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REISHIT DA'AT

The current issue is devoted to one topic in particular: establishing standards and benchmarks in our schools for *limmudei kodesh*. Towards that end, we present three articles that are a bit longer and more detailed than those we regularly publish; we trust that your interest in the subject will sustain you as you make your way through the figures and tables that accompany them.

In an attempt to encourage AMODS schools to join in the nascent standards movement, we offer an introductory article-by the Editor-accompanied by one example each in the fields of *Tanakh* – by Eli Kohn and Gabriel Goldstein – and Torah *she-be'al-peh*-by Pinchas Hayman. We greatly look forward to your feedback.

The balance of the issue is more familiar. Chaim Feuerman, our indefatigable Contributing Editor, provides another installment of the distillation of Torah wisdom and best professional practice, guided by extensive and exemplary experience. Moshe Bleich, responding to the requests of members of the Editorial Board, tackles the widespread problem of starting the school day with tefillah without delaying the intake of food or beverage that is often necessary to sustain proper decorum and devotion.

We conclude with a review essay of several recent publications in the field of *Tanakh* that ought to be on every thinking person's reading list.

Moshe Sokolow

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VA-YASEM 'OTO `AL NES:¹ STANDARDS IN *LIMMUDEI KODESH* FOR MODERN ORTHODOX DAY SCHOOLS

Preface: Delineating the question

Recently, a well-regarded day school hired a veteran Jewish Studies teacher from another well-regarded day school. After her first semester at her new place of employment, she was asked to compare her current students to her previous ones. When she replied: The students in the other school are better, the new school was nonplused. How much better? Better in what ways? Neither the teacher nor the administrators was able to answer those questions because they could not measure the students at either school against a standard.

Standards now proliferate throughout the American educational system and national standards in reading and math are canonized in the current No Child Left Behind Act (NCLB). This essay seeks to address the questions of why many schools resist standardization and how that situation can be changed. We shall argue the advantages and merits of instituting standards for the study of *limmudei kodesh* in Modern Orthodox day schools and provide a sample of proposed standards, benchmarks and exit requirements as well.

This article is intended to serve as a fulcrum to pry open a discussion on the merits and logistics of standards. The examples it utilizes

are my own; no curricular deliberations have been held over them and no external authority vouchsafes them. It would be my pleasure to devote as much room as future issues of *TEN DA'AT* might require to provide a forum for ongoing negotiations over the entire proposition or any of its salient details.

Part One

Standards in General Education: Pros and Cons

Some of the arguments for and against standards in general apply to Modern Orthodox schools as well. One argument stipulates that standards spell conformity and are therefore specific to public schools – which are disparaged as the equivalents of educational “factories” – while private schools ostensibly thrive on individuality and originality. The rejoinder cites the vast number of private schools that voluntarily employ standardized testing (e.g. “Regents” examinations) as well as the evidence of college entrance examinations that impose identical criteria on students of all backgrounds, private and public, secular and parochial alike.

Without collective standards, say their proponents, individual schools have no objective means of evaluating their educational accomplishments. They may be able to note progress—accurately—between successive grades or divisions, but lack the wherewithal to assess what their students and graduates, in the aggregate, have learned or how well they have learned it. The opponents retort: individual schools are better situated to evaluate the work of their own students than the “bureaucrats” in Washington (or wherever they may be) to whom these students are abstract concepts known only from quantitative social science research.

Yet another perspective on the issue views the debate as a “kulturkampf” of sorts, with stark political overtones. According to this paradigm, the fight over standards pits the “old school” traditionalist educators against their “modern” progressive counterparts. In political terms, it matches the liberals against the conservatives. Given the modern Jewish tradition of embracing liberalism in its many cultural and social forms—a tradition shared by many Modern Orthodox thinkers and educators—it goes to say that advocates of standards are suspect

of being reactionaries, seeking to undo all the good work that has been accomplished in American education since John Dewey.

Is less more, or is it just that? Sizer vs. Hirsch

The debate over standards has found many protagonists. Among them, two are outstanding on account of both their personal prominence and the wide public reception that has greeted their ideas. While it has been, admittedly, some time since they squared off against one another, a look at their differences and distinctions remains instructive.

Theodore Sizer, once dean of the graduate school of education at Harvard and headmaster of a private high school in Massachusetts, is an opponent of standards,² while E.D. Hirsch, professor of English at the University of Virginia, is a strong advocate for them.³ Sizer started the “Coalition of Essential Schools” that supports his platform, while Hirsch launched the “Core Knowledge” school movement that implements his ideas.

Sizer argues that imposing national standards will lead only to more standardized testing. Hirsch, while expressing some reservations about such tests, finds them to be, overall, better indices of student progress than the “portfolio” method that progressive educators, like Sizer, would substitute for them. Sizer and other progressives point to the failure of most public schools to effect meaningful changes in students’ learning outcomes (read: economic opportunities) and attribute this to the malfunction of the “one size fits all” curriculum, characteristic of the “industrial model” school. Hirsch argues that schools have done little to improve the course of students’ economic futures precisely because they concern themselves more with HOW they learn than with WHAT they learn. Even computers and the Internet will do little to alter this, he maintains, as long as educators emphasize the access to information over the nature of the information acquired.

In a word (their own!), Sizer addresses the balance of content vs. skills with the proposition that “less (content) is more (accomplishment),” while Hirsch retorts that “less (content) is just that.”⁴

Truth to tell, the prevailing view in cognitive psychology supports Hirsch’s proposition more than it sustains Sizer’s. If we subscribe to what is known as “constructionist” learning theory, education is incremental and requires gradually larger and more complex doses of spe-

cific knowledge to build an edifice of comprehension. A student who is unequipped with prior knowledge (particularly of the “domain specific” variety), will make little forward progress no matter how well-honed his skills may be.⁵

The measure of practicality in curriculum and instruction

The most self-evident argument for introducing and maintaining standards in Jewish Studies is utility. Because of their desire to accommodate both Jewish and General Studies, Modern Orthodox day schools, in particular, place a high premium on time and its effective use. Given that no day school can allocate all the time that would be required to comprehensively study all *Tanakh* (or the discipline of your choice), some system of “curricular triage” must be utilized. The curriculum developer must employ some criterion to determine which books, chapters, verses and commentaries will be studied—to the exclusion of other books, chapters, etc., which will not be studied. Resort to objective standards in the field of *Tanakh* studies—particularly those that would be developed by and on behalf of a consortium of like-minded schools—would undoubtedly make the task of the curriculum developer easier and more productive.

Instructional tasks would benefit as well. The status quo of *Tanakh* instruction in Modern Orthodox day schools is often characterized by the inadequacy of subject-matter knowledge and didactic methodology; the resort to standards could serve a salutary role giving priority and direction to teacher pre-service and in-service training.

In a kindred vein, General Studies courses currently adopt new and revised textbooks every few years. These textbooks are replete with up-to-date information displayed through aesthetically pleasing and attractive texts and graphics. Their teachers’ editions provide supplementary content knowledge and didactic guidance to instructors, and frequently contain sample tests or alternative forms of assessment that can be employed in their classes. The fact that Jewish Studies courses, on the other hand, eschew textbooks, only exacerbates the tension that already inheres between the religious and secular realms. The adoption of standards by an association of day schools could be leveraged into the production of textbooks for Jewish Studies courses that would be suitable for system-wide use.

But is it “Good for the Jews?”

A rather particularistic argument implies that whatever position one adopts vis a vis standards in General Studies, imposing them in Jewish Studies is simply un-Orthodox. Secular subjects, the argument goes, avail themselves of standardization because, in one instance, they are essentially quantifiable, and, in the second, they are often mandated by the “authorities.”⁶ Jewish Studies, on the other hand, are neither quantifiable nor do they suffer assessment because they answer only to a “higher authority.” Indeed, the very notion of subjecting the study of “Torah” to standardization is presumed to be contrary to the principle of *torah li-shmah* (Torah study for its own sake).

Rather than enter into the analysis and application of this profound abstraction, we shall posit that a case can be made equally for and against the idiosyncrasy of *limmudei kodesh*.⁷ Surely no one acquainted with the “certification” process typical of Orthodox institutions of higher Jewish learning (i.e., *yeshivot*) will challenge the observation that requirements for ordination are uniform—they presuppose “domain specific” knowledge rather than “skills of learning”—and that *behinot* for *semikhah* are, arguably, “standardized” examinations. In our attempt to argue for the standardization of knowledge, skills and values in our day schools, we have both permit and precedent on which to rely.

The contemporary scene: A definition of terms

Lately, “Jewish Studies” has begun to undergo standardization, with the Melton Research Center of the Jewish Theological Seminary of America proposing “Standards and Benchmarks for the Teaching of *Tanakh* in Jewish Day Schools” on behalf of a consortium of Solomon Schechter, Reform and Community day schools.⁸ Elsewhere in this issue of TEN DA'AT, we present a similar recipe for standardization of *humash* study in Centrist Orthodox schools in England.⁹ Without blurring the real differences between those consortia and the audience addressed here, why can they not serve, all the same, as a guide to both theory and practice?

The fundamental proposition of commonality has already been proven and borne fruit with the curricular collaboration by six AMODS schools over the past several years.¹⁰ Their agreement on values, skills and knowledge in *humash* and *limmudei erez yisrael* for primary grades

indicates that *ha'omed merubeh al ha-parutz*; the features and factors that unite Modern Orthodox day schools are more numerous and more important than those that divide them.

At the founding conference of AMODS, I proposed a series of “benchmarks” in *limmudei kodesh* that met with general interest, albeit with only limited commitment. [See Appendix I.] I shall reiterate those milestones here within the framework of a larger and more ambitious project: establishing an “exit examination” in *limmudei kodesh* that would set minimum standards of accomplishment for students graduating Modern Orthodox yeshiva high schools. First, however, a clarification of terms and references is in order.

By the term “standard,” we intend a larger purpose or objective of our curriculum that addresses what Jerome Bruner called the “structure” of a discipline¹¹ and what *Understanding by Design* would designate as either a “big idea,” an “enduring understanding” or an “essential question.” By “benchmark,” we mean the subdivision of the standards on a grade to grade basis with each successive benchmark indicating a progressively higher order application of the same standard. These benchmarks can be formulated along the lines of Bloom’s “Taxonomy” of the cognitive, affective and behavioral domains.

Finally, by “exit examination” we mean just that: examinations to be administered to 5th, 8th and 12th graders in yeshiva day schools—chosen as critical transition points: primary - to middle - to secondary-to adult-education—to determine the extent to which they have met the minimum standards (by way of the benchmarks) for their respective levels.¹² [See Appendix II for “What a yeshiva high school graduate should know, value and be able to do.”]

Part Two

Standards in TANAKH

Tanakh is the subject to which the most day schools allocate the most curricular time over the longest span of an educational lifetime. I have attempted to formulate standards in *Tanakh* that address both the discipline, per se, as well as the educational-ideological goals of Modern Orthodoxy. In doing so, I am guided by Neal Postman’s astute observation that: “What one needs to ask of a standard is not ‘Is it high or low’, but ‘Is it appropriate to your goals?’”¹³ Examples of such standards in *Tanakh* may include:

1. Students will recognize that *Torah* is the word of God dictated to Moshe and that *nevi'im* and *ketuvim* are divinely inspired.
2. Students will understand that God intervenes in human affairs. Events that appear coincidental are, in reality, divinely providential.
3. Students will appreciate that Jewish History is the unfolding of a divinely ordained plan that was communicated by God to our patriarchs, matriarchs and prophets.
4. Students will acknowledge that the historical fate of the Jewish people is a function of its relationship with God, which is defined by the observance of Torah and Mitzvot.
5. Students will appreciate that the Jewish nation is bound together by both religion and nationality. Jews have religious and national obligations and are mutually responsible for their individual and collective fulfillment.
6. Students will recognize that God designated the Land of Israel for the fulfillment of Jewish religious and national destiny. The possession and settlement of the Land of Israel is the perpetual focal point and goal of Jewish civilization.
7. Students will acknowledge that the Oral Law is the authoritative and definitive interpretation of the Written Law; they share simultaneity of revelation and existential authority.
8. Students will acknowledge that the values espoused in the Torah are eternal. Their specific applications are at the discretion of contemporary halakhic and hashkafic authorities.
9. Students will recognize traditional Talmudic, medieval and modern Biblical exegesis (*parshanut ha-mikra*) as the authoritative and valid interpretations of *Tanakh* and will learn how to utilize the insights they provide in formulating their own understanding of the Biblical text and its implications for their own lives.
10. Students will acquire a knowledge and comprehension of ancient Near Eastern history and literature sufficient to create a literary and cultural framework within which to view *Tanakh*.
11. Students will acquire knowledge of Hebrew adequate to facilitate their independent study of *Tanakh* and *parshanut* in the original.

While not all the standards are meant to be accomplished in all grades, I would maintain—paraphrasing Bruner—that “something in-

tellectually honest about each standard can be taught to any child at any stage of development.”¹⁴ Standard #1 (divine dictation), for instance, may appear to be far too sophisticated for realization in 1st grade, yet we teach something genuine about it to even younger children! I refer, of course, to the Talmudic stipulation that once a child learns to speak, a father is required to teach him “Moshe commanded us the Torah” (Devarim 33:4).¹⁵ Standard #5 (religion and nationality) may be met at that same level through the inclusion of the balance of the verse: “An inheritance for the congregation of Yaakov.”¹⁶

Standard #2: The rationale

We shall utilize Standard #2 as an illustration of how benchmarks are to be formulated and distributed across the grade lines. To reiterate the standard:

Students will understand that God intervenes in human affairs. Events that appear coincidental are, in reality, divinely providential.

The rationale behind this standard is as follows:

An indispensable proposition of Orthodox education must be the recognition of God’s providence (*hashgahah*), i.e., His control of natural and human affairs. Another such proposition dictates that He revealed His purposes to man in the form of the Torah. It follows from these propositions that the study of Torah is meant to provide evidence of His providence and proof of His purposes. The *Tanakh* curriculum, then, must gradually bring a student to the realization and appreciation that he interacts with God in all his deeds and that they must all be conducted “for the sake of heaven.” As the Rav, Rabbi Joseph B. Soloveitchik, wrote:

The fundamental of providence is here transformed into a concrete commandment, an obligation incumbent upon man. Man is obliged to broaden the scope and strengthen the intensity of the individual providence that watches over him. Everything is dependent on him; it is all in his hands. When a person creates himself, ceases to be a mere species man, and becomes a man of God, then he has fulfilled that commandment which is implicit in the principle of providence.¹⁷

Benchmarks¹⁸

The next step is to translate this rationale into “domain specific” (i.e., *Tanakh*) terms. The key to setting benchmarks for this standard inheres in its phraseology. In relatively lower grades, it comprises the recognition of God’s intervention in human affairs, while in upper grades it consists of understanding divine providence. The former makes itself manifest in overt “miracles” (*nes nigleh*), while the latter requires greater sophistication; the capacity to penetrate beneath the veneer of coincidence to the discovery of the “covert” miracle (*nes nistar*) reposing within it.

Our task is to identify the intersections between these objectives (which combine cognitive, affective and behavioral elements¹⁹) and the traditional *Tanakh* curriculum and insure that every opportunity is taken to promote and advance them, gradually, over the entire span of a student’s encounter with *Tanakh*. For the sake of relative brevity, we will address three grade concentrations: Primary (thru grade 5), Middle (thru grade 8), and Upper (thru grade 12).

- **Primary:** In these grades, students traditionally learn the books of *Bereishit* and *Shemot* in Torah, and *Yehoshua* and *Shofetim* in Nevi'im. By the close of 5th grade, we would expect them to know and appreciate:
 - The doctrine of creation “ex nihilo”²⁰
 - God’s authorship of creation entitles Him to manipulate nature for His purposes
 - Awarding the earth to whomever He chooses²¹
 - The “burning” bush (and other “signs” such as those given to Moshe, Gideon and Shimshon)
 - Splitting the Yam Suf/ the Yarden
 - Standing the sun “still” at Giv'on
 - God’s authorship of creation entitles Him to utilize nature as a tool for chastisement and punishment
 - The flood
 - Sedom and Amorah
 - The ten plagues
 - Casting “great stones from heaven” onto the Canaanites at Giv'on

- His direct dealings with the Avot and involvement in their affairs
- His fulfillment of His promises to them and to their descendants
- **Middle:** In these grades, students traditionally learn portions of *VaYikra*, *Bemidbar* and *Devarim* in Torah, *Shemuel* and *Melakhim* in *Nevi'im*, and some of the *Megillot* in *Ketuvim*. By the close of elementary school, we would expect them to know and appreciate the primary-school benchmarks with the ability to illustrate them from the additional texts that they will have learned. Additional benchmarks include:
 - God's active role in human affairs entitles Him to impose certain conditions on man's behavior
 - The prohibition against idolatry
 - God's authorship of creation entitles Him to assign hierarchical roles to His creatures
 - Man may sacrifice animals and eat of their flesh, but may not mistreat them²²
 - Certain combinations of animals and vegetables are prohibited
 - God's authorship of creation entitles Him to impose conditions on its use in acknowledgement of His proprietary rights
 - The prohibition against labors of "craftsmanship" on Shabbat
 - The laws of *Shemittah* and *Yoveil*
 - Agricultural laws including *Terumah*, *Ma'aser*, *Bikkurim*
 - *Birkat ha-Mazon*
- **Upper:** By the close of high school, students should have supplemented their primary- and middle-school studies in *Tanakh* with portions of *Nevi'im Aharonim* and *Ketuvim*. [Schools differ widely in their selections.] To the aforementioned benchmarks, we now add the following:
 - God often disguises His providence as an ordinary event
 - Yosef meets a "man" who directs him to his brothers
 - Mordekhai "happens" to overhear Bigtan and Teresh plot to kill the king

- The task of the believer is to penetrate the disguise and recognize the miracle concealed within the ordinary and the natural
 - That was no man, that was an “angel” (a la Ramban)²³
 - Mordekhai’s admonition to Esther²⁴
- Familiarity with the concepts of “overt” and “covert” signs and the ability to illustrate them from Jewish history
 - The victories of the Hashmona’im
 - The refuge the exiles from Spain found in the Ottoman Empire
 - The mass emigration of Eastern European Jews to the United States prior to World War I
 - The establishment of the State of Israel in the wake of the Holocaust
 - The victories of the Israel Defense Force
- Recognizing that what people conventionally call “nature” is inseparable from God Himself and does not constitute an independent force in the universe (i.e., deism)
 - Understanding the deism of the “founding fathers” (Washington, Franklin, Jefferson, Adams) and its influence on American culture
 - Rejecting deism as incompatible with the Orthodox Jewish concept that “In His goodness, He constantly renews creation daily”
 - Understanding the deist origin of the conventional definition of “miracle” as an interruption or alteration of nature (through which God reasserts His proprietary rights over the universe)
 - Appreciating that the *nissim* for which we thank God three times daily²⁵ are actually “standards” (rather than “miracles”) that—in the fashion of the *nes* with which we entitled this article—draw our attention to God as the author of creation.²⁶

Part Three

Conclusions:

Standards exist in general studies and standards in Jewish Studies are being pursued assiduously in other countries and by other denomi-

nations. Modern Orthodox day schools have the wherewithal to promulgate appropriate and effective standards, and the responsibility to their students to do so. Standards will unify our educational purposes, improve our curriculum development, enhance our instruction, open new and improved vistas for teacher training and provide the critical mass of instructors and students that would invite and facilitate the production of much-needed textbooks.

Whatever aspirations we harbor of a school movement situated in a mutually agreeable Modern Orthodox ideology stand or fall on our ability to put pedagogical flesh on that particular ideological skeleton and garb it in suitable and appropriate curricula of reasonably standard dimensions. We have the ability to certify the graduates of our schools as literate in pertinent classical and contemporary texts, accomplished in a sophisticated skill-set and imbued with timeless traditional values. Why should we abstain from doing so?

NOTES

1 The dictionary offers two definitions of “standard:”

- a conspicuous object (as a banner) formerly carried at the top of a pole and used to mark a rallying point especially in battle or to serve as an emblem;
- something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality.

The former appears in Biblical Hebrew as NES—hence, our title—while the Modern Hebrew version of the latter is TEKEN.

2 Cf., for just one instance, *Horace’s Hope What Works for the American High School*. Boston: Houghton Mifflin Company.

3 Cf., *The Schools We Need And Why We Don’t Have Them* New York: Doubleday.

4 It should be borne in mind that Hirsch and Sizer are also appealing to different constituencies, Hirsch’s being primary schools and Sizer’s—high schools. This, too, may account for some of the differences in their respective approaches.

5 This recalls the Talmudic discussion (*Horayot* 14a) of “Sinai” (comprehensive knowledge of the Oral Tradition) versus “*oker harim*” (analytical ability). When asked by their Babylonian colleagues who gets precedence, the Sages of Israel replied: “Sinai does, because everyone depends upon the producer of grain.”

[The epithet *oker harim* (uprooting mountains) is followed (*Sanhedrin* 24a) by the verb *tohanan*, to grind. The Talmud in *Horayot* explains that even though grinding flour is essential to the production of bread, even the “miller” must

- await the delivery of wheat before going into operation. Analogously, however important analysis is to the production of Halakhah, even the “analyst” must await the delivery of reliable traditions lest he “spin his [grinding] wheels” in vain.]
- 6 According to a website offering information to parents on private schools, the “Characteristics of a Jewish School,” include the fact that “the schools have nationally recognised high standards in secular education.” <http://privateschool.about.com/od/jewishschools/qt/jewished.htm>
 - 7 For a notable Modern Orthodox view of this concept, cf. Norman Lamm: *Torah for Torah's Sake in the World of Rabbi Hayyim of Volozhin and His Contemporaries* (NY: Ktav, 1989).
 - 8 <http://www.jtsa.edu/davidson/melton/standards>
 - 9 Cf. Eli Kohn: “Essay on a Curriculum Framework for Torah Study,”
 - 10 The schools are: Pesah Raymon and Joseph Kushner of New Jersey, Addlestone of Charleston, Hillel of Milwaukee, Epstein of St. Louis and Netivot haTorah of Toronto.
 - 11 *Idem: The Process of Education* (1960), *passim*. I am entirely sympathetic to Neal Postman's incisive critique of Bruner (cf. *Teaching as a Subversive Activity* (NY, 1969), 77 ff., and, with Postman, understand “structure” to be “the questions automatically raised in certain ‘fields’” (*ibid.*, 79).
 - 12 In 2004, ACHIEVE, an organization that advocates for standards, studied high school exit exams in the public sector, and issued the following report of its findings:
 After a detailed analysis of the mathematics and English language arts exams in Florida, Maryland, Massachusetts, New Jersey, Ohio and Texas, ACHIEVE reached three conclusions: *First*, it is perfectly reasonable to expect high school graduates to pass these tests — they are not overly demanding. *Second*, these exams will need to be strengthened over time to better measure the knowledge and skills high school graduates need to succeed in the real world. *Third*, states should not rely exclusively on these tests to measure everything that matters in a young person's education. Over time, states will need to develop a more comprehensive set of measures beyond on-demand graduation tests. <http://www.achieve.org/files/TestGraduation-FinalReport.pdf>
 - 13 Postman: *Op. cit.*, 67.
 - 14 Bruner: *op. cit.*, 31.
 - 15 Sukkah 42a.
 - 16 Indeed, Rabbi Hayyim Hirschensohn, an early innovator in modern American Jewish education, proposed the instruction of this verse as the early-childhood equivalent of a religious-Zionist orientation. Cf. Moshe Sokolow: “Hayyim Hirschensohn and Modern Orthodox Religious Zionist Education,” *EDAHA Journal* (forthcoming).
 - 17 Rabbi Joseph B. Soloveitchik: *Halkahic Man* (JPS, 1983), 128.
 - 18 Additional benchmarks in TANAKH are provided in the accompanying article

cited in n. 9, above. For benchmarks in other disciplines in *LIMMUDEI KODESH*, see the chart in Appendix I, below.

