associated with the development of interest in American folk art. Field wrote complementary articles about Rothbort's work, and included pieces by Rothbort in exhibitions at his Ardsley Gallery. In the 1930s, Rothbort began to paint subjects based on memories of his early years in Wolkovisk, Russia. This scene shows a distraught teacher discovering his students drawing his portrait.



Scrap of Child Learning

Scraps are the Victorian equivalent of today's stickers. A product of the Industrial Revolution, scraps became popular when inexpensive color printing became a reality around 1820. Some were used to decorate albums and journals, boxes, and furniture (especially fire screens); others were used in series to illustrate stories from the Bible, to tell tales of foreign lands, while still others were cut and assembled to make a theatre or greeting card. Greeting cards in the form we know them today first became popular during the 1880s. Scraps were produced by chromolithography using steam-powered presses which printed a sheet of scraps at a time. The technique was developed in 1837. It involved surface printing using several steel plates etched with nitric acid. Each color was printed separately; the number of plates required could exceed twenty. The image was lacquered with gelatine and gum, and dried. The reverse was then embossed (pressed) to create a sculptural raised image, and a form used to cut away excess paper, leaving each relief attached to the others on the sheet by thin tabs. Most of the actual printing was done in Germany.

The earliest extant Jewish scraps date to ca. 1903-1912. They were published by Hebrew Publishing Co. of New York, founded by Joseph L. Werbelowsky in 1883. Most of the images were painted by J. Keller and Louis Terr. Jewish scraps represent holidays, biblical or family themes, though several portray American or Zionist themes. Biblical themes helped children visualize the stories at a time when there were few children's books, and those that did exist rarely had color illustrations. This was the period of the early Zionist congresses, and many people still mourned the recent death of Theodore Herzl. Among the Zionist themes is a three-dimensional card depicting a woman holding a Zionist banner; behind her is a panorama of Tel Aviv including the Herzl Gymnasium.

This panorama is dated ca. 1906-1912, and was produced for Hebrew Publishing Company, although it was printed in Germany. A man holding similar Zionist banners was painted by L. Terr around 1906. Scraps with figures enacting aspects of the observance of various Jewish holidays and lifecycle events were placed within elaborate frames, against backdrops representing domestic or religious structures or outdoor vistas. The scrap representing a family at their holiday table was used for a sukkot scene on one Rosh Hashanah card, and set onboard a ship for another. Wedding and other themes were depicted on Rosh Hashanah cards. Scraps decreased in popularity with the increasing number of alternative forms of entertainment offered in the twentieth century, including the advent of radio.

(Yeshiva University Museum)