- 19 If we regard the benchmarks as variations on the traditional objectives (a la Benjamin Bloom: *Taxonomy of Educational Objectives*), we can dispense here with the skills portion since it will not diverge significantly from the traditional taxonomy of TANAKH skills. Students will be required to move gradually from an ability to read Biblical texts phonetically/mechanically, to a reading based on *TA'AMEI HA-MIKRA* (accentuation/ punctuation marks). They will go from reading vocalized texts to unvocalized ones, gain an acquaintance with “Rashi” script, master the use of dictionaries and concordances, all the while improving their skills at “close reading.” Similarly, we need not belabor the cognitive objectives, per se, since they are partially subsumed within the standards.

20 יש מאין

21 “כח מעשיו הגיד לעמו, לתת להם נחלת גוים” cf. RASHI Bereishit 1:1.

22 Including: אבר מן החי, אותו ואת בנו, שילוח הקן...

23 רמב”ן (בראשית פרק ל”ז פסוק ט”ו)

ולזה נתכוונו רבותינו באמרם כי האישים האלה הם מלאכים, שלא על חנם היה כל הסיפור הזה.
להודיענו כי עצת ה' היא תקום.

24 ומי יודע אם לעת כזאת הגעת למלכות

25 ועל-נסיך שבכל-יום עמנו

26 As the Mishnah (Rosh ha-Shanah 3:8) stipulates: “Does a serpent give or take life? Rather, when Israel lifted their eyes towards heaven and devoted themselves to God, they were cured.”

APPENDIX I: Benchmarks in *Limmudei Kodesh*

Here is an illustration of how a curriculum grid could look after a discussion on benchmarks for key areas in *limmudei kodesh*. As noted, these are merely guidelines I have proposed individually and not the result of an organized deliberation. I offer them here as an illustration of what individual schools can do to start the process.

Subject	5th grade	8th grade	12th grade
Ivrit	Ability to read vocalized Hebrew with correct pronunciation, accentuation, and comprehension	Ability to read unvocalized Hebrew (as above); participate in classroom discussion in Hebrew	Ability to read classical texts with adequate comprehension; maintain conversation in modern Hebrew
Tanakh	Knowledge of story line throughout Humash; ability to read Rashi	Story line throughout Nevi'im Rishonim; ability to read Rashi; acquaintance with Ibn Ezra and Ramban	"Story line" through Shivat Ziyon; acquaintance with major issues in Nevi'im Aharonim, Hamesh Megillot, and Tehillim
Torah Shebe'al Peh	Mishnayot: Avot, Moed	Mishnayot: Nezikin; Talmud: selected sugyot; Rashi and Tosafot	Mishnayot: Nashim; Talmud: selected sugyot—additional Rishonim;
Dinim	Mo'adim: Shalosh raglim	Moadim: Yamim Nora'im; Shabbat ("shamor")	Shabbat ("zakhor"); Kashrut; Taharat hamishpahah
Mahshevet Yisrael	Tefillot u-berakhot: kavanat hamitzvot	Sakhar ve'onesh (on individual and national levels)	Ta'amei hamitzvot; Yisrael ve'Artzo; "Ethics"

Eli Kohn, Gabriel Goldstein

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FORMULATING A CURRICULUM FRAMEWORK (“STANDARDS”) FOR TORAH STUDY

Introduction (and Caveat)

During the last ten years, we have had the privilege to develop Jewish Studies curriculum for day schools throughout the Jewish world. This work has been done under the auspices of the Lookstein Center for Jewish Education in the Diaspora and the School of Education at Bar Ilan University. Despite the obvious cultural differences between North America and England, we are struck by the fact that Torah educators, whether they be based in New York or London, lack a shared language with which to describe expectations of what pupils will learn in Torah at various stages. This paper, developed with some financial support from the United Jewish Israel Appeal (UJIA) in London, attempts to develop such a language. It defines a framework within which learning outcomes for different aspects of work in Torah can be accommodated

and described in terms of different levels of attainment (standards) in the subject.

This framework makes no assumptions about what parts of Torah or the *peirushim* should be taught in depth, or about which texts and associated ideas should be studied in Hebrew or English. It simply helps to ascertain how far aspects that are addressed and taught in a Torah curriculum have actually been learnt. It is hoped that this paper will be a serious contribution towards the discussion about curriculum benchmarks and standards in Jewish Studies currently being held by educators from both sides of the ocean.

Background

[Ed. Note: See “*Report on Jewish Education in the United Kingdom*,” *Ten Da’at* vol. 17 (2005)]

A significant number of schools in England serve Jewish communities that broadly subscribe to an Orthodox ethos as interpreted by the United Synagogue. We shall call it “Centrist Orthodoxy” for want of a better name. Pupils at these schools come from homes with varied levels of commitment to, and interest in Jewish study and practice. The writers were invited to visit a large number of schools serving such “Centrist Orthodox” Jewish communities in London and Manchester, England. The visits were undertaken in 2003 by members of the UJIA’s Educational Leadership Team and of the Lookstein Center at Bar Ilan University. During each visit, lessons and work related to Torah were observed. In response to this series of visits, the UJIA, and the Agency for Jewish Education in the UK decided to respond to schools’ needs by supporting a program of curriculum development and staff training in some pilot elementary schools. Part of this work involved defining framework for analyzing aspects of Torah learning in a way that focuses on learning outcomes. This framework helps curriculum developers to design teaching approaches and materials. It is also intended to help teachers of primary (elementary) and secondary (high) schools to assess pupils’ responses to, and progress in Torah study.

Observations of teaching Torah in England’s “Centrist Orthodox” schools

In all the primary schools visited, teachers made reference to the challenge they were experiencing in teaching Torah in a way that

stimulates and interests pupils of all backgrounds and abilities. In many schools, the teaching of Torah texts – other than the *parashat ha-shavu'a* – is not sustained throughout the year. Nominally, two 40-minute periods a week may be available. In practice, however, these periods are available only when they are not required for topics or events related to, for instance, the Jewish calendar, Israel, or special school occasions. Moreover, in most schools, teachers feel that the differences in terms of Jewish practice between their pupils and those of other schools prevents the sharing of common approaches to teaching and assessment. Many teachers feel obliged to devise their own approaches to teaching Torah and to produce their own syllabuses, assessment tests and learning materials. It is a genuine hardship for teachers to find the time to undertake such long and medium-term planning, and all this with little professional support or training. Teachers spend much time in working up private approaches and materials for curricula and lessons. At best, they are able to adapt some approaches and materials produced elsewhere to the needs of their own learners.

Despite these heroic efforts to make the study of Torah interesting and relevant, pupils' learning gains are not always commensurate. Many teachers are disappointed with what they achieve with pupils in the subject and many realize that they are professionally isolated in their work. They may succeed in imparting some love of Torah and some knowledge of Humash texts in the time available. Generally, however, they have too little time left in lessons, and too few lessons, to empower their pupils, most of whom have little command of Hebrew, to become confident learners who enjoy Torah text and can engage with it with little support.

The current professional isolation of many teachers of Torah results in some wasted effort because of a lack of common learning objectives, of well-tested teaching approaches, and of effective, shared resources for teaching and learning. To be sure, there is much evidence that, when teachers are asked about their goals and aspirations for Torah as a subject and what they want their pupils to learn, there is, indeed, much common ground. Almost all teachers interviewed claimed that their goals were:

- A. to instill in all pupils a strong love for the study of Torah;
- B. to equip all pupils with the skills to undertake textual study, using

Hebrew texts as far as possible and English as the main tongue for sharing meaning and articulating understanding;

C. to guide pupils to reflect upon the meaning of Torah, and the implications it has for their everyday life and conduct;

Some teachers added:

D. to enable some pupils to be independent and perceptive in interpreting a range of Torah texts and commentaries.

In spite of this remarkable professional consensus about general goals, there is far less agreement about what specific learning outcomes may be appropriate for each stage of learning. Quite aside from differences over what specific Torah content should be taught at various stages, teachers differ widely in the approaches they adopt in teaching specific content to a specific age group. Different teachers might concentrate on combinations of some or all of the following:

- teaching a love of the Torah narrative and related traditions and *midrashim*;
- teaching the content of verses in Hebrew or English, and with some of Rashi's commentary on them;
- drilling and chanting Hebrew Torah texts, often together with their English translation,
- understanding selected commentaries by Rashi, and why he offers them;
- teaching Hebrew grammatical forms so as to ensure that pupils comprehend simple Torah texts with minimum support.

Many teachers combine several of these approaches, but without stating clearly what detailed learning outcomes they expect from the majority of pupils, and from pupils who have special needs or who come from a non-religious background. It is not uncommon for pupils in Centrist Orthodox schools to experience uneven progression in Torah studies over the course of a given Key Stage and across Key Stages. [In England, the National Curriculum defines various Key Stages of learning in each general studies discipline. Key Stage 1- is from ages 5-7; Key Stage 2 from ages 7-11; Key Stage 3 from ages 11-14; Key Stage 4 from ages 14-16 and Key Stage 5 is from age 16 onwards.] This situation contrasts with the way in which progression is treated in most National Curriculum subjects in Jewish state schools (i.e. in subjects outside the realm of *limmudei kodesh*).

Defining attainment in a national curriculum subject of study

The development and planning of the English National Curriculum for a well-established subject, such as science, was helped by the existence of a shared understanding of standards and of professional practice in teaching the subject. This background of professional experience amongst educators in science provided the context and a common language for practitioners to debate what should constitute the essential content of that subject for all pupils.

In the English National Curriculum, the content to be taught in each subject is, therefore, couched in terms and conventions familiar to educators in that subject; the headings for the various aspects of a subject, for instance, describe its unique characteristics in terms that are well understood. For instance, the headings for the English language curriculum specify three aspects (“Attainment Targets”): Speaking & Listening; Reading; and Writing. In Science, there are four major attainment targets: Scientific Enquiry; Life Processes and Living Things; Materials and their Properties; and Physical Processes. For each attainment target in a subject, the National Curriculum defines various “Level Descriptions.” These set out a progression of standards that describe what pupils achieve at various stages of study. The National Curriculum does not prescribe the methods by which the specified content must be taught or by which such standards of attainment are to be achieved. During an English lesson, for instance, a teacher may well address several targets, such as Reading, Speaking & Listening and pitch the work at various levels of difficulty as needed by pupils of various abilities and backgrounds.

In the absence of a National Curriculum for Torah, the writers posed the question to some educators:

“What broad attainments should pupils possess in Torah by the time they are 12 years of age?”

This drew interesting and mostly consistent views from these educators. However, unlike the short titles for attainment targets in English, such as “Reading” or “Writing”, it was necessary for clarity to describe “attainment targets in Torah” using longer titles, ones that state more precisely what the various aspects of Torah study entailed. For instance, discussion identified one attainment target as: “Know events, people and places in the Torah.” Another was to be able to:

“Apply skills of Hebrew grammar to comprehension.” After identifying some fourteen titles for attainment targets in Torah study, the writers addressed the same question to a second cohort of experienced Jewish studies teachers of grades 3 to 9 before revealing the set of fourteen.

These teachers’ answers turned out to be similar in many respects to the fourteen titles identified earlier, though individual teachers used slightly different words to express each title. Several teachers suggested attainment targets that the writers had not included, and these were duly added to the collection. When all the attainment targets identified by any teacher were listed together, they formed a full collection of titles, each of which was fairly distinct, although several competences were clearly dependent on others, or reinforced others. Remarkably, almost every teacher who was asked to identify attainment targets for Torah immediately identified *at least* 60% of this full collection. Moreover, when told of a competence in the full collection that he or she had not named, a teacher typically did not hesitate to agree that this, too, was a valid competence, whether or not it was one that was taught in the teacher’s particular school. This confirms again that teachers do in fact share a significant consensus on what constitutes the broad aspects of Torah study.

The full collection of “attainment targets in Torah study” identified in this way is shown in *Table A* below. For convenience, and for consistency with some of the language used in the English National Curriculum, these titles are grouped in three columns as follows:

- *Knowledge* titles: These define the Torah content that pupils may be familiar with in terms of events, people, places and historical and geographical contexts, and the amount of Hebrew elements that pupils command;
- *Skills* titles: These describe the grammatical and reading skills in Hebrew, and the plain, literal comprehension skills (in English and Hebrew) that pupils possess and are able to call on when studying Torah;
- *Understanding* titles: These describe how pupils use their knowledge and skills to interpret the significance of Torah texts in Hebrew and English and to elicit meaning that lies “between the lines”; and how pupils derive from the close reading of texts implications for their own lives and behavior.

Within each of these three columns in Table A, the titles are listed in arbitrary order. There is no suggestion that attainment targets with lower reference numbers are easier than those that follow them, or that an earlier title should be taught before those that follow it. Nor is there any suggestion that all pupils must follow all the titles in a column in order to be considered “knowledgeable”, “skilled” or “understanding.” Indeed, it was clear that no individual teacher would address all the possible attainment targets for Torah shown in Table A. This collection of attainment targets is as inclusive as possible in order to reflect the language and broad aspirations for pupils of as many teachers of Torah as possible.

Some of the titles shown as columns in Table A are clearly inter-dependent. To attain the attainment targets in the first (Knowledge) column, one may need to apply some operational targets (eg 2.4 and 2.6) found in the second column (Skills). Conversely, “Knowledge of words and key phrases in Torah”(1.4) and “Knowledge of events, persons and places in Torah” (1.2), are needed to increase a skill, such as 2.6 – “Comprehend the literal meaning of Torah texts in Hebrew.” In turn, the Knowledge and the Skills competences (eg 1.2 and 2.6) can support the development of the attainment targets listed in the Understanding column, eg the ability to “Analyse and interpret Torah text” (3.3) and to “Understand Torah content in terms of its implications for us” (3.1).

What detailed attainments [i.e., “benchmarks”] characterize each attainment target?

While teachers readily agree on the broad aspects of attainment in Torah that educators strive to teach, they are less used to articulating perceptions about standards of attainment reached by pupils and about progress in the subject. Compared with teachers of many others subjects, teachers of Torah in England have acquired their knowledge of Torah from various sources. They are generally able to describe what they will teach and why, but, unlike teachers of English or science, teachers of Torah in England have no precise language with which to describe their expectations of what pupils will have learnt at various stages. There have so far been few in-service training programs for teachers of Torah that focus on identifying and assessing pupils’ attainments in Torah.

TABLE A

**Main aspects of attainment in Torah study identified for pupils
(aged 7 to 14) – 15th July 2006**

Knowledge	Skills	Understanding
Knowledge of Torah content and vocabulary	Literal comprehension of Torah and some related commentaries in Hebrew & English	Interpreting texts in Hebrew and English to elicit deeper meaning & implications for us
Pupils	Pupils ...	Pupils ...
1.1 Know the source and structure of the Torah	2.1 Have reference skills for locating Hebrew text and meaning	3.1 Understand Torah content in terms of its implications for us
1.2 Know events, people and places in the Torah	2.2 Read Torah in Hebrew	3.2 Understand the impact of particular phrasing, Hebrew grammar and nuance on meaning in Torah
1.3 Know geographical features in the Torah	2.3 Locate and read <i>peirushim</i> in Hebrew	3.3 Analyze and interpret Torah text using textual comparison
1.4 Know words and key phrases in the Torah	2.4 Apply skills of Hebrew grammar to comprehension	3.4 Analyze and interpret the text of a <i>peirush</i> or a <i>midrash</i>
1.5 Know the historical period in which events in the Torah took place	2.5 Comprehend translated text	
1.6 Know some halakhic sections of the Torah	2.6 Comprehend the literal meaning of Torah texts in Hebrew	
1.7 Know selections of classical <i>peirushim</i> and <i>midrashim</i> on Torah	2.7 Comprehend the literal meaning of the text of a <i>mefarsh</i> in Hebrew	

Except where the Aspect title or the context indicates otherwise, the “text” or “passage” referred to may be in English or Hebrew.

As worded, each title listed in Table A just describes a wide range of mastery from novice to expert in a particular attainment target. For instance, the attainment target “2.2 Read Torah in Hebrew” may be realized at several levels. To show whether a learner has this semester reached a higher level of “Reading Torah in Hebrew” than last semester, requires a set of “level descriptions” [i.e., benchmarks] of attainment that will be understood by all teachers, parents and pupils, just as for the National Curriculum subjects described above.

It is by no means easy to devise agreed level descriptions of attainment for Torah.

Teachers had very different, and strongly held views on what constitutes attainment and progress within any one of the attainment targets shown in Table A. Their views diverged particularly when they considered pupils of differing abilities or backgrounds. For many attainment targets, it took much discussion before a sequence of even three or four descriptions could be recognized as representing very easy, harder and yet harder levels of pupil attainment. Some sequences of level descriptions that were initially suggested for describing successive levels of difficulty had to be amended because they appeared to depend too closely on teachers’ understanding of specific content or on the methods by which pupils in particular classes were taught specific content. Such sequences of level descriptions did not command the support of all other teachers consulted. They had to be changed to avoid misunderstandings and to ensure that the language used in two adjacent level descriptions implied to all teachers the same comparative levels of demand on pupils.

For instance, in Competence 1.2 – “Know events, people and places in the Torah”- the first three levels were initially as follows:

- 1.2.1 Retell events in the *parashiyot* studied and the names of people and places involved.
- 1.2.2 Recall details of a range of stories studied and correctly associate events, people and places in them.
- 1.2.3 Identify stories or situations in detail from the *parashiyot* studied that possess a particular feature, eg: a well, a dispute, a journey.

It had been thought that this wording would indicate clearly that, at the basic level, pupils would be familiar with, and show knowledge of

what happens in the *parashiyot* studied in depth. The second level would be to broaden this competence by showing awareness of greater detail within stories, and to familiarity with events and people in more than just the *parashiyot* studied in depth. The third level of attainment would indicate an ability to start with a stated feature, and to identify relevant stories that relate to such a feature. It was thought “obvious” that these three statements were “progressive” in level of difficulty!

They may have been progressive for some teachers but not for all. Some teachers were not clear about the level of precision that was expected in the retelling required in 1.2.1. Others were not happy about how sharp the distinction was between 1.2.1 and 1.2.2 as both refer to several events or stories. The distinction between “events” and “stories” was none too clear either. Both 1.2.1 and 1.2.2 were recognized by all to be easier than 1.2.3. Some more clarification was needed and this was achieved through discussion of what teachers meant by basic knowledge of passages or stories. In Torah, the most basic level of knowing a passage is to know the sequence of events in ONE story, and the characters and places within it. Only then can another level be to recall details, some of them incidental, in a range of passages. The range of passages from Torah that may be required to demonstrate this second level of attainment also had to be limited for this second level. The two first statements that precede 1.2.3 now read:

- 1.2.1 Retell events in correct sequence within a passage studied, & recall the people and places involved.
- 1.2.2 Recall the details in a range of passages associated with particular people or places.

The level descriptions within a particular title in Table A thus had to be neutral to the methodology, or specific content, used in teaching the title. Furthermore, the descriptions had to be simply and unambiguously phrased. Where they were in any way ambiguous, teachers invariably differed when they attempted to place descriptions in ascending order of difficulty for learners. Table B shows two stages of development of a set of level descriptions for competences 2.1 and 3.1.

The descriptions on the right column of Table B were too wordy and contained too many opportunities for reaching conflicting interpretations of meaning. This reduced the likelihood of all teachers identifying the same progression of difficulty. Difficulties arose where a

set of level descriptions for an attainment target contained statements that could not be compared easily with others from the set. Thus, in descriptions 2.1.3 and 2.1.4 on the right in Table B, one is talking about referring to a place in a text determined by an EXTERNAL key (*pasuk, perek, sefer*), while the other refers to finding relevant text based on an INTERNAL criterion, e.g. the letters in a word or a *dibbur ha-mathil* in a *peirush*. It became clear, therefore, that this competence of “reference skills” was more complex than anticipated and had to be subdivided to ensure that the progression of difficulty was transparent (see the 2.1 descriptions in the left hand column in Table B).

The greatest enemy of clarity was the composite description (see 3.1.1 - 3.1.5 on the right). To achieve unanimity in leveling, it was necessary to reduce each description to a single, simple concept and avoid double-edged expressions (e.g.: “with little teacher support”) by using pithier forms, (e.g., “unaided”, see the left hand column in Table B). An extra level description could sometimes provide help in differentiating further between levels but it was more common for proposed sets of descriptions to be reduced in number to ensure that the levels described were sufficiently distinct from one another.

It was clear that teachers needed to be given examples in order to clarify some descriptions or the meaning of specific phrases within them. These have been included where necessary. Nevertheless there is a danger that including examples may limit the reader because the examples do not span the entire range of meanings that a description is intended to encompass.

Table C below shows the level descriptions for all the competences shown in Table A. Together the attainment targets (“standards”) and corresponding level descriptions (“benchmarks”) form a framework of curriculum expectations. This framework does not prescribe what sections of Torah text or ideas must be taught. Nor does it imply that all attainment targets must be taught. The framework merely suggests what knowledge, skills and understanding could be gained through the study of any texts or text-related topics that a teacher chooses to teach, and what some stages of attainment might be for pupils following such Torah study, using the teacher’s chosen texts or topics.

The grouping of the 18 titles shown in Table A does not imply that the best way to learn each of them is to concentrate on one competence

TABLE B:
The refinement of level descriptions

Current version – July 2006	Version of August 2004
<p>2.1 Have reference skills for locating Hebrew text and meaning</p> <p>A: Locating text</p> <p>2.1.1 Recognize the beginnings and ends of <i>pesukim</i>, <i>perakim</i> and <i>parashiyot</i></p> <p>2.1.2 Locate text when given its <i>perek</i> and <i>pasuk</i> reference in the Humash being studied.</p> <p>2.1.3 Cite the <i>pasuk</i>, <i>perek</i> and <i>Humash</i> unaided when referring to text anywhere in Torah.</p> <p>B: Using Reference tools</p> <p>2.1.4 Look up words in notes or wordlists</p> <p>2.1.5 Look up words in a dictionary, identifying their roots and forms correctly.</p> <p>2.1.6 Look up words and phrases in a concordance by identifying roots correctly and then locating appropriate entries and references.</p>	<p>2.1 Reference Skills.</p> <p>2.1.1 Recognize beginnings and ends of Humash verses in the unit being studied.</p> <p>2.1.2 Correctly refer to a <i>perek</i> and <i>pasuk</i> reference in the <i>sefer</i> being studied with a little help from a teacher.</p> <p>2.1.3 Locate a <i>perek</i> and <i>pasuk</i> reference anywhere in the Humash independently.</p> <p>2.1.4 Locate a commentary of a <i>mefaresh</i> such as Rashi and Onkelos.</p> <div data-bbox="629 982 1003 1182" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>This description was moved to another competence: “2.3 Locate and read <i>peirushim</i> in Hebrew.” At this simplest level, locating Rashi & Onkelos on a page, this is a preparatory Humash skill</p> </div>
<p>3.1 Understand Torah content in terms of its implications for us.</p> <p>3.1.1 Express, with support, reflections on the events in a simple story in the <i>parashiyot</i> studied, and on the likely feelings of any characters involved.</p>	<p>3.1 Understanding the Chumash text and its Implications for us.</p> <p>3.1.1 Understand a simple Humash story in the unit being studied and express, with teacher guidance, their own reflections on the events and the likely feelings of those involved.</p>

Current version – July 2006

Version of August 2004

- 3.1.2 Express unaided the likely perceptions of, and reactions to, events and situations by characters in a story.
- 3.1.3 Relate a passage or story in Torah to everyday life and discuss, with support, the values it teaches us.
- 3.1.4 Compare and contrast, with support, the behavior of characters in Torah, e.g., Avraham and Noah, and discuss the implications for us.
- 3.1.5 Discuss unaided the implications for us of accounts in Torah of behavior (e.g., –Yoseph ascribing to G-d the solution to Pharaoh's dreams); of statements (e.g., *kedoshim tihyu ki kadosh ani*) and of mitzvot (e.g., *vehigadta levinkha*).
- 3.1.6 Independently suggest similarities or differences between the behavior of various characters in Torah, and draw conclusions about any implications for us (e.g., Yaakov's and Moshe's concern for doing what is right when they encounter shepherds at the wells).

- 3.1.2 Understand a simple text in the unit with little teacher's guidance, relating it to everyday life and discuss the values that the story is teaching us.
- 3.1.3 Articulate, with teacher's guidance, different perceptions of, and reactions to, events and situations that various people involved in a Humash story might have.
- 3.1.4 Compare and contrast, with little teacher guidance, the behaviors of two or more characters in the Humash e.g. Avraham and Noah and discuss their implications for us.
- 3.1.5 Make independent connections between the behavior of various characters in the Torah e.g. Moshe's reaction to Hashem regarding the *shi'bud* as compared to Avraham's, and discuss their implications for us.

at a time to the exclusion of the others. However, a teacher choosing to address a particular target in Table A might consult the corresponding set of level-descriptions before constructing a scheme of work or curriculum as this could help in framing detailed and progressive learning objectives. This language of learning objectives might also be used in assessment in due course and in communications with other teachers, with pupils and their parents.

A discussion of methodologies of teaching the knowledge, skills and understanding identified in the curriculum framework shown in Table C is clearly beyond the scope of this paper. But, as in any other subject of the curriculum, skills, knowledge and understanding in Torah are usually best nurtured and developed in parallel, and on an ongoing basis.

Conclusion

We feel that the construction of this curriculum framework has been instructive for all concerned. For the writers, it has been a learning experience in interpreting teachers' perceptions of the language of Torah teaching. For teachers consulted, it has been an eye-opener of how much they have in common with other practitioners and yet how limited communication has so far been between professionals in this sphere.

The level descriptions in the Framework have been used to shape and focus the learning outcomes in unit and lesson plans for Torah that are currently being piloted in some UK schools. We are hoping to design assessment tasks that are enjoyable and provide evidence of pupils' attainment at various levels in their Torah learning. Above all, by further improving the wording and sensitivity of the level descriptions in this Framework, we hope to enhance the quality of unit planning and assessment in any Torah classroom, whether or not the teacher adopts the teaching methods or content used in the English pilot schools.

All this material is work in progress, and the writers would very much welcome readers' comments concerning the desirability of such a framework for Torah study, and suggested modifications of its content or presentation.

Thanks

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TABLE C:

A Curriculum Framework for Torah study for 7 to 14 year olds:
– JSCP 15th July 2006

Sets of Level descriptions for the competences shown in Table A

Knowledge	Skills	Understanding
Knowledge of Torah Content & vocabulary	Literal comprehension of Torah and some related commentaries in Hebrew & English	Interpreting Texts in Hebrew and English to elicit deeper meaning & implications for us
Pupils...	Pupils...	Pupils...
1.1 Know the source and structure of the Torah.	2.1 Have reference skills for locating Hebrew text and meaning.	3.1 Understand Torah content in terms of its implications for us.
1.1.0 Know that Torah was given by G-d.	A: Locating text	
1.1.1 Recall the names of the five <i>humashim</i> of the Torah in order.	2.1.1 Recognize the beginnings and ends of <i>pesukim</i> , <i>perakim</i> and <i>parashiyot</i> .	3.1.1 Express, with support, reflections on the events in a simple story in the <i>parashiyot</i> studied, and on the likely feelings of any characters involved.
1.1.2 Recall the names of the <i>parashiyot</i> in a <i>humash</i> in their correct order.	2.1.2 Locate text when given its <i>perek</i> and <i>pasuk</i> reference in the Humash being studied.	3.1.2 Express unaided the likely perceptions of, and reactions to, events and situations by characters in a story.
1.2 Know events, people and places in the Torah.	2.1.3 Cite the <i>pasuk</i> , <i>perek</i> and <i>humash</i> unaided when referring to text anywhere in Torah.	3.1.3 Relate a passage or story in <i>humash</i> to everyday life and discuss, with support, the values it teaches us.
1.2.1 Retell events in correct sequence within a passage studied, & recall the people and places involved.	B: Using Reference tools	
1.2.2 Recall the details in a range of passages associated with particular people or places.	2.1.4 Look up words in notes or wordlists	
	2.1.5 Look up words in a dictionary, identifying their roots and forms correctly.	

Knowledge

- 1.2.3 Identify any stories or situations in the *parashiyot* studied that possess a particular feature, e.g. a well; a dispute; a journey; asking for a favor or for a change of mind.
- 1.2.4 Place in chronological order events occurring in one *humash*.
- 1.2.5 Place in chronological order events occurring in several *humashim*.
- 1.2.6 Know associations between events, places and people, mentioned in Torah, e.g. the *avot* & the cave of Makhpelah; the *esser makkot* in Egypt; *meraglim*, the land of Canaan and 40 years in the wilderness.
- 1.2.7 Independently locate accounts of events and places mentioned in Torah, e.g. in order to prepare for further study.

- 1.3 Know geographical features in the Torah.

Skills

- 2.1.6 Look up words and phrases in a concordance by identifying roots correctly and then locating appropriate entries and references.

- 2.2 Read *humash* in Hebrew**
- 2.2.1 Read words accurately, accentuating syllables correctly.
- 2.2.2 Read phrases accurately and fluently, ie without effort or hesitation.
- 2.2.3 Read a *pasuk* accurately and fluently as a sequence of phrases. Recognize *etnahta* and *sof pasuk*.
- 2.2.4 Read *pesukim* fluently and without effort, using *etnahta* and *sof pasuk*.
- 2.2.5 Use the main separator *ta'amim* in a *pasuk* (i.e.: *zakef katan*; *zakef gadol*; *tipha* as well as the *etnahta*) as punctuation marks when reading *pesukim*, unaided.

- 2.2.6 Read independently a range of Torah texts in an accurate, fluent and appropriately punctuated manner.

Understanding

- 3.1.4 Compare and contrast, with support, the behavior of characters in Torah, e.g. Avraham and Noah, and discuss the implications for us.
- 3.1.5 Discuss unaided the implications for us of accounts in *humash* of behavior (e.g. Yoseph ascribing to G-d the solution to Pharaoh's dreams); of statements (e.g. *kedoshim tihyu ki kadosh ani*) and of mitzvot (e.g. *vehigadta lebinkha*).
- 3.1.6 Independently suggest similarities or differences between the behaviors of various characters in Torah, and draw conclusions about any implications for us (e.g. Yaakov's and Moshe's concern for doing what is right when they encounter shepherds at the wells).

- 3.2 Understand the impact of particular phrasing, Hebrew grammar and nuance on meaning in Torah.

Knowledge

- 1.3.1 Locate on a map, places associated with events in the *parashiyot* studied, e.g. Avraham's journeys.
- 1.3.2 Locate on a map, cities & countries that are mentioned in a *humash*.
- 1.3.3 Locate on a map, cities, countries and borders (e.g. rivers) that are mentioned in Torah.
- 1.4 Know words and key phrases in the Torah**
- 1.4.1 Command a sight vocabulary of 80 common Hebrew words and key phrases from the *parashiyot* studied, including common forms of nouns, adjectives and verbs.
- 1.4.2 Fluently recall 10 key phrases from the *parashiyot* studied.

Skills

- 2.3 Locate & read *peirushim* in Hebrew.
- 2.3.1 Accurately read letters in Rashi script.
- 2.3.2 Locate on a page, and read, a short, simple, vocalized Rashi with support.
- 2.3.3 Read a short simple vocalized Rashi unaided with fluency.
- 2.3.4 Recognize key essential phrases in Rashi such as: *dibbur ha-mathil*, *davar aher*, and main abbreviations.
- 2.3.5 Locate a *peirush* in a *perek*, and read it aloud with intonation and expression.
- 2.4 Apply skills of Hebrew grammar to comprehension**
- 2.4.5 Identify four common prefixes, eg ל, מ, ו, ה and two common suffixes, eg ו and ת, in the *parashiyot* studied.
- 2.4.6 Identify all the common prefixes, and suffixes such as ה, ת, ו, מ, in the *parashiyot* studied.**

Understanding

- 3.2.1 Show, with support, e.g. by acting out, how certain words and phrases in a sentence describing a situation or event provide clues about the likely feelings or intentions of those involved. With support, suggest how fewer, or alternative, words or phrases might have offered fewer, or different, clues. (E.g.: hesitation in *va-yelekh*, *va-yikach*, *va-yaveh le'imo*... OR: *lashon yeteirah in: et binkha*, *et yehidkha*, *asher ahavta*, *et Yitzhak*).**
- 3.2.2 In a particular passage, show unaided how (repetition of) certain words, phrases or Hebrew roots can provide clues about likely feelings, intentions or leading ideas. (Eg: *vater Sarah et ben Hagar... metzahek... then lo yirash ben ha'amah ha-zot im beni im Yitzhak... then: va-yera' ha-davar me'od... al odot beno*).

Knowledge

- 1.4.3 Command a sight vocabulary of 160 common Hebrew words, including roots, from the *sefer* or *humashim* studied.
- 1.4.4 Fluently recall 30 key phrases from the Torah.
- 1.4.5 Command a working vocabulary of 350 common Hebrew words and roots in the Torah.
- 1.5 Know the historical period in which events of the Torah took place.**
 - 1.5.1 Identify, on a timeline, events encountered in a *parashah*.
 - 1.5.2 Identify, on a timeline, the order of events encountered in a *sefer*.
 - 1.5.3 Identify, on a timeline, the order of events encountered in Torah.

Skills

- 2.4.7 Apply knowledge of vocabulary and roots to lend meaning to unfamiliar words or structures, e.g. *mikra'ei kodesh*.
- 2.4.8 Know when a *vav* is a *vav ha-hipukh* and when it is a *vav ha-hibbur*.
- 2.5 Comprehend translated text**
 - 2.5.5 Read a translation of a text to gain information.
 - 2.5.6 Explain the plain meaning of a translated text in terms of the story, topics or characters involved.
 - 2.5.7 Compare and contrast words or phrases in different selected texts, e.g. to determine correspondence or incongruity between one version of a story, statement or mitzvah and another.

Understanding

- 3.2.3 Understand that, in general, the Hebrew language of Torah may allow a phrase, *pasuk* or passage to be interpreted in different ways. Identify, with support, examples of such “ambiguities” (*ribbui mashma'uyot*) in the *parashiyot* studied, and how interpreting an ambiguity one way or another has implications for understanding such material. (Eg: the implications of different interpretations of : *tzaddik tammim bedorata*; OR of *va-ya'as lahem batim* (who made them?).)
- 3.2.4 Have a breadth of understanding of Hebrew phrasing and grammar to notice and point out (i) unexpected grammatical forms and phrasing in Hebrew Torah texts and (ii) differences and similarities of language used in related phrases or passages. (E.g.: ...*va-yahanu...va-yihan sham Yisrael negged ha-har*).

Knowledge	Skills	Understanding
<p>1.5.4 Consistently identify associations between events in Torah and parallel historical events, or their historical background, eg the Egyptians and their Nile god; idol worship and privileges of its priesthoods; Hyksos conquest of Egypt and <i>va-yakom melekh hadash</i>; Hammurabi's code and the rights of Hebrew slaves.</p>	<p>2.5.8 Summarize the main messages of a passage of text, e.g. a <i>perek</i> or story.</p> <p>2.5.9 Summarize the main messages of a <i>parashah</i> or <i>humash</i>.</p>	<p>OR the occurrence of <i>lashon haseirah</i>, as in ...<i>va-yishtahavu</i>... <i>ve-ahar ba'u Moshe ve-Aharon el Par'oh</i>.</p>
<p>1.6 Know some halakhic sections of the Humash.</p>	<p>2.6 Comprehend the literal meaning of Torah Texts in Hebrew</p>	<p>3.2.5 Independently derive meaning and values from Torah by carefully interpreting nuances of language in (different) texts, including the interpretations of <i>mefarshim</i>. (E.g.: the meaning and values from the juxtaposition of <i>ha-yesh H be-kirbeinu im ayin?</i> and <i>va-yavo Amalek va-yilahem</i>. OR from the apparent omission of information or word in a phrase, such as who the subject is of: <i>va-yimshekhhu va-ya'alu and Yosef min ha-bor</i>).</p>
<p>1.6.1 Identify the <i>parashah</i> in which a particular halakhic theme, e.g. <i>Pesah Mitzrayim</i>, is specified.</p>	<p>2.6.5 Read an uncomplicated <i>pasuk</i> in the <i>parashiyot</i> studied and comprehend its plain meaning with support.</p>	<p>3.3 Analyse and interpret Chumash text using textual comparison.</p>
<p>1.6.2 Know the details specified for mitzvot in a particular passage studied</p>	<p>2.6.6 Read a <i>pasuk</i> in the Torah and comprehend its plain meaning unaided, apart from use of reference tools.</p>	
<p>1.6.3 Recall a range of halakhic detail from different passages studied in the Torah, and explain its plain meaning, eg aspects of a festival mentioned in different passages.</p>	<p>2.6.7 Explain in own words the plain meaning of a passage in Torah, unaided apart from use of reference tools, e.g. notes. Read the text with intonation and expression that show comprehension.</p>	

Knowledge

- 1.6.4 Independently locate halakhic detail and its context in passages of Torah (E.g. Sabbath; *lo te-vashel gedi ba-halev imo*).
- 1.7 Know selections of a range of classical *peirushim* and *midrashim* on the Humash.
 - 1.7.1 Know that a *peirush* or *midrash* is not part of the Torah text.
 - 1.7.2 Recall the commentary of a particular *mefarsh* on a *pasuk* in the *parashah* studied.
 - 1.7.3 Recall the commentaries of a range of *mefarshim* on passages in the *parashiyot* studied; know the approximate chronological order of these *mefarshim*.

Skills

- 2.6.8 Identify words or roots in a text that provide keys or clues to its overall themes or messages (*milah manhah*).
- 2.6.9 Comprehend unfamiliar, uncomplicated text in Torah, unaided apart from reference tools and *peirushim*.
- 2.6.10 Show awareness of the difference between *Peshat* and *Derash* when studying a text to comprehend it.
- 2.7 Comprehend the literal meaning of the text of a *mefarsh* in Hebrew.
 - 2.7.5 Read an uncomplicated *peirush* on text being studied and comprehend its plain meaning with support.
 - 2.7.6 Explain in own words the plain meaning of a *peirush* on an unfamiliar verse, unaided apart from use of reference tools. Demonstrate comprehension, e.g., through fluent reading with expression.

Understanding

- 3.3.1 Identify and derive meaning and values, with support, from differences and similarities of language used in two separate passages in the *parashiyot* studied. (Eg: *kabbed et avikha ve-et imekha* vs. *ish imo ve-aviv tira'u*; or *va-yelekh ito Lot*, in Ch 12, vs. *ve-Lot imo ha-negbah*, in Ch 13 of Bereishit).
- 3.3.2 Compare and contrast unaided, parallel or related texts in Torah in terms of meaning and values.
- 3.3.3 Independently, derive meaning and values from interpreting parallel or related texts in Torah, using *peirushim*, or own previous knowledge of texts.
- 3.4 Analyze and interpret the text of a *peirush* or *midrash*.
 - 3.4.1 Explain why a *peirush* or *midrash* comments on a phrase in the text being studied.

Knowledge

1.7.4 Know examples of *Midreshei Aggadah* and *Midreshei Halakhah* and differences between the two.

Skills

2.7.7 Explain in own words the plain meaning of *peirushim* and *midrashim* on a range of Torah passages, unaided apart from reference tools.

2.7.8 In studying a *peirush* on a passage, independently apply reference skills to look up words and phrases elsewhere related to that text, in order to ascertain how this *mefarsh* explains them. (E.g. Onkelos on *mi-kedem*).

Understanding

3.4.2 Compare and contrast two or more *peirushim* of a text being studied and possible reasons for each of them. (E.g.: Explain why Rashi uses a *Midrash Aggadah* to clarify text alongside a *Peshat*).

3.4.3 Explain the respective strengths of different views expressed by *peirushim* about a text in Torah, and support a favored view, or one's own independent explanation, with good evidence.

3.4.4 Resolve apparent problems in Torah by examining a range of relevant texts, comparing the views of commentators and drawing conclusions.

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THE MISHNAH REVOLUTION: REBUILDING MESORAH IN THE DAY SCHOOL

The preeminence of *Torah she-be'al peh*

Torah she-be'al peh has long been the focal point of traditional Jewish learning. Indeed, its influence can be felt well beyond its own boundaries. The study of *Torah she-bikhtav* includes critical imbedded components which are actually *Torah she-be'al peh*.¹ Halakhah, *minhag* and Jewish thought are grounded in *Torah she-be'al peh*. The caveat of Rabbi Yohanan ben Nappaha that the covenant between Israel and God was fashioned primarily for the sake of *Torah she-be'al peh*² further underscores its preeminent status.

Clearly, any Jewish school that succeeds in teaching *Torah she-be'al peh* fulfills this mandate. Alas, many day high school graduates are unable to learn *Torah she-be'al peh* sources independently. Mishnah and Talmud are perceived by many students as irrelevant, distant and beyond comprehension, despite the disproportionate allocation of time, energy and resources to their study. Educators blame students: failure in learning *Torah she-be'al peh* is due to excessive viewing of television,

corruption of their *yir'at shamayim* due to movies, videos and other scurrilous pasttimes, and the pursuit of high grades in secular studies. Parents blame educators: failure of their children in *Torah she-be'al peh* is due to primitive pedagogy, limited use of technology in instruction, and paucity of academically trained instructors. Students blame no one, but don't understand why everyone is so upset about their limited achievement in a subject that seems so laborious and which, in any event, seems to have little to do with their adult Jewish lives.

With respect to all parties: the villain of our tale is not the student, the teacher, or the parent. The responsibility for this disaster lies with the method – or the lack of method – used most widely in teaching *Torah she-be'al peh*. In this essay, I will explain this unfortunate phenomenon and describe a curricular solution which is already in place in selected day schools.

Background: The study of *Torah she-be'al peh* over the last century

Until World War II, advanced study of *Torah she-be'al peh* – namely, *Talmud* – was the exclusive preserve of gifted children. Other students learned *Tanakh*, *mishnayot*, *halakhah*, and *midrash*, leaving full-time study not long after the age of mitzvot to help support their families. Young *illuyim* (prodigies), sent from home to *yeshivot* and subjected to rigorous study schedules in often impoverished and abject conditions, were introduced to *Talmud* at earlier and earlier ages, becoming legends in their own day. Pre-war European religious Jewish culture pinned the hope of its survival on these elite, and ignored the fact that it was in clear contravention of the original prescription that *Mikra* was to be learned at age five, *Mishnah* at age ten and *Talmud* at age fifteen.³ The *Maharshah*, commenting on the third century condemnation of Babylonian Torah learning by Tiberian sages (Sanhedrin 24a), criticized the practice of his own era (c. 1800) with a stinging rebuke:

In their arrogance, their contemporary study is confused. At the age of five, which is appropriate for Bible, they study *Mishnah*. At the age of 10, which is proper for *Mishnah*, they study *Talmud*. In their childhood, they study *Mishnah* and *Talmud* together out of arrogance.

After the war, with the establishment of the modern day school movements, and the national religious educational system in the State

of Israel, study of Talmud began to filter down into larger and larger segments of the school population and the mass distribution of punctuated, vocalized, translated, annotated and otherwise mediated textual editions made it more available to the adult population as well. For the first time in Jewish history, advanced rabbinic texts were within reach of all but the most educationally challenged.

In schools, this development was accompanied by the unrealistic assumption that if more students are now learning Talmud, they should also initiate their studies at earlier and earlier ages as the prodigies did in pre-war societies. Schools and parent bodies often competed with each other to earn the reputation as an advanced institution in which students began Talmudic training in the sixth, fifth, fourth and even third primary grades. The predictable result: widespread frustration and recoil among the vast majority of students,⁴ aggravation and a sense of despair among teachers and administrators, disappointment among parents hoping for prodigious progeny, and the ongoing search for more and more selective educational environments in which the “better” students could continue the search for the pre-War Talmudic ideal.

In the adult population, Talmud study has burgeoned beyond belief. *Daf Yomi* groups now multiply exponentially, and more and more editions of Talmud are being published and sold in respectable quantities. This positive phenomenon is mitigated, however, by the understandable need of publishers to reduce Talmudic texts to the lowest common denominator of their intended audiences. Chewed, swallowed, predigested and regurgitated in fancy fonts, study of Talmud has been reduced to the mastery of content, while the complex textual and conceptual processes, which are the heart of Talmudic learning, have become almost undesirable barriers to (superficial) comprehension. More and more people learn Talmud, but fewer and fewer understand it. As I listen to and read *shiurim* in Talmud in every possible medium and context, I cannot help but get the impression that many of the enthusiasts delivering the message are themselves unaware of the textual processes of Talmud, and are merely explaining the words on the page with minimal literacy.

Has the popularization of Talmud been in vain?

Some think so. No less a revered figure than Rav Aharon

Lichtenstein, in a popular article in an Israeli newspaper some three years ago,⁵ recommended that Talmud study again be limited to the most gifted, as before the World War. One government inspector of Talmud in the *Hinuch Atzma'i* system in Israel, when asked by this author how the system can tolerate the fact that almost seventy percent of its students are still not learning Talmud on their own by the end of *yeshivah ketanah*,⁶ answered: “the students and Rebbeim have an understanding – if they don’t bother him, he won’t bother them.”

With due respect and reverence, I disagree. My research and experience has informed me that the vast majority of students are certainly capable of learning Talmud. However, unlike the *illuyim* who will forever be our intellectual and spiritual superheroes, the balance of the learning population requires: curricular order; scope and sequence; skills which spiral upward toward achievement of independent capability; objective formative and summative assessment of skills and thinking as well as knowledge; and instructors trained in and supervised for correct presentation of Talmudic process. While this would seem require a radical curricular change unprecedented in Jewish educational history, it is already underway in dozens of day schools! I call it the *Mishnah Revolution*, and have the confidence that it will rebuild the authentic rabbinic *mesorah* in day schools and in the adult population, as well as breed a generation with unusual insight, understanding and capability.

Defining “Mishnah” and “Talmud”

At this stage of our study, “Mishnah” does not refer exclusively to the six-order work of Rabbi Yehudah ha-Nasi, and “Talmud” does not refer to the Babylonian or Tiberian creations that bear the name. Popular parlance has identified *mishnah* and *talmud* with these literary corpuses, but *Hazal* and the *Rishonim* saw things differently. For them, *mishnah* meant *halakhah*,⁷ i.e., a statement of law without presentation of its rationale, as opposed to the abstract conceptualization and analysis of Halakhah, to which they referred as *talmud*. *Mishnah* and *talmud* therefore co-exist in all rabbinic periods. This is also how Maimonides uses these terms in the first chapter of *Hilkhot Talmud Torah*, referring to *mishnah* as *Torah she-be'al peh*.⁸ Similarly, Rav Hayyim Vital, in the second part of *Pri Etz Hayyim (Sha'ar Hanhagat ha-Boker)*, stresses that

several bodies of literature qualify as *Mishnah*,⁹ and Rav Shneur Zalman of Liadi in *Shulhan Arukh HaRav (Hilkhot Talmud Torah*, chapter two), also treats these terms this way.¹⁰ *Mishnah*, representing concrete knowledge, was the necessary precursor to *talmud*, representing conceptualization and analysis. As Rabbi Shimon ben Lakish so aptly put it: “If you see someone trying to deal unsuccessfully with conceptualization and analysis, it is because he doesn’t yet know enough *halakhah*.”¹¹

Turning now to the literary representations of *mishnah* in rabbinic literature, we encounter a major surprise. Rav Shneur Zalman, defining the intention of Rav Safra that *mishnah* should be the middle third of one’s learning, states: “One third in Mishnah: This refers to halakhic rulings without explanations that appear throughout the *mishnayot*, *beraytot* and statements of the Amoraim.”¹²

In other words, *mishnah* in Rabbinic literature takes three forms: (1) as represented in the Mishnah of Rabbi Yehudah HaNasi; (2) as represented in the *beraita* literature (which includes Tosefta, the *beraitot* in the two *talmudim* and the *midreshei halakhah*); and (3) as represented in the *memrot*, or statements, of the Amoraim as cited in the two *talmudim*! Furthermore, the halakhic codices of the *Tur* and *Shulhan Arukh* are also *mishnah*. According to R. Shneur Zalman, all three levels of *mishnah* must precede the study of *talmud*, which he terms the *bei’ur* (elucidation) of *mishnah*. In the same way, commentaries on the *Tur* and *Shulhan Arukh* are to be learned after the primary sources they explain.

What literature houses this *bei’ur* or *talmud*? He does not say explicitly, but from the phrasing of Rav Hayyim Vital (which appears to be his source) it is safe to say that it refers primarily to the Aramaic give and take of the Talmud, known to us as *shakla ve-tarya* and variously labeled by the *Rishonim* as *stama de-talmuda* (the anonymous frame of the Talmud), *stama de-gemara*, or simply *talmuda* or *gemara*. Any later commentaries on the three types of *mishnah* would also be termed *talmud*. Presumably, even remarks of Tannaim about the statements of earlier Tannaim and of later Amoraim about earlier Amoraim may themselves be considered *talmud*, but this does not seem to be included in his definition.

The stages of *Torah she-be'al peh*: Translation into curriculum

In light of the above, the study of the sources of *Torah she-be'al peh* neatly subdivides into four stages:

1. *mishnah*, as reflected in the *shishah sidrei mishnah* of Rabbi Yehudah HaNasi;
2. *mishnah*, as reflected in the *tosefta*, *beraitot* of the Babylonian and Jerusalem talmuds and the halakhic *midrashim*;
3. *mishnah*, as reflected in the *memrot* of the Amoraim; and
4. *talmud*, as reflected in the *shakla ve-tarya* of the Talmud.

When we combine these four stages with the Ben Teima taxonomy (*Avot* 5:20), we receive a curricular structure. At the age of ten (4th or 5th grade), a child would begin study of the Mishnah. Over the next five years, the student would add into his/her learning the components of *tosefta*, *beraitot* and *midreshei halakhah*, which were edited in the generation following the demise of Rabbi Yehudah HaNasi, along with the *memrot* of the Amoraim, which took shape in the eight generations after his death. Study of *talmud* (*shakla ve-tarya*) would then begin at the age of 15 (9th or 10th grade).

This four stage curricular structure rings true, for the following reasons:

1. Learning the sources deemed *mishnah* in the above order, reflects the chronological sequence in which they actually developed. This will enable a student to trace the ongoing evolution of the *halakhah* during the six Tannaitic and eight Amoraic generations.
2. All of the materials defined above as *mishnah* are overwhelmingly in Hebrew,¹³ allowing the student to concentrate on acquisition of the skills for the study of *pesak halakhah* before doing battle with the Aramaic of the *shakla ve-tarya*.
3. Although separating the *memrot* of the Amoraim from the *shakla ve-tarya* may seem counter-intuitive because they are traditionally printed as one continuum, the two are actually distinct from each other in that authors of *memrot* are always named while *shakla ve-tarya* is always anonymous.¹⁴ Yet more telling, Amoraim are rarely (if ever) aware of, nor do they react to, the terms, concepts or argumentation of the *shakla ve-tarya*, while the *shakla ve-tarya* is always aware of,

and consistently relates to, the *memrot* of the Amoraim.¹⁵ This indicates that *shakla ve-tarya* is either very late Amoraic or Saboraic, and most probably the latter. (It should be immediately stressed that this issue has nothing whatever to do with the relative sanctity, authority or halachic standing of *memrot* and *shakla ve-tarya*. Both have been accepted by *Kelal Yisrael* as authoritative sources for later halakhic analysis. The distinction suggested here is for didactic applications.)

4. Both the statements of the Tannaim and the *memrot* of the Amoraim are halakhic and concrete in nature, while the *shakla ve-tarya* of the Talmud is abstract, conceptual, analytical and sometimes speculative (*shinuya* or *dihuya* in the terminology of the Rishonim and Aharonim).¹⁶ This movement from concrete learning to abstract learning matches the cognitive preparedness of children at the ages defined above.

I can already hear the nay-saying voices. “What, begin full Gemara only in 9th grade?!” “How can you learn *memrot* of Amoraim without *shakla ve-tarya*?!” “Whoever learned *tosefta* and *beraitot* as an independent stage – after all, they are included in the Talmud?” “Why learn *tosefta* if the Amoraim or the *shakla ve-tarya* didn’t bring it? Doesn’t that mean it isn’t important?” “What about the child’s need for abstract thinking before the 9th grade?” Before duly disposing of the above issues, it is necessary to spell out the skills required by each of the four suggested stages in order to demonstrate the sequence and spiral of skills that will turn students into independent learners of *Torah she-be’al peh* by the end of the 9th grade. In truth, I am proposing that *ha-derekh ha-arukah hi ha-ketzarah*, as opposed to the present norm which is not only *derekh ketzarah she’hi arukah*, but is paradoxically the main reason why the vast majority of day high school graduates in our day are unable to learn independently!

We shall turn our attention now to a brief description of the skills this curriculum seeks to develop. Afterwards, we will return to answer the critics.

The skills of *mishnah* and *talmud* study

The following is a selection of the main skills corresponding to each of the four stages outlined above.

Stage One – *Mishnah*

- To define the relationship of *Mikra* and *Mishnah*. Example: *Mikra* mentions the command to dwell in *sukkot* without providing definitions for the minimum height, size or structure of a qualifying *sukkah*, and without definition of what “dwelling” means in this context. All of these definitions are found in *Mishnah*.
- To navigate in *Mishnah*, utilizing knowledge of the organizational structure and content of *mishnayot* and *masekhtot*. Example: A student would be able to determine in which *sefer* and *masekhet* one is likely to find relevant material.
- To utilize knowledge of the Tannaitic period to give context to a *mishnah*. Example: the *takkanot* of Rabban Yohanan ben Zakkai should be understood against the backdrop of the destruction of the *Beit ha-Mikdash* and the new challenges confronting the Sanhedrin in Yavneh.
- To divide *mishnayot* into their respective *reisha* and *seifa* and organize *Mishnah* study accordingly. Example: In each of the first two *mishnayot* of *Berakhot*, the *reisha* deals with the time *from* which one may recite *Shema*, and the *seifa* deals with the time *until* which one may recite it. Recognition of this division helps the student learn *mishnayot* in smaller and more focused pieces.
- To identify and define the form of a *mahaloket* in *Mishnah*, and use the form to partially determine content. Example: *Mahlokot* may be between two or more named *tannaim*, a named *tanna* and an anonymous one, or between a named or anonymous opinion and a majority opinion cited as *hakhamim*.
- To identify opinions which are *le-khathilah* and *be-di'avad* in *Mishnah* and appreciate their significance to comprehend an apparent disagreement between *tannaim*. Example: In the first *mishnah* of *Masekhet Berakhot*, an apparent conflict

between the *hakhamim* and Rabban Gamaliel may be resolved when one learns that the two opinions are actually statements of *le-khathilah* and *be-di'avad*.

- To identify and utilize correctly recurring terminologies, such as
אמר פלוני, פלוני אמר, אומר פלוני, פלוני אומר, חכמים אומרים,
כדברי פלוני, במה דברים אמורים.
- To identify and utilize mnemonic structures in *Mishnah*. *Mishnayot* with common structures that are grouped together should be learned together as a unit. Example: The common language of the first two *mishnayot* in the first chapter of *Masekhet Berakhot* mark them as a self-standing unit within the first chapter, and the two should be learned together.
- To recognize and properly treat pre-existing codices in *Mishnah*, including the phenomena of repetition and duplication in *Mishnah*. Example: The first six *mishnayot* of the first chapter of *Kiddushin* are drawn from a pre-existing codex dealing with acquisitions. It was imported by Rabbi Yehudah HaNasi for the sake of the first *mishnah* of the codex. The balance of the codex is a digression from the theme of betrothal, but appears here to maintain the integrity of the codex from which it was drawn.¹⁷
- To recognize and properly treat the generational layers in *Mishnah*. Example: The first *Mishnah* of the fourth chapter of *Masekhet Rosh ha-Shanah* has three layers which reflect *halakhot* from the time of the *Beit ha-Mikdash*, Yavneh and Usha, respectively. Recognizing the layers enables one to appreciate the dynamic process of *halakhah* during the Tannaitic period.

Stage Two – *Torat ha-Tannaim*

- To locate *halakhot* in the Tosefta that parallel a specific *mishnah*, and to compare and contrast the contents of the parallel sources. For instance, the first two *halakhot* of *Masekhet Berakhot* in the Tosefta add significantly to the first two *mishnayot* in the *Mishnah*. Whereas the *Mishnah* in-

cludes generational layers from the time of the *Mikdash* and *Yavneh*, the *Tosefta* presents additional generational layers from *Usha* and *Zippori*.

- To locate *beraitot* in the *Talmudim* that parallel a specific *mishnah*, and to compare and contrast the contents of the parallel sources. For instance, the *beraitot* included in the *sugyot* on the first *mishnah* of *Masekhet Berakhot* present alternative opinions for the beginning of the time of *Keri'at Shema* in the evening.
- To locate passages in the *midreshei halakhah* that parallel a specific *mishnah*, and to compare and contrast the contents of the parallel sources. For instance, the *mishnah* at the beginning of *Masekhet Kiddushin* presents three forms of betrothal, while the *midreshei halakhah* on the first verses of *Devarim* 24 explain how the *tannaim* derived the three forms of betrothal from the verses.
- To compare and contrast all of the above sources to each other.

Stage Three – *Torat ha-Amoraim*

- To recognize and identify the most frequently cited *Amoraim*, and relate them to their proper generation and *beit midrash*. Of the 1,384 *Amoraim* mentioned in rabbinic sources, approximately forty are mentioned frequently.
- To connect *Amoraim* in lines of transmission from teacher to student in order to follow the flow of *sugyot* from generation to generation within the *Amoraic* period.
- To identify and properly treat the various forms and types of *memrot* of *Amoraim* by recognizing their structures. This skill includes differentiation between such forms as: פלוני אמר from פלוני אמר, and of such types as: אלא, לה, מתקיף לה, and others.
- To track the development of an *Amoraic sugyah* from one generation to another and from one *beit midrash* to another, including:
 - differentiating *sugyot* of a single *beit midrash* of *Sura* from those of *Pumbedita*, because the two *batei midrash* learned in very different ways;

- identifying *sugyot* of multiple *batei midrash*, such as *sugyot* that begin in Sura and continue in Pumbedita, or those which begin in Pumbedita and conclude in Meta Mehasia.

Stage Four – Talmudic *Shakla ve-Tarya*

- To decline simple Aramaic nouns, conjugate simple Aramaic verbs, recognize pronominal suffixes, etc.
- To correctly read and translate average Aramaic narrative passages from the *Talmud Bavli*, such as short halakhic stories which begin with *גברא דההוא* or *פלוגי איקלע*.
- To recognize and properly treat patterns of halakhic argumentation in the Talmudic *shakla ve-tarya*, such as *צריכותא*, *ילפותא*, *הכא במאי קא מיפלגי*.
- To scan a *sugyah* to be learned and correctly sort the elements into Tannaitic, Amoraic and Talmudic components in order to determine the *sugyah* type.
- To identify the *shakla ve-tarya* components in an Amoraic *sugyah* and identify the stages in the discussion of *shakla ve-tarya* in a non-Amoraic Talmudic *sugya* by key words or sentence structures.

The abovementioned skills are sequential and cumulative, and they build together toward deeper and deeper comprehension of rabbinic texts. For instance:

- knowledge of the *nesi'im* and *tannaim* enables recognition of the layers in the Mishnah;
- knowledge of the Amoraim and their *batei midrash* enables the student to determine whether a given *sugyah* is in chronological sequence or not;
- knowledge about the relationship of various Tannaitic sources aids the student in comprehending Amoraic *sugyot* that analyze contradictions between the Mishnah and other sources.

The Rebuttal:

In light of the above sequence and spiral of skills, the concerns of the nay-sayers can be addressed:

1. “What, begin full *gemara* only in 9th grade?!”
Indeed. Study of full *gemara* (including the *shakla ve-tarya*)

presumes knowledge of how Mishnah works, how Mishnah is to be compared to *beraitot*, and how both are treated by Amoraim. Learning these stages in grades 5-8, enables correct study of the full *gemara* in grade 9 just as *Hazal* allocated five years of learning of *mishnah* before *talmud* – with *mishnah* meaning the three types of sources as described above.

2. “How can you learn *memrot* of *Amoraim* without *shakla ve-tarya!*”

Memrot were edited and formulated to be understood in the context of Mishnah study. *Shakla ve-tarya* is analysis of *memrot* over and above their simple meaning. In the same way, although *humash* and Rashi are learned together, *humash* must first be learned on its own, *ki-peshuto*, to enable full appreciation of Rashi's contribution.

3. “Whoever learned *Tosefta* and *beraitot* as a separate stage? – after all, they are included in the Talmud!”

There are a number of precedents for this stage of study. In the yeshivah of the *Hida'* (Hayyim Yosef David Azulay; 18th century), morning study consisted of *mishnayot*, *tosefta* and *beraitot*. Similarly, in his eulogy for his teacher, the *Netziv*, Rav Kook refers to the study of *tosefta* and *beraitot* as a separate phase.

4. “Why learn *Tosefta* if the *Amoraim* or the *shakla ve-tarya* didn't cite it? Doesn't that mean it isn't important?”

Even when *Amoraim* or the *shakla ve-tarya* don't bring the *Tosefta* explicitly, it is still in the background of their discussions. For instance, the *Ba'alei ha-Tosafot* frequently bring sources from the *Tosefta* that are not mentioned in the *sugyot*.

5. “What about the child's need for abstract thinking before the 9th grade?”

Abstract thinking can certainly be done selectively on the three types of *mishnah* even before the final stage of *shakla ve-tarya*. However, from ages 10 – 15, the primary goal is accumulation of knowledge from the three types of *mishnah* to enable significant abstract thinking at the final stage. Early introduction of abstraction or conceptualization is no surety for its effective development in children.

Conclusion:

The Mishnah revolution is a return to staged and spiraled study as defined by *Hazal*. Traditional Jewish education would be expected to be loyal, first and foremost, to those who transmitted the *mesorah* to us from ancient times, especially with regard to methods for study of that *mesorah*. In modern schools, the failure in *Torah she-be'al peh* instruction is directly related to the departure from the methods of the *mesorah*. Learning *Torah she-be'al peh* in accordance with the abovementioned spiral of skills is underway in approximately seventy schools in Israel, and in approximately thirty-five schools in North America, in the form of new curricula for Mishnah (the *Ve-Shinantam* Mishnah Program) and Talmud (*Ve-Dibarta Bam* Program for *hathalat talmud*). Initial reports about program results are encouraging.¹⁸ Rebuilding *mesorah* in the schools will enable a renaissance in the appreciation and understanding of *Torah she-be'al peh*, and will herald a period in which כל בנייך לימודי ה', ורב שלום בנייך.¹⁹

NOTES

- 1 Vocalization, trope, and division into *parashiyot* and *sedarim* are all *Torah she-be'al peh*.
- 2 תמוד בבלי מסכת גיטין דף ס עמוד ב
א"ר יוחנן: לא כרת הקב"ה ברית עם ישראל אלא בשביל דברים שבעל פה, שנאמר: (שמות ל"ד) כי על פי הדברים האלה הכרתי אתך ברית ואת ישראל.
משנה אבות ה: כ"כא: "בן חמש למקרא" וכ"ו
- 3
- 4 In numerous surveys conducted in Israel, students consistently rated Talmud as their least favored subject.
- 5 HaTzofe, ספרים וסופרים supplement, 2003.
- 6 In the *Hinukh Atzma'i* system, the *yeshiva ketanah* is the equivalent of the *yeshiva* high school in the *mamlakhti dati* sector, grades 9-12.
- 7 For example:
תמוד בבלי מסכת מגילה דף כח עמוד ב:
תנא דבי אליהו: כל השונה הלכות מובטח לו שהוא בן עולם הבא, שנאמר (חבקוק ג) "הליכות עולם לר", אל תקרי הליכות אלא הלכות.
- 8 הלכות תלמוד תורה פרק א הלכה יא
וחייב לשלש את זמן לתידתו, שליש בתורה שבכתב, ושלש בתורה שבעל פה, ושלש יבין וישכיל אחרית דבר מראשיתו, ויוציא דבר מדבר, ויבין במדות שהתורה נדרשת בהן, עד שידע היאך הוא עיקר המדות, והיאך יוציא האסור והמוותר וכיוצא בהן, מדברים שלמד מפי השמועה, וענין זה הוא הנקרא גמרא.

- 9 פרי עץ חיים, (הרב חיים ויטל), חלק ב', שער הנהגת הלימוד, עמ' שניו
 "...ועתה נבאר סדר קריאת השבוע. וקודם נבאר מ"ש בזוהר, כי מארי מקרא הם המעשיה, ומארי
 משנה הם ביצירה, ומארי תלמוד בבריאה, ומראי קבלה באצילות. ואדרבה היה נראה להיפך, כי
 תורה שבכתב הוא למעלה מתורה שבע"פ. אך הענין, כי באצילות יש כל מה שלמטה ממנו, ויש שם
 תורה שבכתב שהוא מקרא. עם משנה ותלמוד וקבלה. אך בבריאה, יש שם מקרא משנה ותלמוד,
 וחסר שם ענין הקבלה, ולכן הקבלה שהוא באצילות לבדו, נקרא האצילות מארי קבלה. וכן
 הבריאה נקרא מארי תלמוד, לפי שביצירה חסר תלמוד. וכן היצירה נקרא מארי משנה, לפי
 שבעשיה חסר משנה, ואין שם אלא מקרא בלי שום פי אחר, ולכן הוא גרוע מכולן, והבן. ודע, כי
 בכלל היצירה יש מדרש והגדה. ואולם מה שאנו אומרים כי תלמוד הוא בבריאה, הוא תלמוד שהוא
 הפי המשניות והמסא ומתן ופלפול, אבל הדינין שבתלמוד ושאר המימראות שאינו ביאר על
 המשנה, אינם בכלל התלמוד אלא בכלל משנה ומדרש ואגדה, ולכן הם ביצירה..."
- 10 שולחן ערוך הרב, הלכות תלמוד תורה, פרק ב
 "...חייב הוא לשלש זמן למידתו שבכל יום ויום שליש במקרא שליש במשנה שהן הלכות פסוקות
 בלי טעמים שבכל המשניות וברייתות ומימרות האמוראים שהן פירוש התרי"ג מצות שבתורה
 שבכל תנאיםם ודקדוקיהם ודקדוקי סופרים. ובזמן הזה גם הלכות פסוקות של פסקי הגאונים
 הפוסקים כמו נטור והש"ע והגהותיו בכלל משנה (ע' ח"מ ס"י כ"ה ובאורי' שם ס"ק כ"ב וד' ימ"ז ע"ב)
 יחשבו. ושליש בתלמוד המבאר טעמי ההלכות שבמשניות וברייתות ומימרות האמוראים ובזמן
 הזה גם בספרי הפוסקים הראשונים המבארים טעמי ההלכות פוסקות שפסקו הטור וש"ע במו
 הרא"ש וב". כי אם אינו יודע טעמי ההלכות אינו מבין גופי ההלכות לאשורן על בורין..."
- 11 תלמוד בבלי מסכת תענית דף ז עמוד ב
 ריש לקיש אמר: אם ראית תלמיד שלמודו קשה עליו כברזל - בשביל משנתו
 שאינה סדורה עליו..."
- 12 *Op. cit.* (n. 10). Rav Safra's prescription appears in *Kiddushin* 30a.
- 13 Most learners of Talmud are under the impression that the Amoraim in the Talmud are quoted in Aramaic, but in reality, the sources of the Amoraim in the Talmud are over 85% in Hebrew. The remaining 15% that are in Aramaic consist of dialogues, halakhic stories, *aggada* and *piskei din* quoted from *teshuvot* to the common people.
- 14 The likely explanation for this phenomenon is that *memrot* are *piskei halakhah*, and the halakhah must be reported in the name of the *posek*, while *shakla ve-tarya* is a conceptualization of *pesak halakhah* and is independent of the scholar who suggested it.
- 15 Thus, *shakla ve-tarya* must be from either the very end of the Amoraic period, or from the Saboraim who followed them.
- 16 For instance, see the *Bach* on *Tur Even ha-Ezer* 6 in explanation of the *pesak* of the Rambam.
- 17 For instance, see Rashi on the first *mishnah* of *Masekhet Shevu'ot*.
- 18 See the report of Rabbi Shmuel Jablon in: *Educational Leadership*, Lookstein Center for Jewish Education in the Diaspora, November, 2006.
- 19 Pinchas Hayman can be contacted at:
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EATING BEFORE DAVENING*

The Problem:

In most day schools, the day begins with *shaharit*. This not only affords students the opportunity to participate in *tefillah be-tzibbur* but also provides an excellent opportunity to train students in the minutiae of the liturgy as well as the rituals and customs associated with prayer. The pedagogical benefits of davening in a school setting cannot be stressed too strongly. Nevertheless, on occasion, *tefillah* in the context of such educational experience does give rise to complex halakhic issues.

Many students commute to school. As a result, a significant period of time may elapse between the times they wake in the morning until the conclusion of *shaharit* in school. Quite understandably, they wish to eat breakfast before leaving home and hence before davening *shaharit*. In addition, a demanding dual curriculum and the need to provide time for extracurricular activities as well make it difficult to provide sufficient time after *shaharit* for breakfast at school. And, of course, the school administration may find it difficult to provide a nutritious breakfast in addition to lunch. As a result, many schools expect students to eat breakfast at home. The halakhic propriety of such a policy is open to serious question.

* Dedicated in honor of the *bat mitzvah* of our daughter, whose birth instigated my long journey of inquiry into Torah and educational values.

The Prohibition against Eating Before Davening: Biblical or Rabbinic?

The Gemara (*Berakhot* 10b), queries, “What is the meaning of the verse, ‘You shall not eat on the blood’ (Lev. 19:26)? It is prohibited to eat before one prays for one’s blood.”¹ The Gemara continues with a variant source for the same prohibition: “Whosoever eats and drinks and then prays, regarding such an individual the verse says, ‘You threw me after your body’ (I Kings 14:9). Do not read ‘your body’ [*gavvyekha*] but rather ‘your haughtiness’ [*geiyakha*]. God exclaims, ‘After you have made yourself haughty you accept upon yourself the yoke of Heaven.’”² The concept reflected in that dictum is that self-gratification by means of attention to one’s corporeal needs before prayer is a form of egocentrism or “haughtiness.”

Sefer Pekudat ha-Levi'im (*Berakhot* 10b), whose authorship is attributed to R. Aaron ha-Levi (known as R'AH), declares that the obligation of *tefillah* is biblical and hence the prohibition to eat before davening, derived from *lo tokhlu al ha-dam*, which is also a biblical verse, is biblical in nature as well.³ Similarly, *Minhat Hinnukh*, no. 248, sec. 5, infers from the comments of *Sefer ha-Hinnukh* that the prohibition to eat before davening is biblical in nature.⁴ From the comments of Rambam, *Sefer ha-Mitzvot* (*shoresh* 9), it would appear that he also maintains that the prohibition is biblical in nature.⁵ However, as noted by R'AH, the identical verse is cited as establishing a number of other prohibitions as well; hence, the prohibition constitutes a *lav she-be-klalut*, i.e., a prohibition not directed exclusively to a particular activity, and for that reason it does not engender statutory punishment in cases of transgression.⁶

However, as noted by *Minhat Hinnukh* himself, the comments of Rambam (*Hilkhot Tefillah* 6:4), would seem to indicate that Rambam maintains that, although the obligation with regard to prayer is biblical in nature, the prohibition against partaking of food before prayer is rabbinic nevertheless.⁷ It is also evident that a number of other authorities, including the *Talmidei Rabbenu Yonah* (*ad loc.*), Rosh (*Berakhot* 1:10), Me'iri, (*ad loc.*), and *Hiddushei ha-Ritva* (*Berakhot* 10b), also maintain that the prohibition is rabbinic in nature.

It should be noted, assuming that the obligation to pray on a daily basis is biblical in nature, that the biblical obligation does not require

recitation of the entire prayer service or even of *shemoneh esreh*. Recitation of even a brief supplication of any type serves to fulfill the biblical obligation. Hence, once such a brief prayer has been uttered, there can no longer be a biblical prohibition against eating.⁸

The alternative derivation of the prohibition from I Kings 14:19, rather than from a verse in the Pentateuch, certainly does not give rise to a biblical prohibition. More significantly, the prohibition derived from I Kings is not a ban against eating before prayer but a prohibition against eating before accepting the “yoke of Heaven,” i.e., recitation of the *shema*. Hence, if that is the sole prohibition, once a person has recited the *shema*, it would be permissible for him to partake of food even if he has not yet recited the *amidah*.⁹

Unfortunately, in earlier generations, there was a certain laxity in some circles with regard to these prohibitions. The Hafetz Hayyim found it necessary to decry the fact that some individuals had become accustomed to eating prior to davening and donning *tefillin*. He found it necessary to admonish all members of the Jewish community “not, Heaven forefend, to place any food whatsoever in our mouths prior to davening and donning *tefillin*.”¹⁰

Drinking Before Prayer

RAVYAH (*Berakhot* no. 30) rules that the prohibition against eating food before prayer applies to drinking liquids as well. However, he adds, it would appear to him that the prohibition against drinking liquids is limited to drinking intoxicating beverages because it is the euphoria induced by such beverages that constitutes self-gratification or “haughtiness” prohibited before reciting *shema*. He concludes his comments with the statement that, accordingly, it is permitted to drink water before prayer. Taken as a whole, his comments are contradictory: His preliminary comment serves to prohibit only intoxicating beverages with the implication that beverages such as juice and soda are entirely permissible. However, RAVYAH’s concluding remark seems to indicate that it is only water that is permitted before prayer.¹¹

Or Zaru’a (I no. 108) states that, according to RAVYAH, wine, beer and mead are prohibited, intimating that beverages such as fruit juice would be permitted. He then reports that he saw RAVYAH—his teacher—drink water before prayer. The fact that RAVYAH happened to

drink water does not necessarily demonstrate that he would not similarly permit all non-intoxicating beverages. However, *Agudah* (no. 22) cites RAVYAH only to the effect that it is permitted to drink water before prayer.¹² *Tur* (*Orah Hayyim* no. 8), similarly cites RAVYAH as permitting water. That ruling is also recorded in *Shulhan Arukh* (*Orah Hayyim* 89:3).¹³ From the statements of all these authorities, it would appear that it is permitted only to drink water but that other non-intoxicating beverages are forbidden prior to davening.

The permissibility of drinking even water before prayer is a matter of dispute. *Ma'aseh Rokeah* (*Hilkhot Tefillah* 6:4), and *Arukh ha-Shulhan* (*Orah Hayyim*, 89:23) infer from the comments of Rambam (*Hilkhot Tefillah* 6:4) that Rambam prohibits even the drinking of water prior to davening.¹⁴ *Ben Ish Hai* (*Shanah Rishonah, Parashat Yitro* no. 18), prohibits drinking water prior to davening unless it is essential for *yishuv ha-da'at*, i.e., in order to concentrate upon prayer, or for medical purposes. *Birkei Yosef* (*Orah Hayyim* 89:4), declares that one who is stringent and does not drink even water prior to davening “is deserving of blessing” (*tavo alav berakhah*). Nevertheless, it is clear that the normative halakhic rule is that one may drink water prior to davening in accordance with the ruling codified by *Shulhan Arukh*.

Bet Yosef (*Orah Hayyim* 89), cites a ruling of Mahari Aboab who maintains that according to RAVYAH, who permits drinking water prior to davening, it is similarly permitted to eat and drink for medical purposes. Water is permitted because it is not consumed for pleasure; similarly, the intent of an ill person who eats before prayer is not self-gratification. Hence, partaking of food by such a person is not in the nature of haughtiness. Conversely, Mahari Aboab cites *Orhot Hayyim* as maintaining that if it is prohibited to drink water it is also forbidden for a sick person to eat before prayer for medical reasons. Mahari Aboab concludes his comments by declaring that he subscribes to the view of RAVYAH. That position is accepted by *Shulhan Arukh* (*Orah Hayyim* 89:3), as well. The parameters of the dispensation for drinking or eating for medical reasons will be discussed in a later section.

Tea and Coffee

Pri Hadash (*Orah Hayyim* 89:3), rules that it is permissible to drink coffee before prayer just as it is permissible to drink water. *Pri Hadash*

adds that, especially in Egypt, presumably because of the excessive humidity in that country, drinking coffee before davening is to be recommended in order to assure tranquility of mind (*yishuv ha-da'at*) necessary for *kavvanah*, or concentration, in prayer.¹⁵ Nevertheless, he declares, adding sugar to the coffee or eating foodstuffs made of flour in order not to drink on an empty stomach is prohibited. Earlier, in the sixteenth century, *Teshuvot Radvaz* (IV, no. 238) prohibited drinking water laced with sugar prior to davening other than for a person who required such a drink for health purposes. Similarly, *Hayyei Adam* (15:1) prohibits drinking coffee with sugar or milk prior to *tefillah* and permits only tea and coffee without milk or sugar. *Pri Hadash's* ruling permitting only black coffee but prohibiting coffee with sugar is also accepted by *Birkei Yosef* (89:2).

Rabbi Abraham Chaim Noeh, *Ketzot ha-Shulhan* (10:2), also rules that it is permissible to drink only tea and coffee without milk or sugar, but nevertheless comments that it has become customary to drink such beverages with sugar prior to *tefillah* and that people who engage in that practice do so in reliance upon respected authority (*yesh la-hem al mah lismokh*). In a parenthetical comment, he explains that in contemporary times it has become customary to add a small quantity of milk to tea and coffee in order to facilitate tranquility of mind as an aid in prayer. *Ketzot ha-Shulhan* emphasizes that a person who can manage without milk and sugar should be careful to drink only plain tea or coffee.

Rabbi Abba Ben Zion Sha'ul, *Or le-Zion* (III, 62), permits the use of saccharine as a sweetening agent because saccharine has no nutritional value. Since it is devoid of nutritional value, the use of such a substitute cannot be considered *derekh ga'avah*, i.e., a form of haughtiness or hubris. That ruling is accepted by Rabbi Yitzchak Yosef, *She'erit Yosef* (Jerusalem, 1995; p. 282). It has been reported orally that the late R. Jacob Kaminetsky ruled in a similar fashion.¹⁶ It would appear that according to this position, diet sodas which contain only water and artificial flavoring and artificial sweeteners would also be permitted before davening.

Nevertheless, some authorities are lenient in permitting tea and coffee with sugar. Their rationale is that many people find unsweetened coffee and tea too bitter to drink. For them, the addition of sugar to the beverage is not for the purpose of self-indulgence; rather, the purpose is

simply to render those beverages potable.

Mishnah Berurah (89:22) distinguishes between stirring sugar into the tea, which he argues is prohibited since the purpose is to sweeten the tea, and putting a sugar cube into one's mouth and sipping the tea through the cube of sugar. In the latter case, the purpose of the sugar, contends *Mishnah Berurah*, is merely to make the beverage potable. This latter type of drinking, he rules, is not a form of *ga'avah* or self-indulgence.¹⁷

Arukh ha-Shulhan (*Orah Hayyim* 89: 23), rejects that distinction but permits even stirring sugar into tea and coffee. *Arukh ha-Shulhan* argues that mixing sugar in tea or coffee is not tantamount to eating sugar since the sugar is ancillary in nature and serves merely to enhance the beverage. He also permits both soda water or seltzer and "lemonade,"¹⁸ which in his locale was the generic term for all soda, since "lemonade" is merely flavored water.

In contradistinction to *Mishnah Berurah's* position, *She'elot u-Teshuvot Teshurat Shai* (1, no. 367) contends that when sugar is stirred into a hot drink it dissolves and loses its identity thereby becoming secondary or *battel* to the hot drink. However, sugar held between the teeth remains a separate entity and is prohibited.¹⁹

Rabbi Shlomo Zalman Auerbach is reported to have asserted that *Mishnah Berurah's* distinction is not applicable in contemporary society. Unlike the practice prevalent in Lithuania and Poland a century ago where tea was customarily sipped through cubes of sugar held between the teeth, contemporary practice is to add sugar directly to tea or coffee. In our society, he argues, placing sugar in the mouth and sipping tea or coffee through the sugar is to be regarded as a form of "haughtiness" or *ga'avah*. In effect, Rabbi Auerbach maintained that the manner in which it may be permissible to drink tea or coffee with sugar prior to davening is contingent upon the social practice of the locale in which a person resides.²⁰ Any departure from the social mode in drinking a sweetened beverage before prayer, rules Rabbi Auerbach, is forbidden as a form of haughtiness.²¹

Rabbi Ovadiah Yosef, *Yabi'a Omer* (IV, *Orah Hayyim* no. 11, sec. 9), observes that, at the time of *Pri Hadash*, it was common practice to drink coffee without sugar with the result that adding sugar represented a form of self-indulgence. However, since at present it is a common

practice to drink coffee with sugar, he asserts that even *Pri Hadash* would permit the practice.

There are two other grounds for leniency in permitting use of sugar in tea and coffee. First, as noted previously, many authorities who permit drinking water before prayer do so because they maintain that only intoxicating beverages are prohibited prior to prayer. Hence, according to those authorities, hot drinks, containing sugar and even non-intoxicating fruit juice are permitted.

Another, rather curious, ground for leniency is that *Be'er Heitev* (*Orah Hayyim* 89:11), citing *Yad Aharon*, notes that since the prohibition is based upon the verse “do not eat on the blood” only foodstuffs and beverages that “increase blood” are prohibited. *Yad Aharon* asserts that coffee and sweetened drinks do not “increase blood” and hence are permitted. Why it is that coffee and tea do not “increase blood” even when sweetened is left unexplained.²²

Tea and Coffee with Milk

Although many authorities permit coffee and tea with sugar, adding milk to these beverages is even more problematic. *Sedei Hemed*, *Ma'arekhet Rosh ha-Shanah* (*ma'arekhet alef* no. 1), rules that it is prohibited to add milk to tea or coffee prior to prayer because it “increases blood.” *Sedei Hemed* takes cognizance of the fact that some authorities permit sweetened tea and coffee on the grounds that since, in contemporary times, people do not customarily drink these beverages without sugar, drinking tea or coffee with sugar is not considered to be a form of *ga'avah*. However, *Sedei Hemed* asserts, it is quite common for people to drink sweetened black coffee and tea without milk; hence, the addition of milk is to be considered to be for purposes of heightened pleasure which is prohibited before prayer.²³ Both *Mishnah Berurah* (89:22) and *Arukh ha-Shulhan* (89:23) similarly forbid drinking coffee and tea with milk prior to prayer.

However, contrary to *Sedei Hemed's* assertion, Maharsham *Da'at Torah* (89:3) observes that in contemporary times “everyone” drinks coffee with milk because people find it difficult to drink black coffee. Accordingly, he concludes that, in our day,²⁴ drinking coffee with milk before prayer does not involve *ga'avah*.²⁵

Beyond the question of *ga'avah*, however, drinking coffee with milk

prior to prayer involves a more fundamental issue. The Gemara (*Keritot* 13b), records that the prohibition against entering the *beit ha-mikdash* and against rendering a halakhic pronouncement after partaking of intoxicating beverages is not limited to alcoholic beverages but also includes other liquids such as honey and milk which are “intoxicating” in nature. As noted previously, a number of earlier authorities, including RAVYAH, explicitly prohibited intoxicating beverages prior to *tefillah*. Accordingly, coffee or tea mixed with milk would also be forbidden on that account.²⁶

Nevertheless, *Teshurat Shai* (no. 367), asserts that milk is intoxicating only when unadulterated, but, if it is merely added to coffee, it ceases to be intoxicating in nature. Rabbi Yosef, *Yabi'a Omer* (IV, *Orah Hayyim* no. 12, sec. 13), asserts that the natural properties or effects of milk have become transformed over time (*nishtaneh ha-teva*) with the results that, in our day, milk is no longer intoxicating in nature.²⁷

In light of the controversy regarding whether it is permitted to drink coffee with milk prior to prayer both *Yabi'a Omer* (IV *Orah Hayyim* no. 12, sec. 21) and *Keren Le-David* (*Orah Hayyim* no. 21), recommend that one recite *birkhot ha-shahar*, including the final blessing which contains a supplication in the form of a *yehi ratzon*, as well as the first verse of *shema* and *barukh shem kevod malkhuto le'olam va'ed* before drinking coffee with milk.²⁸

The Zohar

The *Zohar* (*Parashat Va-Yakhel*), is highly critical of persons who eat prior to davening. The *Zohar* declares that a person who eats prior to prayer “in order to cause his blood to return to its place” is tantamount to a *me'onen* and *menahesh*. The comment of the *Zohar* is cited by *Magen Avraham* (89:14) who reports that R. Hayyim Vital refused to eat prior to *tefillah* even if he woke up at midnight, long before the time for prayer. *Pri Megadim* (*Eshel Avraham* 89:14), comments that, although the *Zohar* prohibits eating prior to prayer, “perhaps” drinking prior to prayer is permitted. A similar distinction is made by *Ba'er Heitev* (89:15). However, some authorities understand the *Zohar* as prohibiting even drinking prior to prayer.²⁹ Nevertheless, *Pri Megadim* notes that it is evident from the ruling of *Shulhan Arukh* (*Orah Hayyim* 564:1), regarding how late one may eat in the early hours of the morning prior to a fast

provided that one has had intent to do so prior to retiring, that *Shulhan Arukh* permits partaking of food after midnight until a half hour before the time of *keri'at shema*. The comments of REMA (681:2) indicate that on *erev Rosh ha-Shanah*, when it is customary to fast, the practice of many people was to eat prior to dawn. REMA clearly permits eating after waking during the night and maintains that the prohibition regarding partaking of food before prayer does not apply until morning.³⁰ *Yabi'a Omer* (IV *Orah Hayyim* no. 11, sec. 7), also concludes that the consensus of halakhic authorities is that eating and drinking after retiring for the night is permissible but that a person who wishes to be stringent in this regard in accordance with the position of the *Zohar* is deserving of blessing.

Reciting *Birkhot Ha-Shahar* Before Eating

Shulhan Arukh (*Orah Hayyim* 89:3) rules that it is prohibited for a person to engage in mundane pursuits or to embark upon travel prior to davening *shemoneh esreh*. REMA, *ad loc.*, records the opinion of early-day authorities who permit engaging in mundane pursuits after pronouncement of the “morning blessings” recited prior to the *shaharit* service and rules accordingly.³¹ *Teshuvot Mahari Steif* (no. 41) asserts that the same rule applies to eating and hence that it is permitted to eat after reciting *birkhot ha-shahar*.³² Similarly, R. Reuven Margolis, *Nefesh Hayyah* (89:2), asserts that, since the biblical obligation of prayer is fulfilled by offering even a simple supplication, the recitation of *birkhot ha-shahar* serves to satisfy the biblical obligation of prayer and it is therefore permitted to eat even if one has not yet fulfilled the rabbinic obligation.³³

Keren le-David (IV *Orah Hayyim* no. 21, sec. 4) concedes, in effect, that with recitation of *birkhot ha-shahar* the obligation of *tefillah* has been fulfilled and hence there are grounds to assume that the prohibition of “do not eat on the blood” no longer obtains. However, *Keren le-David* observes that there is also a second prohibition, i.e., *oti hishlahta aharei gavvekha*, which, as noted previously, applies to eating before recitation of *shema*.³⁴ Accordingly, he requires that both *birkhot ha-shahar* and *shema* be recited before partaking of food.³⁵ A similar view is expressed by Rabbi S.Z. Braun, *She'arim Metzuyananim be-Halakhah* (8:2), and R. Reuven Margolis, *Nefesh Hayyah* (*Orah Hayyim* 89:2, 89:3).³⁶

Moreover, a careful reading of REMA does not appear to bear out

the thesis of Mahari Steif. *Shulhan Arukh* (*Orah Hayyim* 89:3) records two distinct *halakhot*: (1) the prohibition against engaging in mundane pursuits or travel prior to prayer; (2) the prohibition against eating and drinking prior to prayer. REMA modifies only the first halakhah in ruling that *tefillah* should not be construed as recitation of *shemoneh esreh*; he does not append a similar gloss to the second ruling to the effect that one may not eat or drink prior to *tefillah*; i.e., he does not comment that the requirement of *tefillah* is satisfied for this purpose by recitation of *birkhot ha-shahar*. Accordingly, it would appear that REMA maintains that, although it is permitted to engage in mundane pursuits after reciting *berkakhot* it is nevertheless prohibited to eat and drink until after one has recited *shemoneh esreh*.³⁷

Eating and Drinking for Reasons of Health

Shulhan Arukh (*Orah Hayyim* 89:3) rules that it is permissible to eat and drink before prayer for therapeutic purposes (*refu'ah*). *Magen Avraham* (89:12) comments that, under such circumstances, the prohibition is not at all applicable since the purpose of eating or drinking is not self-indulgence and hence is not an expression of haughtiness. *Pri Hadash* adds that, since no haughtiness is involved, even if a sickly person might delay eating until after prayer without causing harm to himself, there is no need for him to do so.³⁸ *Hayyei Adam* (*kelal* 16:1), followed by *Mishnah Berurah* (89:22) and *Bi'ur Halakhah* (89: 3), s.v. *ve-ken okhlin*, adds that eating in order to assuage “weakness of the heart” is also considered to be therapeutic and is permitted.³⁹ Hafetz Hayyim, *Nidhei Yisra'el* (chap. 8), qualifies the leniency of *Hayyei Adam* in ruling that eating under such circumstances is only sanctioned if, health permitting, the individual has already fulfilled the biblical obligations of donning *tefillin* and reciting *shema*.⁴⁰

Nevertheless, it stands to reason that a person who eats because of considerations of health should limit consumption of food to the quantity necessary for that purpose.⁴¹ For that reason, Rabbi Shlomo Zalman Auerbach rules that if a person can satisfy his health needs by eating less than the quantity of a *ke-zayit*, or if he can consume the required amount of food (i.e., even more than a *ke-zayit*) within a time span no longer than required to consume an *akhilat peras*, then he should not eat an entire *ke-zayit* at once.⁴² As stated by *Havvot Ya'ir* in his *Mekor Hayyim* (89:3), consumption of such a minimal quantity of food does

not constitute a violation of the prohibition of “do not eat on the blood.”⁴³

Nevertheless, *Bi'ur Halakhah* (s.v. *ve-lo le-ekhol*), rules that if a person must eat prior to prayer for medical purposes he should recite *keri'at shema* before eating.⁴⁴ Contrary to a literal reading of *Magen Avraham*, *Mishnah Berurah* apparently maintains that partaking of food before prayer, although permitted for health reasons, involves an element of “haughtiness”⁴⁵ and, accordingly, one should recite *shema* prior to eating.⁴⁶

Hunger and Thirst

Rambam (*Hilkhot Tefillah* 5:2) rules that people who are thirsty or who experience hunger⁴⁷ are deemed to be ill (*harei hen bi-khlal ha-holim*) with the result that, if they are not capable of concentration in prayer, they should not daven until they eat and drink.⁴⁸ Rambam's ruling is cited by *Shulhan Arukh* (89:4), who adds that a person who is hungry or thirsty and cannot concentrate on prayer need not pray until he eats and drinks *if he so desires*. Although Rambam maintains that a person who cannot concentrate because of hunger or thirst *must* eat or drink before prayer, *Shulhan Arukh* rules that in such circumstances eating or drinking is merely optional. R. Joseph Karo, *Bet Yosef* (*Orah Hayyim* 89), explains that his disagreement with Rambam is based upon the consideration that, in contemporary times, even perfectly healthy individuals generally lack the optimally requisite *kavvanah*.⁴⁹ However, *Bi'ur Halakhah* (89:3, s.v. *ve-ken okhlin*) rules that if a person cannot delay eating until the completion of communal services it is preferable to daven privately and afterwards go to the synagogue in order to participate in *kaddish* and *kedushah*, etc. According to *Bi'ur Halakhah*, it would follow that if a student is very hungry and cannot concentrate on prayer or if he cannot eat breakfast until after davening for some other reason, it is preferable for him to pray at home but later to attend *minyan* in school in order to respond to *kaddish* and *kedushah*, etc.

If some students do rely upon the opinion of those who permit eating before davening, it is incumbent upon the school to explain that such a practice is permitted only in order to assure that the student has the requisite *kavvanah* in *tefillah*. Providing that explanation also presents a pedagogical opportunity to emphasize the significance of *kavvanah* in davening.⁵⁰

Girls and Women

As previously noted, *Magen Avraham* (106:2) asserts that, according to Rambam, the biblical obligation of prayer is satisfied by a single prayer once a day. Hence, it may be the case that if a woman utters a petition or supplication she thereby fulfills her obligation of biblical prayer and that, according to Rambam, she is under no further rabbinic obligation to pray. However, a careful reading of Rambam (*Hilkhot Tefillah* 1:2) indicates that the minimum obligation of prayer includes an expression of His praise, a request and an expression of gratitude. Rabbi Shlomo Zalman Auerbach notes that recitation of *modeh ani* is not sufficient to fulfill the obligation because that prayer is simply an expression of praise and thanksgiving but does not contain a supplication. Nevertheless, if a person recites *modeh ani* and also utters a supplication he would thereby fulfill the minimum obligation of prayer.⁵¹ Ramban, in disagreeing with Rambam, maintains that the obligation of daily *tefillah* is rabbinic in nature and that both men and women are obligated to pray at least twice a day. Accordingly, *Mishnah Berurah* (106: 4) rules that women must recite the *shemoneh esreh* of *shaharit* and of *minhah*.⁵²

Rabbi Auerbach, unlike *Mishnah Berurah*, maintains that women have generally conducted themselves in accordance with the opinion of *Magen Avraham*.⁵³ Accordingly, R. Auerbach permits women to eat after they have recited *modeh ani* and a supplication which is satisfied by reciting the *yehi ratzon* which is part of the final blessing of the *birkhot ha-shahar*.⁵⁴ Rabbi Moshe Feinstein, *Iggerot Mosheh* (*Orah Hayyim* IV, no. 101, sec. 2), asserts that although women have accepted the obligation of reciting *shemoneh esreh*, they have not accepted upon themselves the obligation of not eating prior to prayer. Accordingly, Rabbi Feinstein rules that women are permitted to eat after reciting words of praise, a petition and an expression of thanksgiving.⁵⁵

Rabbi Auerbach further asserts that although women are exempt from reciting *shema*, as recorded in *Shulhan Arukh* (*Orah Hayyim* 70:1), it is nevertheless appropriate for them to recite *shema* and to refrain from partaking of food prior to doing so.⁵⁶

In light of this analysis, there appears to be sufficient authority to permit girls to recite *birkhot ha-shahar* and *keri'at shema* at home, eat breakfast and then recite the rest of the morning service in school.

Female students may rely on a combination of leniencies: (a) they may have fulfilled their obligation of prayer through reciting *birkhot ha-shahar*;⁵⁷ (b) reciting *birkhot ha-shahar* and *keri'at shema* may be sufficient to obviate the prohibition of eating and drinking before prayer; and (c) individuals who are hungry and thirsty may be permitted to eat prior to prayer in order to enhance their *kavvanah*. As noted, *Mishnah Berurah* does not accept any of those leniencies. Girls who follow the ruling of *Mishnah Berurah* should daven *be-yehidut* and then participate in the school *minyán* for the purpose of reciting *kaddish*, *kedushah*, etc.

Hinnukh

The prohibition against eating prior to *tefillah* applies only to students who have reached the age of halakhic majority, i.e., 13 for boys and 12 for girls. *Magen Avraham*, (*Orah Hayyim* 106:3) rules that minors are permitted to eat prior to davening.⁵⁸ *Eliyahu Rabbah* (106:2) disagrees with *Magen Avraham's* ruling and maintains that there is an obligation to train children not to eat prior to davening.⁵⁹ The consensus of halakhic opinion is in accordance with the ruling of *Magen Avraham* as is reflected in the rulings of *Magen Gibborim* (106:4.) *Shulhan Arukh ha-Rav* (*Orah Hayyim* 106:3), *Arukh ha-Shulhan* (*Orah Hayyim* 106:8) and *Mishnah Berurah* (106:5).⁶⁰ Nevertheless, *Kaf ha-Hayyim* (106:11) rules in accordance with the opinion of *Eliyahu Rabbah* and adds that it is inappropriate to provide children with food prior to davening since they will become habituated to eating prior to prayer and will continue to do so even when they become adults.⁶¹ A number of Sephardic decisors rule that when a minor reaches the age of 12 it is appropriate to train him not to eat prior to *tefillah*.⁶²

Conclusion

According to the majority of halakhic authorities, minor children may be permitted to eat breakfast at home prior to prayer in school. According to many authorities, young women may eat breakfast prior to davening in school provided that they recite *birkhot ha-shahar* and *shema* before breakfast. It is certainly preferable for young men to daven at home *be-yehidut* and then to eat breakfast rather than to eat before davening in school. Nevertheless they may be permitted to drink water, coffee, tea and even diet soda prior to *tefillah*.

If the student does decide to eat breakfast at home and then pray in school it should be made clear to him that the leniency is based upon the need for concentration in prayer and the importance of *kavvanah* in *tefillah* should be stressed. It is certainly preferable, both for reasons of halakhah and pedagogy, that the school provide breakfast after *shaharit* for *all* students, female as well as male, in order to render it unnecessary for them to eat before davening.

NOTES

1. In explaining the rationale underlying the prohibition against eating “before one prays for one’s blood,” *Torah Temimah*, Lev. 19:26, no. 202, notes that the Gemara, *Sanhedrin* 63a, states that the prohibition against eating the meat of sacrifices before sprinkling its blood on the altar is also derived from the same verse. *Torah Temimah* observes that since the essence of the sacrifice is the sprinkling of blood and our prayers are in lieu of sacrifices, it is forbidden to partake of food prior to prayer just as it is forbidden to partake of the flesh of a sacrifice prior to sprinkling its blood. Rabbi Abraham Chaim Feuer, *Shemoneh Esrei* (Brooklyn: Mesorah Publications, 1990), p. 13, suggests homiletically that man’s body does not belong to him and he is granted no authority over his body until he prays. Only by first acknowledging God and His dominion over man is a person granted authority over his body, i.e., permission to eat and drink. That notion was previously expressed by *Ein Ya’akov*, *Berakhot* 10b.
2. *Melo ha-Ro'im* (*Berakhot* 10b), citing the *Zohar*, comments that the prohibition of *lo tokhlu al ha-dam* is limited to partaking of food before the morning prayers. That is clearly also the opinion of Me’iri, *ad loc.* However, from the comments of *Piskei RYD*, *ad loc.*, it appears that he maintains that the prohibition of *lo tokhlu al ha-dam* applies to all *tefillot*. That is also the opinion of R. Ya’ir Chaim Bacharach, author of *Havvot Ya’ir*, in his newly-published *Mekor Hayyim* (Ramat Gan, 1997) 89:5. See, however, the comments of R. Yechiel Michal Stern, *Midrash Halakhah*, Lev. 19:26, pp. 441-442, and of R. Ovadiah Yosef, *Yabi’a Omer*, IV (*Orah Hayyim*, no. 11, sec. 2), who conclude that the consensus of halakhic opinion is that the prohibition is limited to *shaharit* prayers. *Melo ha-Ro'im*, however, maintains that the prohibition of *oti hishlakhtah* applies to partaking of food before *minhah* as well. See, however, *Yabi’a Omer*, *ad loc.*, who maintains that the latter prohibition also does not apply to *minhah*.
3. R’AH seems to assume that whether this prohibition is biblical or rabbinic is contingent upon whether the obligation of daily prayer is biblical or rabbinic.

Cf., however, R. Yitzchak Arieli, *Einayim la-Mishpat*, (*Berakhot* 10b), and Rabbi Avraham Ya'akov Zilberstein, "He'arot ve-He'arot be-Sefer ha-Hinnukh," *Minhat Hinnukh*, mitzvah 248, *Avnei Hen* (Jerusalem, 2005), I, 396, who both argue that the prohibition may be biblical even if the obligation with regard to daily prayer is rabbinic.

Rabbi Arieli also observes that, even if the obligation to pray is biblical, it may well be the case that the prohibition against eating before prayer is rabbinic in nature. See also *Yabi'a Omer*, IV (*Orah Hayyim*, no. 11, secs. 1-4), who demonstrates that the consensus of halakhic opinion is that the prohibition is rabbinic in nature.

- 4 The authorship of *Sefer ha-Hinnukh* is generally attributed to R'AH as well. For an extensive discussion of the authorship of this work see David Metzger, "Sefer ha-Hinnukh u-Mehabro," published as an introduction to the Makhon Yerushalayim edition of *Minhat Hinnukh* (Jerusalem, 1988), I, 15-19.
- 5 Rambam, *Hilkhot Tefillah* (1:1) and *idem*, *Sefer ha-Mitzvot* (*mitzvot aseih* no. 5), rules that the obligation to offer prayer on a daily basis is biblical. However, Ramban, in a gloss appended to the *Sefer ha-Mitzvot*, maintains that, other than in time of danger, the obligation to pray on a daily basis is rabbinic in origin. *Sefer ha-Hinnukh* (mitzvah 433), cites both opinions. See *Minhat Hinnukh* (mitzvah 248:5), who observes that, generally, in instances in which *Sefer ha-Hinnukh* cites two opinions, he accepts the position of Rambam as normative. For an excellent survey of the positions of the major halakhic decisors regarding the obligation of *tefillah* see Rabbi Ezriel Ciment, *Sefer Mitzvot ha-Melekh al Sefer ha-Mitzvot le-ha-Rambam* (Union City, NJ 1992), pp. 50-57.
- 6 See also R. Jacob Emden, *Mor u-Ketzi'a* (*Orah Hayyim* 89), who asserts that this prohibition is biblical in nature.
- 7 See also *Yabi'a Omer*, IV (*Orah Hayyim*, no. 11, sec. 1), who notes that in the Kapah edition of *Sefer ha-Mitzvot*, which is newly translated from the original Arabic, there is no mention of the prohibition against eating before davening and hence no indication that Rambam maintains that the prohibition is biblical.
- 8 See *Magen Avraham* (106:2). Cf., Rabbi Pesach Eliyahu Falk, *Teshuvot Mahazeh Eliyahu* (no. 19, secs. 9-11), who asserts that fulfillment of the commandment also requires an expression of praise before the supplication and of thanksgiving thereafter. It would appear that a person who recites *birkhot ha-shahar*, including the final blessing that contains a supplication, has fulfilled the biblical obligation regarding prayer and, accordingly, eating after recitation of *birkhot ha-shahar*, even according to R'AH, is not biblically prohibited.
- 9 This distinction is articulated by *Torah Temimah* (Lev. 19:26, no. 202), and *Bi'ur Halakhah* (*Orah Hayyim* 89:3, s.v. *ve-lo le-ekhol*), who contend that, if a person is required to eat before prayer because of considerations of health, he should recite *shema* prior to eating in order not to violate the prohibition derived from the verse in Kings. For a fuller analysis of this distinction see

- Rabbi Abraham Sternbuch, *Am ha-Torah*, III (series 3), no. 8 (1993), pp. 32-33. It should be noted that it is evident from the comments of *SEMAG* (*mitzvot aseh*, no. 18), that he also maintained that the recitation of *shema* is sufficient to avoid violation of the stricture of Kings. See also R. David Joel Weiss, *Sefer Megadim Hadashim* (Jerusalem, 1987), *Berakhot* 10b. Cf., however, R. Yosef Engel, *Gilyonei ha-Shas* (*Berakhot* 10b), who tentatively, and somewhat surprisingly, argues that, in this context, the phrase *kabbalat ol malkhut shamayim* (acceptance of the yoke of Heaven), requires fulfillment of the obligation of *tefillah* as well.
- 10 R. Israel Meir ha-Kohen, *Kol Kitvei Hafetz Hayyim* (*Mikhtavim*, no. 23).
 - 11 RAVYAH's comments are cited by *Mordekhai* (*Berakhot* 1:23), in the same ambiguous manner.
 - 12 Similarly, *Avudraham* (Jerusalem, 1963), ed. Samuel Krauzer, "*Birkhot ha-Shahar*," and *Kol Bo* (p. 32 no. 9), both cite RAVYAH as permitting water before morning prayer and then note that the RI'AF maintains that it is prohibited even to drink water prior to prayer because even drinking water constitutes an act of "haughtiness."
 - 13 See *Teshuvot Teshurat Shai* (no. 367), who also notes that *Tur* and *Shulhan Arukh* permit only water but that the terminology employed by RAVYAH would seem to permit all non-intoxicating beverages. *Teshurat Shai* expresses puzzlement with regard to why *Tur* and *Shulhan Arukh* do not cite the opening comments of RAVYAH which serve to permit all non-intoxicating beverages.
 - 14 For an extensive survey of these opinions see *Yabi'a Omer* (IV, *Orah Hayyim* no. 11), secs. 5-7. See also *Bet Yosef* (*Orah Hayyim* 89), who declares that, since the prohibition to eat before prayer is rabbinic in nature, the Sages, in permitting water before prayer, had ample authority to forbid only that which is "haughty" and to permit that which is not. However, contends *Bet Yosef*, if the prohibition to eat before prayer is biblical, it is prohibited even to drink water before davening. See also *Pri Megadim* (*Orah Hayyim*, *Eshel Avraham* 89:12). Thus, if, as noted, Rambam maintains that the prohibition against eating prior to prayer is biblical in nature, it would follow that he would prohibit even the drinking of water before prayer.
 - 15 R. Binyamin Zilber, *Az Nidberu* (XII, no. 27), advises that, when drinking coffee prior to prayer, care should be taken to minimize pleasure. That view was articulated much earlier by *Teshuvot Kenaf Ra'ananah* (*Orah Hayyim* no. 1), who asserts that although it is permissible to drink coffee prior to *tefillah*, it is preferable to drink the coffee only when it has become somewhat cool because one thereby avoids the question of reciting a *berakhah aharonah* after drinking a hot cup of coffee which can be consumed only over a relatively long period of time and also because doing so demonstrates that the coffee is not being consumed for purposes of enjoyment and self-indulgence but in order to achieve the mental equilibrium necessary in order to daven with proper concentration.
 - 16 As told to me by my father, Rabbi J. David Bleich. Cf., Rabbi Avraham Yeshaye

- Seffer, *Ishei Yisra'el: Hilkhoh Tefillah* (Jerusalem, 1998), chap. 13, note 67, who cites R. Binhamin Zilber, *Az Nidberu*, as maintaining that saccharine has the same halakhic status as sugar. This writer has examined the sources cited by *Ishei Yisra'el* but has failed to find any mention of saccharine in *Az Nidberu*.
- 17 *Mishnah Berurah's* distinction is accepted by *Keren le-David* (*Orah Hayyim* no. 21).
- 18 See also *Ishei Yisra'el*, chap. 13, note 66.
- 19 For a fuller discussion of this issue see Rabbi S.Z. Braun, *She'arim Metzuyanim be-Halakhah* 8:2.
- 20 See also R. Avraham Horowitz, *Orhot Rabbeinu* (Bnei Brak, 1989) I, 57.
- 21 R. Shalom Mordecai Schwadron, *Maharsham, Da'at Torah* (89:3), develops a similar thesis to the effect that the manner of drinking coffee and tea determines whether it is a form of *ga'avah*. *Maharsham*, who permits drinking tea and coffee with sugar and milk, as will be discussed later, nevertheless rules that drinking those beverages in elegant silver utensils, as is the practice of the wealthy, is prohibited as a form of *ga'avah*.
- 22 For a further discussion see *Yabi'a Omer* (IV, *Orah Hayyim* no. 11, secs. 8-12).
- 23 *Sedei Hemed* also observes that people commonly drink coffee without milk after a meat meal which indicates that people can and do drink coffee without milk. However, that may no longer be the case in contemporary society. At present, most people either do not drink coffee after a meat meal or use non-dairy creamers. Demitasse, so common in yesteryear, has virtually disappeared from the culinary scene. That phenomenon may indicate that most people find black coffee to be unpalatable. On the other hand, the increasing popularity of espresso may signify the resurgence of an acquired taste.
- 24 See also the oral ruling of Rabbi Yosef Shalom Eliashiv cited by Rabbi Yitzchak Ya'akov Fuchs, *Tefillah ke-Hilkhatah*, chap. 6, note 26.
- 25 It is somewhat surprising that, in the major discussions concerning coffee and tea and of whether the manner of drinking these beverages has changed over time, no writer has referred to the comments of *Sha'arei Teshuvah* (*Orah Hayyim* 652:1). In discussing foods and beverages permitted at the *se'udah hamafseket* on *erev tishah be-av*, *Sha'arei Teshuvah* reports that some authorities forbid drinking tea and coffee during that meal. *Sha'arei Teshuvah* himself asserts that since coffee has no nutritional value it is not included in the prohibition of partaking of more than one cooked food during that meal. He further remarks that consumption of those beverages is not in the nature of expansiveness and luxury (*serarah ve-oneg*) since they are so common that "even the impoverished" are accustomed to drinking coffee and tea. See, however, *Orhot Rabbeinu* (I, 57), who reports that Rabbi Ya'akov Yisra'el Kanievsky, the *Steipler*, relied upon *Sha'arei Teshuvah* in permitting sweetened tea and coffee.
- 26 *Az Nidberu* (XI, no. 48), tentatively argues that a person who customarily drinks black coffee should drink coffee with milk prior to *tefillah* in order to minimize his enjoyment of the beverage. See *supra*, note 14. In light of the

- reasons previously cited against adding milk to coffee, i.e., milk “adds blood” and is intoxicating in nature, it would appear that even individuals who prefer black coffee should not add milk to their coffee since drinking black coffee prior to *tefillah* is accepted as permissible by the vast majority of *poskim* whereas drinking coffee with milk remains a matter of significant controversy.
- 27 See also the inference drawn by Rabbi Yosef from the language of Rambam (*Hilkhot Bi'at ha-Mikdash* 1:3). Although Rambam's terminology does indicate that the intoxicating powers of alcohol are stronger than those of milk and the quantity of milk that would render it forbidden for a person to enter the Temple or to rule on matters of Halakhah may be greater than with regard to alcohol, it seems to this writer that there is no indication in the language of Rambam supporting Rabbi Yosef's assertion that the chemical properties of milk changed since the talmudic period. On the contrary, Rambam speaks of milk causing “mild confusion” (*nishtabshah da'ato me'at*). It is well known that milk, particularly when hot, causes drowsiness.
- See also Julius Preuss, *Biblical and Talmudic Medicine*, trans., Fred Rosner, 2nd ed. (New York, 1983), p. 562, who is of the opinion that, in talmudic times, the milk consumed as a beverage was mildly fermented.
- 28 See also *Mishnah Berurah* (89:22). It is of interest to note that the ArtScroll Siddur, 2nd ed., R. Hersh Goldwurm, “Laws,” no. 9, states that it is permitted to drink tea or coffee with milk, citing *Maharsham, Da'at Torah* (89:5) without indicating that this practice is a matter of significant controversy or that even some of the authorities who rule permissively indicate that it is necessary to recite *berakhot* and the first verse of *shema* prior to doing so.
- 29 See sources cited in *Yabi'a Omer* (IV *Orah Hayyim* no. 11, sec. 7). However, *Teshuvot Shev Ya'akov* (*Orah Hayyim* no. 8), asserts that the comment of the *Zohar* refers only to a person who eats in a ravenous or glutinous manner prior to *tefillah*. Accordingly, if a person eats because of considerations of health or in order properly to concentrate on his prayers, it would be permitted to eat even according to the *Zohar*. For a similar analysis of the *Zohar* see *Teshuvot Heishiv Moshe* (*Orah Hayyim* no. 6).
- Cf., *Teshuvot Kenaf Ra'ananah* (*Orah Hayyim* no. 1), who advances a novel interpretation to the effect that the *Zohar* is not referring to partaking of food prior to the morning prayers but prior to *Tikkun Hatzot*, i.e., *Kenaf Ra'ananah* understands the *Zohar* as declaring that if a person awakens before midnight he is forbidden to eat until he has recited *Tikkun Hatzot*.
- 30 See also *Mishnah Berurah* (*Orah Hayyim* 89:28). *Ba'er Heitev* (*Orah Hayyim* 681:12) notes that the practice cited by Rema is contrary to the view expressed by the *Zohar*. For a fuller discussion see *Sedei Hemed* (*Ma'arekhet Rosh ha-Shanah kelal* 1) and *Piskei Teshuvot* (*Orah Hayyim* 564:1) and *ibid.*, note 4.
- 31 Cf., the comments of *Arukh ha-Shulhan* (89:21) who disagrees with REMA and maintains that a person should not engage in mundane pursuits or travel prior to reciting *shemoneh esreh*.

- 32 See also *Shemirat Shabbat ke-Hilkhatah* (II, chap. 52 note 48).
- 33 It would appear that if the prohibition of *lo tokhlu al ha-dam* is biblical in nature it follows that, in the absence of a known rabbinic extension of that prohibition, the prohibition is in effect only until the biblical obligation of prayer is fulfilled. However, if as is the consensus of most authorities the prohibition of *lo tokhlu al ha-dam* is rabbinic in nature, it would stand to reason that this rabbinic prohibition remains in force until the rabbinic obligation of prayer has been fulfilled through recitation of *shemoneh esreh*. For a further discussion of this point see *Keren le-David*, (*Orah Hayyim* no. 21, sec. 4).
- 34 See also *Bi'ur Halakhah* (89:3), s.v. *ve-lo le-ekhol*, who clearly indicates that there are two distinct prohibitions.
- 35 It is unclear from the comments of *Bi'ur Halakhah* whether a person conducting himself in this manner should have the intention of fulfilling the mitzvah of *shema* since the blessings preceding and following the *shema* are not recited and also because, presumably, the person is not wearing *tefillin*. Cf., *Bi'ur Halakhah* (*Orah Hayyim* 106:2), s.v. *mi she-Torato umnato*, for another instance in which *Bi'ur Halakhah* suggests that perhaps one should recite *shema* prior to *tefillah*. For a further discussion of this question see *Tefillah ke-Hilkhatah* (chap. 6 note 30). For a discussion of the general issue of reciting *shema* without *tefillin* see this writer's article in the *Journal of Halacha and Contemporary Society* no. 48 (Fall, 2004), pp. 81-108.
- 36 See also R. Moshe Sternbuch, *Teshuvot ve-Hanagot*, 1, no. 73.
- 37 See *Teshuvot Keren le-David* (*Orah Hayyim* no. 21, sec. 4) who reaches this conclusion on the basis of terminology employed by REMA.
- 38 *Pri Hadash's* ruling is accepted by *Pri Megadim* (*Eshel Avraham* 89:12); *Mahatzit ha-Shekel* (89:12); and *Bi'ur Halakhah* (*Orah Hayyim* 89:3), s.v. *ve-ken okhlin u-mashkin li-refu'ah*.
- 39 *Arukh ha-Shulhan* (*Orah Hayyim* 89:24), comments that the term *refu'ah* employed by *Shulhan Arukh* in this context does not refer to an actual therapeutic effect but connotes eating simply in order to alleviate discomfort or weakness.
- 40 *Siah Halakhah* (89:20) regards this modification as limited to partaking of a full meal. That distinction is tenable only with regard to donning *tefillin*; however, recitation of *shema* is required before partaking of even modest refreshment as stated by *Bi'ur Halakhah* (89:3), s.v. *ve-lo le-ekhol*.
- 41 See the oral comments of R. Chaim Kanievsky cited in *Ishei Yishra'el* (chap. 13, note 79).
- 42 See *Orhot Halakhah*, *ad loc.*, for a list of sources that cite Rabbi Auerbach's comments. Although Rabbi Auerbach's opinion is recorded as definitive in *Halikhot Shlomoh: Hilkhote Tefillah* (chap. 2, no. 1), it should be noted that R. Auerbach's comments are cited by Rabbi Yehoshu'a Neuwirth, *Shemirat Shabbat ke-Hilkhatah* (II, chap. 52, note 37), with the caveat that, due to the absence of any intimation of his novel position in early authorities, Rabbi Auerbach concluded that the matter requires further reflection.

Although Rabbi Auerbach's assertion is quite cogent, the numerous authorities who rule that eating for health purposes is permissible fail to comment that one should endeavor to eat less than a *shi'ur*. It is quite likely that they fail to do so because, as a practical matter, it is unlikely that a small quantity of food would yield the necessary therapeutic benefit. Eating the required quantity over the rather long time period of a *ke-zayit be-kedei akhilat peras* would be so burdensome that failure to do so cannot be construed as haughtiness.

- 43 Cf., however, *Minhat Hinnukh* (Kometz *ha-Minhah* no. 248), who appears to maintain that, if the prohibition is biblical in nature, even less than a *ke-zayit* is prohibited as a *hatzi shi'ur* whereas, if the prohibition is rabbinic in nature, a *hatzi shi-ur* is entirely permissible.
- 44 It should be noted that *Bi'ur Halakhah's* comments are somewhat unclear. *Bi'ur Halakhah* (89:3, s.v. *ve-ken okhlin*), states that even if an ill person can delay eating until after donning *tefillin*, he need not do so. Yet, *Bi'ur Halakhah*, (*ibid.* s.v. *ve-lo le-ekhol*), seems to indicate that even under such circumstances he should recite *shema* prior to eating. That qualification is not recorded in earlier sources. This discrepancy is noted by *Siah Halakhah* (89:21). *Siah Halakhah* cites Rabbi A.Y. Zelnik in distinguishing between situations in which food is medically required and situations in which food is not therapeutically mandated but is eaten only so that the medication will not be taken on an empty stomach. In the former case, he asserts, it is permitted to eat even without reciting *shema* since there is no "haughtiness" associated with eating. In the latter case, however, he asserts that an element of "haughtiness" is present and hence one should recite *shema* prior to partaking of food.
- 45 Rabbi Chaim Sofer, *Torat Hayyim* (89:11), questions why halakhic authorities found it necessary to expend so much effort in explaining that drinking coffee is not *ga'avah* since, even if that were not the case, coffee would be permitted since it serves a therapeutic purpose, i.e., it makes concentration possible. According to the foregoing analysis of *Mishnah Berarah* the answer is simple: If drinking coffee does not constitute *ga'avah* it is permitted even prior to recitation of *shema*; if, however, it is permitted to drink coffee only because of therapeutic considerations it is necessary to recite *shema* before doing so. It is evident from the discussion of *Yabi'a Omer* (IV *Orah Hayyim* no. 11, secs. 11-12), that Rabbi Yosef also assumes that drinking tea or black coffee does not necessitate prior recitation of *shema* or any supplication. This analysis is further borne out by *Siah Halakhah* (89:21) who rules that a person taking medication prior to *tefillah* need not recite *shema* before doing so because ingestion of medication presents no issue of *ga'avah*. However, rules *Siah Halakhah*, a person who consumes food because of considerations of health must recite *shema* before doing so because such a practice presents an issue of *ga'avah*.
- It is puzzling that *Piskei Teshuvot* (*Orah Hayyim* 564, note 5) seems to understand *Mishnah Berurah* as ruling that it is necessary to recite *shema* prior to drinking even water or coffee. See also *Tefillah ke-Hilkhatah* (6:14, note), who

- also seems to maintain that it is necessary to recite *shema* prior to drinking even water or coffee. Accordingly, *Torat Hayyim's* query may reflect the view that recitation of *shema* is required prior even to drinking water.
- See also sources cited in *Leket ha-Kemah he-Hadash* on *Orah Hayyim* (2nd ed.; London, 1971; 89:39), who maintain that even if a person awakens before dawn and wishes to drink he is required to recite *shema* and a brief prayer.
- 46 The comments of *Arukh ha-Shulhan* (*Orah Hayyim* 89:23-24), appear to indicate that *Arukh ha-Shulhan* maintains that if a person eats or drinks for health reasons there is no need to recite the *shema*.
- 47 Cf., *Mishnah Berurah* (89:25) who, citing *Levush*, restricts this leniency to a person who experiences extreme hunger.
- 48 See R. Ya'akov Kaminetsky, *Emet le-Ya'akov al Arba'at Helkei ha-Tur ve-ha-Shulhan Arukh*, ed. R. Daniel Neustadt (Cleveland, 2000), pp. 51-52, who endeavors to explain Rambam's position and to identify a source for that view.
- 49 This principle is reflected in the ruling recorded in *Shulhan Arukh* (*Orah Hayyim* 98:2). Cf., *Kaf ha-Hayyim* (89:39) who cites some authorities who maintain that even in contemporary times a person is obliged to eat before davening if one cannot concentrate without doing so.
- 50 See also the discussion of *Tefillah ke-Hilkhatah* (chap. 6, note 33), who suggests that this option may be appropriate for students who are likely not to daven in an appropriate manner at home whereas in a properly supervised yeshiva environment they will be taught to daven in an appropriate manner.
- 51 For a full discussion of Rabbi Auerbach's view see *Ishei Yisra'el* chap. 2, note 94 and chap. 7, note 19.
- 52 For an excellent and comprehensive discussion of the obligation of women in prayer see Rabbi David Auerbach, *Halikhot Beitah* (Jerusalem, 1982), chap. 6, secs. 1-7, pp. 35-43.
- 53 See also Rabbi Yitzchak Ya'akov Fuchs, *Halikhot Bat Yisra'el* 2:2.
- 54 See also Rabbi Yitzchak Ya'akov Weiss, *Minhat Yitzhak* (IV, no. 28 sec. 3), who presents a similar analysis.
- 55 *Halikhot Beitah*, chap. 6, note 25, questions Rabbi Feinstein's reasoning and notes that since the consensus of halakhic opinion is that women are obligated to recite *shemoneh esreh* it follows that they are similarly constrained from eating prior to *shemoneh esreh*. Rabbi Feinstein's comments can be recast as indicating that women have accepted the opinion of the authorities who rule that *shemoneh esreh* is mandatory for them but, unlike men, they rely on Rambam's position regarding eating before recitation of *shemoneh esreh* to be permissible when hungry or thirsty.
- 56 Rabbi Auerbach's written comments to Rabbi Fuchs are cited *Halikhot Bat Yisra'el* (chap. 2, note 10) and in the latter's *Tefillah ke-Hilkhatah* (chap. 6, note 34).
- Rabbi Auerbach obviously assumes that "haughtiness" is reflected in engaging in self-gratification before accepting the "yoke of Heaven," only because the latter is a requirement but that, since *shema* is discretionary in the case of a

woman, she cannot be faulted for partaking of food prior to reciting *shema*. It might, however, be contended that even if acceptance of the “yoke of Heaven” by reciting *shema* is discretionary, preceding that act with self-gratification constitutes “haughtiness.”

- 57 Dr. Abraham S. Abraham, *Lev Avraham* (II, 20) cites a novel comment of Rabbi Auerbach to the effect that, since women's obligation in *tefillah* is not as stringent as men's, only men are prohibited to eat one-half hour prior to the time of *tefillat shaharit* as recorded by *Mishnah Berurah* (*Orah Hayyim* 89:27), whereas women are prohibited to eat only from the time of dawn rather than from a half hour prior to dawn. For a fuller discussion of this novel ruling see *Nishmat Avraham* (I, 55, note 23) and *Halikhot Shlomoh* (I, *Hilkkhot Tefillah* 2:3) and *Orhot Halakhah* (no. 10).
- 58 For a comprehensive analysis of *Magen Avraham's* reasoning see Rabbi Ya'akov Yeshaye Blau's discussion in *Hanokh la-Na'ar* (Jerusalem, 1979), chap. 6, note 15.
- 59 See this writer's “Responding to a Minor's Blessing, *Ten Da'at* XV (2002), pp. 29-31 and p. 33, notes 17-23, for a discussion of *hinnukh* with regard to minor daughters. See also Rabbenu Manoah, *Hilkkhot Shevitat Asor* (*Sefer ha-Menuhah* 2:10), who distinguishes between boys and girls with regard to the obligation of *hinnukh*. For an analysis of these comments see R. Shmu'el Eli'ezer Stern, *Shevivei Esh al ha-Torah* (Bnei Brak, 2002), p. 33.
- 60 For a further discussion see R. Baruch Rakovsky, *Sefer ha-Katan ve-Hilkkhotav* (Jerusalem, 1995), I, chap. 11, note 13, pp. 168-169.
- 61 For a comprehensive discussion of *Kaf ha-Hayyim's* reasoning, see R. Meir Abital, *Moreh ha-Na'ar* (Jerusalem, 1995), chap. 7, note 2, pp. 161-162.
- 62 See *Yabi'a Omer* IV (*Orah Hayyim* no. 12, sec. 15) and the comments of R. Ben Zion Abba Shaul, *Or Le-Zion* II (chap. 47, sec. 6). See also *Moreh ha-Na'ar* (6:2 and p. 162, note 2), who maintains that, although one may allow a minor child to eat prior to *tefillah*, the child should be permitted only foods that are essential for the child's well-being but should not be permitted sweets or the like prior to *tefillah*.

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A TALE OF TWO TALMIDIM WHAT THEY HAVE TO TEACH US ABOUT SCHOOL, LEARNING, AND TEACHING

I have entitled the following two stories, as well as the article they introduce, “A Tale of Two *Talmidim*.” Stories are known to be great teachers¹ and the same story may teach different things to different people. When readers have finished reading “A Tale of Two *Talmidim*,” they are invited to share with each other and with the author what these stories teach them; what personalized message(s) they convey.

One *talmid* and his *Yoreh De'ah*

Back in 1953, I met a young man who had just successfully completed his comprehensive examinations for rabbinic ordination. He said to me at that time: “Boy, I don’t want to look at a *Yoreh De’ah* (code of rabbinic law) for a *long* time!” At the time I said nothing to him, although his resolve to keep his rabbinic law books closed for “for a *long* time” pained me deeply. I had always thought of Torah learning as a lifelong joyful pursuit. His remark was so hurtful to me that I did not forget it till this very day even though I had lost contact with this young man and did not have occasion to speak with him for over 50 years.

By a combination of coincidental circumstances, that “young man” and I recently met up with one another after a 53 year hiatus. In the course of the pleasantries of our reminiscences with one another, I

inquired whether he had looked at a *Yoreh De'ah* in the course of the years which elapsed since we had first met. My query was met with a self-conscious, flustered fumbling for words followed by a subdued “no.” He hadn’t looked at a *Yoreh De'ah* in 53 years.

Another *talmid* and his *Malbi”m*

At a yeshiva father-son-grandson breakfast which I attended around Purim time this past year, a white-haired young man greeted me pleasantly. I introduced myself to him, not realizing that he in fact knew me very well because, he explained, I had been his elementary yeshiva principal over 30 years ago. He was now a successful practicing nephrologist and the father of one of the participating yeshiva students at the breakfast. He said that he remembered having visited my home many times on Shabbat, *yamim tovim* and various other occasions together with his schoolmates. He also added that he remembered my having invited him from time to time, during recess, to learn *Malbi”m*.

When asked whether he still occasionally looks into a *Malbi”m*, he said, “yes.” Thinking that this response might have been polite and politically correct but not necessarily truthful, I probed a bit further.

“When was the last time you looked into a *Malbi”m*?”, I gingerly ventured to ask.

“Last week, I was learning the *Malbi”m* on *Megillat Esther* with my son.” Whereupon he went into detailed accolades about the creativity and brilliance of the *Malbi”m*’s commentary on the Megillah. This served adequately to convince me that he still looks into a *Malbi”m* on occasion.

Engendering a Love of Learning in *talmidim*: Meeting the Challenge of Students who Resist Learning

It has long been a theory of mine, on which I have based many of my educational practices, that if students relate to their teachers in three positive ways, they will tend to learn from them and adopt their values: respect (revere) them;² like them;³ identify with them.⁴ I refer to this as: The “Triple Cord,” or *hut ha-meshulash* Theory.⁵

In the opening session of a classroom management course that I taught this past summer to master’s degree students at the Azrieli Graduate School of Jewish Education and Administration, Yeshiva University, I asked each student what he or she is most passionate about in

teaching. Most responded, independently of one another: “to give my students a love of learning.”⁶ Yet, many educators find it quite a challenge to instill a love of learning in their students. They find that although “Young children usually immerse themselves in the process of engaging the world around them,”⁷ “Some research suggests that interest [in learning] declines with age, especially for academic content as students enter middle school and high school.”⁸

In other words, teachers often find that pre-schoolers’ curiosity and thirst for learning is boundless, while, by contrast, middle-schoolers seem to resist learning, at least academic content learning, whenever they can. This experience is one to which many classroom teachers can anecdotally attest. How, then, can teachers best convey a love of learning to their students? Do teachers have any control over students’ interests or motivations? Or is engendering a love of learning in students a noble but nonetheless hopeless pursuit on their part?

Suggested Practical Interventions

We shall presuppose that our “triple cord” theory is met by readers with some measure of face validity. If that is so, respecting teachers, liking teachers and identifying with teachers (all three + neither one without the other nor two, or two without the third) are student requisites for learning from their teachers. How, then, can teachers get their students to respect them, like them and identify with them?

A research-validated method of engendering respect in others is giving respect to them⁹. Similarly, an effective way of getting others to like us and identify with us would be liking them and identifying with them.¹⁰ Accordingly, presented herewith are some concrete examples of what teachers could consider doing to make it easier for their students to respect them. Without necessarily approving or agreeing, respect students’:

- *person*, including dress, hairstyle and mannerisms. Generally esteem them – they tend to live up to others’ expectations.
- *dignity*. Praise in public,¹¹ reprimand in private.
- *credibility*. Trust them; believe them,¹² unless they prove themselves convincingly with uncontrovertible evidence to be untrustworthy or unbelievable.
- *needs for attention, feeling competent, feeling accepted* even when these bids for attention and feelings of competence and accep-

- tance find negative self-expression.¹³
- *property, possessions.* The validity of some teachers' and principals' disciplinary practice of confiscating students' possessions has been questioned online by educators in *Lookjed Digest VIII: 62*.¹⁴ One enraged principal recently told me of the “unspeakable audacity” of a student who had brazenly “stolen” his outlawed cell phone from the principal’s office where it had been confiscated and placed for safekeeping. The principal asked me what punishment would be appropriate for such an audacious act. I invited the principal to “re-frame” the act, viewing it from a different perspective. The student was, to his perhaps erroneous way of thinking, simply taking back what rightfully belonged to him. Thereupon the principal wisely proceeded to discuss the matter with the student in this light and returned the item to its owner with a request that he keep it out of school. The student readily complied and became one of the principal’s loyal students and ardent admirers.
 - *space.* Keep a reasonable physical distance from students. Everyone is entitled to his own four ells.¹⁵
 - *privacy.* If a student passes a note to another student and the teacher intercepts it, the teacher should avoid reading it. (S)he should realize that if the note were intended for him/her it would have been sent to him/her; it should be read only by its author or its addressee. Students’ personal information should be shared only in appropriately purposeful conversations with other professionals.¹⁶
 - *time.* In giving homework assignments, teachers should make them reasonably doable, should craft them as a rehearsal of what was learned in class,¹⁷ as engaging and as useful as possible, and as aligned with students’ interests as possible. Homework and tests should be graded and returned promptly. Students require time to master information and skills. Both students and teachers need to be patient.
 - *feelings.* Seek an age-appropriate measure of input from students regarding the formulation of class and school rules, as well as how to deal with infractions.¹⁸ In their book, *Discipline with Dignity*, Richard Curwin and Allen Mendler (1988) also comment on the importance of student input when establishing

classroom rules and procedures. “They go so far as to say that classroom rules and procedures should be viewed as a ‘contract’ (p. 47) between teacher and students.”¹⁹

- *intelligence*. Construct “fair” (=valid and reliable) tests;²⁰ that is, tests which assess what has been taught by the teacher and learned in class. Avoid assigning “busy work”, teaching below or above students’ attainment level.
- *opinions, ideas, “out-of-the-box” thinking, answers which may appear to be “wrong”*. Accept student answers, even when they are not the “right” ones. Consider saying something like, “That’s the right answer to a different question.” Madeline Hunter, in one of her early videotapes,²¹ suggests offering prompts, such as: “You may have been thinking of the first president of the United States and George Washington is the correct answer — we were asking who was the first president of the United States immediately after the Civil War.” Some students have unique and unusual ways of looking at things and so their answers to questions are unexpected but may be even more correct than the officially “right” answer.²² It’s sometimes advisable to ask such students in non-accusatory tones to explain how they arrived at their answers. One student who came to Rashi’s defense against the logical onslaught of Tosafot began his presentation to his teacher by saying, “I think...” The teacher said: “Who cares what you think?”, thereby belittling the student and discouraging his thinking. If a student independently arrives at the explanation of one of the great expositors, say, “Wow! You just said what Rashi said. Great minds think alike,” rather than offering a put-down such as: “Oh, Rashi already said that a long time ago.”
- *perspective*. Sometimes, when a teacher simply “re-frames” his thinking about a student’s behavior in such a way as to be more congruous with how the student perceives things; the teacher can shift the paradigm of his/her thinking to see the student in a better understood perspective and place him/her in a more favorable light.²³

In order for students to like their teachers, their teachers must like their students for *who and what they are* — not for *what they want them to be*. Liking students for what teachers want them to become in the

future implies that teachers do not like their students as they are in the present, and students, like everyone else, live in the present.²⁴ A teacher once bemoaned to me that she loves her third graders so much and yet they seem to reject her and dislike her. I asked her whether she loves them for what they are or for what she wants them to become. Her jaw dropped and an “Aha-so-that’s-it!” look appeared on her face. With apparent gratitude, she parted company with me and went insightfully about her teaching endeavors.

Sometimes the children who are most difficult to like are the ones who need affection most. They can be intolerably obnoxious, insolent and despicable. As one educator writes:

“The normal culture of adolescence today contains elements that are so nasty that it becomes hard for parents (and professionals) to distinguish between what in a teenager’s talk, dress, taste in music, films and videogames indicates psychological trouble, and what is simply a sign of the times.”²⁵ And as another notes: “Indeed, some kids come at the world with their dukes up. Life is a fight for them in part because the belligerence that surrounds them spawns belligerence in them. These kids are no less difficult for a teacher to embrace than for the rest of the world. *But behind the tension and combativeness abundant in the world of the angry child, what’s lacking is the acceptance and affection he disinvites.*”²⁶

Let them know that you are “with it,” “cool,” can speak their dialect, understand their “lingo,” name their athletic heroes, know the sports scores, identify their music, TV shows and videogames even though you distance yourself from most or all of these. Students in today’s *yeshivot* are often a mix of homes which are Ashkenazi, Sephardi, Israeli, Bukharian, Russian, American, Modern Orthodox, *Hareidi*, *ba’alei teshuvah*, converts, “in-town/out-of-town”, “up-the-hill/down-the-hill”, urban/suburban and upper/middle/lower socio-economic strata, engendering cultural differences that are significant for how teachers teach, especially since the faculty of the yeshiva often constitutes a similar mix.²⁷

Let them know that you occasionally engage in sports or athletic activities (if you do).²⁸ Dr. David J. Schnall, Dean of the Azrieli Graduate School of Jewish Education and Administration, Yeshiva University, in introducing me to a gathering of the graduate school student

body two years ago, announced that he recalled being a fourth grader at the Crown Heights Yeshiva 48 years earlier when, as a young assistant principal, I had played handball once with the students on the school playground during recess — and he still remembered it !

Some Concepts Posed by Theoreticians and Researchers and their Classroom Applications in Practice

“The struggle is not in how to motivate students to learn. The struggle is in creating lessons and classroom environments that focus and attract students’ intrinsic motivation; thus, increasing the likelihood students will engage in the learning.”²⁹

Truth to tell, learning is intrinsically pleasurable, and, according to many Talmudic authorities, this pleasure is an integral part of the fulfillment of the mitzvah of learning Torah;³⁰ it is *school* that sometimes spoils the fun of learning for students.³¹ “Almost all children possess what have come to be called ‘intrinsic’ motives for learning. An intrinsic motive is one that does not depend upon reward that lies outside the activity it impels. Reward inheres in the successful termination of that activity or even in the activity itself.”³²

As long ago as the 1960s, brain researchers³³ identified innately pleasurable neocortical activities, which humans naturally enjoy. No need for teachers to teach students to enjoy learning; they are already “wired” to do so. All that is required of teachers to do is to step aside, get out of the way, and allow students to experience the joys of discovery and learning on their own. For this to occur in our classrooms, lessons and instructional strategies need to be designed in such a way that student independent learning is facilitated.

It helps for teachers to present lessons with vitality and verve that shows how much they themselves love learning, since the teacher’s zest for learning is often contagious. However, although teachers’ charismatic and engaging presentations are an advantage, they are not at all a prerequisite for engendering students’ love of learning. The learning itself is its own motivator.³⁴

This understanding of learning as intrinsically pleasurable is proposed by the greatest Jewish learners and thinkers as well as by several contemporary theoreticians and researchers; the quotations below cite just a few.

- “Experiential learning theory, popularly associated with Dewey and Piaget, maintains that learning is most effective and likely to lead to behavior change when it begins with experience, especially *problematic experience*.”³⁵
- “The situated cognition perspective that Bridges (1992) popularized in *problem-based learning* argues that learning is most effective when the learner is actively involved in the learning process, when it takes place as a *collaborative* rather than an isolated activity and in a context relevant to the learner.”³⁶
- “Curiosity is almost a prototype of the intrinsic motive. Our attention is attracted to something that is unclear, unfinished, or uncertain. We sustain our attention until the matter in hand becomes clear, finished, or certain. The achievement of clarity or merely the search for it is what satisfies. We would think it preposterous if somebody thought to reward us with praise or profit for having satisfied our curiosity.”³⁷ According to Bruner, curiosity is an attraction to something that is: “unclear, unfinished, or uncertain;” or, in three-year-olds, attraction to “the parade of vivid impressions that pass their way... this bright color, that sharp sound, that new shiny surface.”³⁸

Costa: How to Pique Curiosity

In a professional development workshop presented at SUNY, circa 1990, at which I was a participant, Arthur L. Costa, co-director of the Institute for Intelligent Behavior, California State University, defined Bruner’s “curiosity” as: “attending to discrepancies or discrepant events; identifying them and resolving them.” He adopted Bruner’s terminology for Kolb’s “problem-based collaborative learning”; namely, “reciprocity;” i.e., “...a deep human need to respond to others and to operate jointly with them toward an objective.”³⁹ For purposes of the present writing, we shall follow Costa in labeling four major innately pleasurable neocortical activities:

- Dealing with discrepancies or discrepant events (סתירות);
- Collaborative (חברותא) Learning or Reciprocity;
- Emulation/Identification (“ברוך שכוונתי לדעת גדולים”);
- Embellishment (“מוסיף נופך משלו”).

The ease with which these four innately pleasurable brain activities may be experienced by students in the pursuit of *limmudei kodesh*

becomes apparent when we consider the following:

(a) *Dealing with discrepancies*; that is, identifying and resolving contradictions (*setirot*), constitutes a major portion of Torah learning⁴⁰; e.g., discrepant words, turns of phrase, grammatical, stylistic or syntactical anomalies; seeming contradictions from one *pasuk* to another; seeming contradictions from one *tanna* or *amora* to another; and resolving these discrepancies by such responses as: *hasurei mehasra, ve-hakhi ka-tannei; ha lan, ve-ha lehu; hakha be-mai askinan, etc.*

(b) *Collaborative learning or Reciprocity (hevruta)*. We obviously recommend the use of “cooperative” grouping strategies. According to David Johnson and Roger Johnson, recognized leaders in the field of cooperative learning, there are five defining elements of cooperative learning: positive interdependence... face to face promotive interaction... individual and group accountability... interpersonal and small group skills...group processing.⁴¹ Rav Yitzchak Hutner, ז”ל, in one of his talks, said that the love between two people reaches its zenith when they join together in an act of creativity.⁴²

(c) *Emulation/Identification*. “What sustains a sense of pleasure and achievement in mastering things for their own sake? ... What appears to be operative is a process we cavalierly call identification... the strong human tendency to model one’s ‘self’ and one’s aspirations upon some other person... When we feel we have succeeded in ‘being like’ an identification figure, we derive pleasure from the achievement.”⁴³ To couch this thought in classical Jewish terminology, it is akin to the exclamation of *barukh she-kivvanti le-da’at gedolim*, which expresses the joy experienced when arriving independently at an explanation, an observation, an objection, or the resolution of an objection presented by one of the great minds of the past. A commentator of no less stature than the author of the *Minhat Hinnukh* declares “it gave me pleasure” – each time (33 in all) that he finds something that he had thought of on his own already in the work of a predecessor.

(d) *Embellishment*. In classical Jewish terminology, embellishment is *mosif nofekh mi-shelo*;⁴⁴ adding a new wrinkle to an existing interpretation; innovating some extra little insight or uncovering some additional implication in the words of the early masters, which had heretofore escaped notice or explicit mention — in brief, a *hiddush*. This metaphor suggests that when a learner adds his own little embel-

ishment he makes a *kinyan*, so to speak, on the entire thought or concept, not merely on his own little piece of it.

Bruner on Reward and Punishment

You will have noted by now a considerable de-emphasis of “extrinsic” rewards and punishments as factors in school learning. It is doubtful that “satisfying states of affairs” [=reinforcements; extrinsic rewards] are *reliably* to be found outside learning itself — in kind or harsh words from the teacher, in grades and gold stars, in the absurdly abstract assurance to the high school student that his lifetime earnings will be better by 80 percent if he graduates. External reinforcement may indeed get a particular act going and may even lead to its repetition, but it does not nourish, reliably, the long course of learning by which man slowly builds in his own way a serviceable model of what the world is and what it can be.⁴⁵

Accordingly, it is our contention that although *learning* may normally be expected to be pleasurable for learners, *schooling* often spoils the joy of learning for them.⁴⁶

The young human must regulate his learning and his attention by reference to external requirements. He must eschew what is vividly right under his nose for what is dimly in a future that is often incomprehensible to him. And he must do so in a strange setting where words and diagrams and other abstractions suddenly become very important. *School demands an orderliness and neatness beyond what the child has known before; it requires restraint and immobility never asked of him before; and often it puts him in a spot where he does not know whether he knows and can get no indication from anybody for minutes at a time as to whether he is on the right track. Perhaps most important of all, school is away from home with all that fact implies in anxiety, or challenge, or relief.*⁴⁷

This is Bruner's articulation of *ke-tinok ha-bore'ah mi-beit ha-sefer*. It is not *learning* that the child eschews; it is *school* which he seeks to escape.

Rav Yitzchak Hutner, z”l, in his *shi'ur be-hilkhot hinnukh*, delivered in New York City to an assemblage of yeshiva educators on Teachers

Conference Day, February 12, 1959 (Lincoln's Birthday),⁴⁸ makes the telling point that Jewish education was originally intended to be passed from parent to child. The child was to learn his heritage at home. It was only because Jewish homes had become weakened Torah-transmitters that schools were instituted by Rabbi Yehoshua Ben Gamla.⁴⁹

The United States Department of Education last did a survey on home schooling in 2003. That study did not ask about unschooling. (a philosophy that is broadly defined by its rejection of the basic foundations of conventional education, including not only the schoolhouse but also classes, curriculums and textbooks). But it found that the number of children who were educated at home had soared, increasing by 29 percent, to 1.1 million, from 1999 to 2003...Adherents say the rigidity of school-type settings and teacher-led instruction tend to stifle children's natural curiosity, setting them up for life without a true love of learning...In some ways *it is as ancient a pedagogy as time itself, and in its modern American incarnation, is among the oldest home-schooling methods.*⁵⁰

This last sentence is most interesting in the light of Rav Hutner's insight, articulated above.

Conclusion

In view of all of the foregoing, what does the *Tale of Two Talmidim* teach us? Based on our personal teaching/learning experiences as well as the Torah and secular research sources which we have cited, it is our contention that schooling can allow learning to be pleasurable. What schools need to do is replicate the natural learning of home and pre-school environments so that learning could be enjoyable for students and their teachers. This can be achieved if educators:

- engender students' respect for, liking of, and identification with them by respecting, liking and identifying with their students;
- provide classroom instruction which embodies opportunities for students to experience the four innately pleasurable neocortical activities which we have identified: dealing with discrepancies; collaborative learning; emulation/identification; and embellishment.

If educators do as suggested in this article, there are sufficient research data and anecdotal evidence to support the notion that when teachers meet their students again 50 years from today, their students

will be telling them how pleurably their love of learning has stayed with them throughout their lifetime as well as that of their children. The students' joy is their teachers' *nachas*.

Have *nachas* !⁵¹

- 1 The Hasidic Masters interpret the opening segment of Rashi's first comment on Bereishit [i.e., the Torah should have opened with the very first mitzvah; for what reason (*mah ta'am*) did it begin with creation?] as follows: "How sweet (*mah ta'am*) it is that the Torah began with the story of Creation story instead.
- 2 Hagigah 15b:
אמר רבי יוחנן: מאי דכתיב (מלאכי ב') "כי שפתי כהן ישמרו דעת ותורה יבקשו מפיהו כי מלאך ה' צבאות הוא?" אם דומה הרב למלאך ה' צבאות, יבקשו תורה מפיהו. ואם לאו, אל יבקשו תורה מפיהו.
- 3 See Aspy, D. N. & Roebuck, F. N.: *Kids Don't Learn From People They Don't Like* (Amherst, MA: Human Resource Development Press, 1997), p.15: "Teachers' level of empathy, congruence and positive regard are positively and significantly related to students' cognitive growth, students' I.Q. gains and students' attendance." See also: Gilbert Highet: *The Art of Teaching* (New York: Vintage Books, 1977), p. 25: "Finally, the third quality of a good teacher is 'liking the pupils'... Unless a teacher likes kids and enjoys spending time with them, he will not end up teaching them well." See also: Dermody, J.: "My Teacher Doesn't Like Me," *ASCD Education Update* (48:8) August 2006, pp. 1-2, 6-7. See also the Responsa of MAHARASHDAM (*Orah Hayyim*, #36).
- 4 See Davis, B.M.: *How to Teach Students Who Don't Look Like You: Culturally Relevant Teaching Strategies* (Thousand Oaks, CA: Corwin Press, 2006). The author explores how to make sure all students learn... even if they "see" the world through a completely different cultural "lens" from that of the teacher.
- 5 I have named this the "triple cord" theory based on Kohelet 4:12, since all three components are necessary in order to attain and maintain the desired end. My belief is that one or two without the other(s) will not suffice, much as a one-legged or two-legged chair cannot stand, but a tripod can stand (Berakhot 32a).
- 6 Although the current trend in Jewish day schools seems to place an emphasis on affective goals; i.e., attitudes, values, feelings and appreciations, not everyone sees this trend as positive. See Wertheimer, J. in the *American Jewish Yearbook* (1999), p. 113: "...religious schools...have reshaped their curricula to strengthen the affective dimension of education at the expense of more rigorous cognitive learning..." Yet, even strong proponents of greater emphasis on the cognitive domain might agree that the affective goal of love of learning is a pre-requisite for greater cognitive achievement.
- 7 Jean Piaget: *The Psychology of Intelligence* (Totowa, NJ: Littlefield, Adams, 1966).

- 8 Peterson, C. & Seligman, M.E.P.: *Character Strengths and Virtues: A Handbook and Classification* (New York: Oxford University Press, American Psychological Association, 2004).
- 9 See Malcolm Gladwell: *Blink: The Power of Thinking Without Thinking* (New York: Back Bay Books/Little, Brown & Co./Time Warner Book Group, 2005). The author cites fascinating research indicating that surgeons who use a dominant (=disrespectful) tone in speaking with those whom they are treating, regardless of the doctors' level of surgical training, skill or competence, are more likely to be sued by their patients for malpractice than physicians who listen to the people in their medical care without talking down to them (pp. 43-45). Ralph Waldo Emerson is reputed to have asserted that the key to all of education is respect for the student. The Mishnah (Avot 4:12) states: "Be as respectful of a student as you are self-respecting." Cf. Rambam: *Hilkhot Talmud Torah* (2:12).
- 10 Avot (4:1): Who is honored? One who honors others. Cf. Rashi's commentary to Mishlei (27:19): "Just as water reflects a person's image, so are interpersonal relations: A person acts towards another based upon how the other appears to act towards him."
- 11 A word of caution. Public praise of a student is sometimes unwanted by the student being praised, especially if (s)he feels that the praise is not entirely deserved or if (s)he feels that it may engender negative reactions from classmates.
- 12 I was present at a Torah Umesorah Principals' Convention several years ago when Rabbi Shmuel Kaminetsky was asked by a *rebbe* at a public question and answer session what to respond to a third grader who comes late to school and claims that he had said his *tefillot* at home. Rabbi Kaminetsky said: "Believe him." When the *rebbe* expressed his suspicion that the boy was not telling the truth, Rabbi Kaminetsky replied: "I don't care." Apparently, Rabbi Kaminetsky felt that it was more important for the education of a third grader to feel that his word is respected than to have his *tefillah* story investigated for verification.
- 13 William Glasser identifies five basic needs in people: survival, power, love, belonging, freedom and fun. <http://raider.muc.edu/~schnelpl/Control%20Theory%20-%20Overhead.html>.
- 14 Accessible at <http://www.lookstein.org/lookjed/read.php?f=1&i=6642&t=6642>. One respondent cites a responsum of Rabbi Yehuda Henkin (*Benei Banim*), which states that such an act is in violation of the Torah's prohibition of taking possessions which belong to others, even if temporarily, and even for if for disciplinary purposes. Others are of the opinion that even if such action were halakhically permitted, it could be erroneously perceived by students as "the law of the jungle" — the "might" of the teacher appearing to make "right." See also Moshe Bleich: "Confiscation for Disciplinary Purposes," *Ten Da'at* 8 (1995), pp. 55-63.

- 15 Baba Metzia (10a).
- 16 The rules of slander apply to teachers with reference to their students as well.
- 17 Hunter, R.: *Madeline Hunter's Mastery Teaching: Increasing Instructional Effectiveness in Elementary and Secondary Schools* (Thousand Oaks, CA: Corwin Press, 2004). See especially Chapter 10, "Practice Doesn't Make Perfect: Designing Effective Practice," pp. 85-94.
- 18 See Rosenthal, R. & Rosenthal, L.: "An Approach to Resistance in the Classroom," *Modern Psychoanalysis* 30:2 (2005), pp. 120-128.
- 19 Robert J. Marzano et al.: *Classroom Management That Works: Research-Based Strategies for Every Teacher* (Alexandria, VA: ASCD, 2003), p. 17.
- 20 See Popham, W. J.: *Test Better, Teach Better: The Instructional Role of Assessment*. (Alexandria, VA: ASCD, 2003).
- 21 Hunter, R., *op. cit.*, Chapter 13: "Dignifying Errors to Promote Learning," pp. 109-114. For information about the Mastery Teaching Videotapes contact the UCLA Instructional Media Library, Powell Library, Room 46, Los Angeles, CA 90095-1517, (310) 206-1248. The Yeshiva University Library has recently acquired a complete set of the Madeline Hunter Mastery Teaching Videotapes.
- 22 The *Sefer ha-Hinnukh* writes to his son that his *setirah* is actually *binyan*, playing on the double meaning of *setirah*: to destroy, as well as to contradict.
- 23 In addition to the "stolen" confiscated cell phone incident described above, I offer the following: A teacher complained to me about the disrespect a student was showing him by doing his general studies homework during an after-school *mishmar* session, blatantly offering help to, and seeking help from his classmates with the homework assignment. In response to the teacher's understandable consternation, I interpreted the student's behavior as diligence rather than disrespect. Perhaps the student was, however misguidedly, meeting his responsibility: namely, completing his homework assignment (for which he was being held accountable) and which he may not have had time to complete at home after the *mishmar* session. It was even likely that he was coerced by his parents to attend the "volunteer" *mishmar* session. When the teacher saw the student's behavior in this re-framed light, it became clear that an effective intervention might be to compliment the student on his diligence and responsibility as well as his helpfulness to his classmates. Having said that, the teacher might discuss with the student what might be a more appropriate time and place to give expression to his helpfulness and responsibility.
- 24 See Tomlinson, C.A.: *How to Differentiate Instruction in Mixed-Ability Classrooms* (Alexandria, VA: ASCD, 1995), p. 17. She writes: "Perhaps a good definition of a friend is some one who loves us as we are, and envisions us as we might be."
- 25 Mendler, A.N.: *Connecting With Students* (Alexandria, VA: ASCD, 2001), p. 2, citing Garbarino, J.: "Some Kids Are Orchids," *Time* (December 20, 1999), p. 51.
- 26 Tomlinson: *ibid.* (the italics are mine).

- 27 See Mendler, *op. cit.*, note 25, for a plethora of simple, time-effective and easy-to-implement ways of connecting with students personally, academically and socially.
- 28 See Feuerman, C.: "Moral Education in the Guise of a Physical Education Program," *Ten Da'at* 5:1 (1990), pp. 37-38. See also Klein, S.Y.: "Take Me Out to the Ball Game," *Hamodia Magazine Section* (August 30, 2006), p.7. In that article, Rabbi Klein cites Rabbi Mattisyahu Solomon as explaining Rabbi Ahron Leib Steinman's statement regarding ball playing at the Torah Umesorah convention in May 2006, to mean that: "while in most cases the pedagogic approach of a *rebbe* playing ball with his *talmidim* was not appropriate, in the case of some, it would be."
- 29 Cited in Sullo, B.: *Activating the Desire to Learn* (Alexandria, VA: ASCD, 2007), p. 14. The reference is to Rogers, S., Ludington, J. & Graham, S.: *Motivation and Learning: A Teacher's Guide to Building Excitement for Learning and Igniting the Drive for Quality* (Evergreen, CO: Peak Learning Systems, 1997).
- 30 Authoritative classical Jewish sources for the intrinsic joy of learning abound. To cite a few:
"פקודי ה'; ישרים משמחי-לב" (תהילים יט:ט); [אע"פ שבשאר מצוות אמרינן, מצוות לאו ליהנות ניתנרן] אבל מצות הלימוד שהוא ענין ציור הלב וידיעת האמת, עיקר הציויי הוא, כדי לציר האמת ולהתענג ליהנות במדע לשמח לבבו ושכלו כדכתיב 'פקודי השם ישרים משמחי לב'... משום הכי אבל אסור לקות בתורה ובנביאים ובכתובים מפני שהם משמחים את הלב בעל כרחו... שעיקר מצותו היא ההנאה והתענוג במה שמשיג ומבין בלימודו..." (רבנו אברהם מן ההר, נדרים מ"ח); "זה הוא עיקר מצות לימוד התורה להיות שש ושמח ומתענג בלימודו, ואז דברי תורה נבלעין בדמו... ומודינא הדלומד לא לשם מצוה רק מחמת שיש לו תענוג בלימודו, הרי זה נקרא לימוד שלא לשמה, כהא דאוכל מצה שלא לשם מצוה רק לשם תענוג אכילה, ובהא אמרו לעולם יעסוק אדם בתורה ואפילו שלא לשמה שמתוך שלא לשמה בא לשמה. אבל הלומד לשם מצוה ומתענג בלימודו הרי זה לימוד לשמה וכולו קודש, כי גם התענוג מצוה." (הקדמת ספר "אגלי טל" על ל"ט מלאכות שבת).
- 31 Thus the author of *Arukh ha-Shulhan* (§ 554), is taken aback by the ruling that school children are kept from learning on Tish'a B'Av. Citing the Midrash that speaks of *tinok ha-bore'ah mi-beit ha-sefer*, he considers it to be well-known that neither the pupils nor their teachers enjoy learning. My resolution of the *Arukh ha-Shulhan's* stricture is a simple one: the child is running away from school, not from learning.
- 32 Bruner, J.: *Towards a Theory of Instruction* (Cambridge, MA: Harvard University Press, 1996), p. 114.
- 33 See especially Bruner, *op. cit.*, note 32, pp. 114-128.
- 34 See especially Sullo, B., *op. cit.*, note 29.
- 35 Osterman, K.E. & Kottkamp, R.B.: *Reflective Practice for Educators: Improving Schooling Through Professional Development* (Thousand Oaks, CA: Corwin Press, 1993). [Italics are mine]
- 36 Kolb, D.A.: *Experiential Learning: Experience as the Source of Learning and Development* (Englewood Cliffs, NJ: Prentice Hall, 1984). [Italics are mine]

- 37 Bruner, *op. cit.*, note 32, pp. 114, 128.
- 38 Bruner, *op. cit.*, note 32, p. 115.
- 39 Bruner, *op. cit.*, note 32, p. 125.
- 40 One teacher in the Yeshiva Elementary School of Milwaukee, WI (Mrs. Gilden) recently gave me a list of 16 types of discrepancies which Rashi addresses in his commentary to *Humash*. The list had apparently been generated by one of her seminary teachers, probably based upon Nehama Leibowitz's orally transmitted teachings.
- 41 Marzano, R.J., Pickering, D.J. and Pollock, J.E.: *Classroom Instruction That Works: Research-Based Strategies for Increasing Student Achievement* (Alexandria, VA: ASCD, 2001), p. 85, citing Johnson, D.W. and Johnson, R.T.: *Learning Together and Alone: Cooperative, Competitive and Individualistic Learning* (Boston: Allyn & Bacon, 1999). Other theorists who promote cooperative learning include: Slavin, R.E.: *Cooperative Learning: Theory, Research and Practice* (Boston: Allyn & Bacon, 1995, 2nd ed); Kagan, S.: *Cooperative Learning* (San Clemente, CA: Resources for Teachers, 1994). Kagan's cooperative learning strategies are most teacher-friendly. I recommend visiting his website: www.KaganOnline.com.
- 42 I cannot recall precisely when it was said. It may appear in his posthumously-published compendium of talks, *Pahad Yitzhak* (Brooklyn, NY: Gur Aryeh Institute for Advanced Jewish Scholarship, 1964 and *seriatim*).
- 43 Bruner, *op. cit.*, note 32, p. 122.
- 44 Kiddushin 48b.
- 45 Bruner, *op. cit.*, p. 128.
- 46 One fine illustrative example of this is described in Bruner, *op. cit.*, p. 118: "Athletics is the activity *par excellence* where the young need no prodding to gain pleasure from an increase in skill, save where prematurely adult standards are imposed on little leagues formed too soon to ape the big ones. [One school]...established a novel competition in which boys pitted themselves against their own best prior record...the system creates great excitement and enormous effort..."
- 47 Bruner, *op. cit.*, note 32, p. 114. [Italics are mine]
- 48 Both the original written Hebrew version and a translation of the shi'ur into English were published in Feuerman, C. (ed.). *HaMenahel, the Educational Journal of Torah Umesorah, Special Issue: Approaches to Teaching Jewish Values* (New York: National Conference of Yeshiva Principals/Torah Umesorah, October, 1975), pp. 4-10. (The shi'ur itself was delivered in Yiddish.)
- 49 *Baba Batra*, 21a.
- 50 Saulny, S.: "Home Schoolers Content to Take Children's Lead," *New York Times* (November 26, 2006). [Italics are mine]
- 51 To share the *nachas*, Dr. Feuerman can be contacted at: CFeuerman@aol.com.

REVIEW ESSAY: THE RATIONAL TRADITIONAL STUDY OF TANAKH COMES OF AGE

The four books reviewed here are the apotheosis of a process of rational Tanakh study that has been developing and maturing over the past few decades. Stimulated by the textual-exegetical studies of Nehama Leibowitz, nurtured by the literary-critical efforts of a host of Israeli Bible scholars, and gilded by the historical-geographical studies of Yoel Bin Nun and a new generation of Orthodox archaeologists, the rational-yet-still-traditional study of Tanakh now appears in full-bloom and glory.

I was once introduced to a famous non-Orthodox scholar as someone who taught Bible at Yeshiva College. “What must it be like,” he lamented, “teaching grown men as though they were children.” If these books had appeared a generation ago, I would not have had to suffer that indignity.

* * *

IYYUNIM BE-HAMESH HA-MEGILLOT

(Studies in the Five Megillot)

Gavriel Hayyim Cohen

Israel (The Jewish Agency and the Lookstein Center), 2006

358 pp, + bibliography (no indices)

Gavriel Hayyim (Gabi) Cohen, emeritus professor of Bible at Bar Ilan University and formerly the director of Makhon Gold, is a well-known name in Bible studies, in general, and the five Megillot, in

particular. In addition to “introductions” to the Megillot that appeared in a series published by the Israeli Ministry of Education, he is the author of the introduction to Megillat Esther in the venerable “*Da`at Mikra*” series.

Now, thanks to the combined sponsorship of the education department of the Jewish Agency and the Lookstein Center of Bar Ilan University, Dr. Cohen shares with us a series of analyses of the Megillot that are specifically geared towards educators. The table of contents, like the menu at a preferred restaurant, promises both new delights and old favorites. In addition to such standards as the canonical status of the Megillot and their relationship to the calendar, here are just a few of the new selections:

- Shir ha-Shirim
 - In parable and symbol
 - The song of Eretz Yisrael
 - Benot Yerushalyim and Benot Tziyon
- Ruth
 - Social responsibility and faithful awareness
 - Leaving Eretz Yisrael
 - Status of women and centrality of family
- Eikhah
 - The singularity of the lamentations
 - Between Eikhah and Yirmiyahu
 - Prayer and hope
- Kohelet
 - Linguistic and literary character
 - Havel havalim
 - Kohelet’s theology
- Esther
 - Esoteric and exoteric
 - Continuing the war against Amalek
 - Status of women

Ever the conscientious pedagogue, Dr. Cohen provides a didactic apparatus, useful for both classroom instruction and self-study, in the form of Appendices that supplement the studies he conducts of each Megillah. The Appendix to Shir ha-Shirim treats poetry; Ruth formu-

lates questions for self-study in the style of Nehama Leibowitz and R. Yissakhar Yaakovson; Eikhah deals with three Midrashim that treat the entirety of Chapter One, and with the relationship between Eikhah and the *kinnot* of *Tish'a b'Av*; Kohelet includes its canonical status, a distinctive introduction to the Megillah by R. Yosef Tzvi Carlebach, and the treatment of Kohelet as a subject in modern Hebrew poetry (Sh. Shalom, Yaakov Fichman, Yehudah Amihai, and Leah Goldberg); and Esther provides a thematic summary of the narrative, sources in the Megillah for laws and customs of Purim, the subject of Amalek, and a glimpse at several anti-heroic interpretations of the Megillah by non-Jews in the early 20th century.

A brief excerpt from the author's introduction, revealing his passion as well as his purpose, serves as the best advertisement:

These studies invite their readers to play an active role in the compelling conversation that takes place between us and the text; a conversation that has been going on since these Megillot were written. This conversation obliges us to have full familiarity with the text in all its meanings and manifestations, as well as a sincere desire to enter into the ongoing dialogue with them. Thus, these Megillot, which were written in various historical, literary and cultural contexts, are transformed into a meaningful source for the enrichment of our contemporary national and personal lives. A genuine confrontation with the text requires intellectual and even spiritual effort, but its result is a marvelous association with the majestic splendor of sacred Scripture...

Similarly, we constructed within each of the Megillot basic concepts that comprise a partial mosaic of the Megillot, in an attempt to listen to the echoes of the Megillot in classical and contemporary Jewish thought and to examine the reflections of the Megillot in Jewish liturgy and Modern Hebrew poetry. (XI)

Gabi Cohen represents the amalgamation of the best qualities of traditional exegetical research (*parshanut*) and the modern literary-critical study of the Bible. As such, his "*Iyyunim be-Hamesh ha-Megillot*" offers a harmonious perspective which, while not unique, is nevertheless distinctive in contemporary Orthodox Biblical scholarship. Furthermore, his many decades of active educational service to Makhon

Gold and Bar-Ilan University have further refined his natural pedagogical talents (not to mention his characteristically Swiss-styled efficiency and directness). The combination is a work that should have particular appeal to an audience of Modern Orthodox educators who want to share with their students the “best practice” of contemporary education in respect of the Five Megillot. If we would only be so fortunate with the remaining books of Tanakh.



A Rational Approach to Judaism and Torah Commentary

Rabbi Dr. Israel Drazin

Jerusalem: URIM Publications (2006)

237 pp., \$23.95 US

ISBN 965-7108-91-8

In the Introduction to his Torah commentary, Abraham Ibn Ezra says: “The angel [*mal’akh*] between man and God is his reason [*sikhlo*].” Rabbi Dr. Israel Drazin, a lawyer, rabbi and military chaplain (with the rank of Brigadier General!), must have been listening, because this book is a paradigm of the use of reason to connect man and God through the medium of *Parashat ha-Shavu’a*. Indeed, there is even a chapter (*Vayeitzei*) correcting the non-rationalist perception of “angels” as ethereal beings and substituting for it Maimonides’ rationalistic clarification (in the Guide) that the word “angel means messenger; hence everything that is given a certain mission is an angel” (39).

Dr. Drazin begins each lesson with essential questions, follows with a detailed discussion and concludes with a summary—an eminently reasonable methodology—dealing along the way with a broad array of philosophical, moral and literary subjects. While no single chapter completely reflects the erudition on display throughout this book, it is our custom in these reviews to select one chapter nonetheless and present it as an exemplar. In deference to Rabbi Drazin’s singular military experience, we chose the chapter on *Beshalah*, entitled: “Can war be just?”

Following an introduction to the practice of reading the *Haftarah* [Shoftim 4-5], Drazin poses his trademark questions. In this case, they are:

- When can a war be just?
- Was the war by Deborah just?

The ensuing discussion (which focuses not on the war of Devorah but on that of Ehud !) cites, *en passant*: The Interpreter's Bible, Ralbag (Gersonides, whom he identifies as a grandson of Ramban!), the Chinese military sage Sun Tzu, and the German military writer, von Clausewitz. In answer to the questions, we learn that wars, even preemptive strikes, are legitimate—even necessary—when launched as a last resort to relieve an oppressive and cruel bondage. They may even be deceptive in nature, particularly if they are conducted with the exercise of restraint, as was the attack planned and executed by Ehud against the Moabites.

Other themes in the book treated by Dr. Drazin include:

- What does God want of people?
- Reason vs. faith
- The Jewish contribution to the study of history
- How do we deal with seemingly unreasonable *midrashim*?
- How does God speak?
- Should we copy Pinhas's zealotry?
- Should we accept the truth taught by non-Jews?
- What is the value of comparing biblical stories to Greek myths?

Since we opened this review by way of a reference to Ibn Ezra's paeon to reason, it is significant that the book itself ends on precisely such a note. Having already broached the question of "Who wrote *Sefer Devarim*: God or Moshe?" apropos of the *parashah* of that name (and concluded that it remains holy even if Moshe wrote it on his own recognizance), Dr. Drazin concludes his rational critique of the Torah with what is perhaps the most radically rational assessment of Torah authorship ever issued: "Ibn Ezra's 'Secret of the Twelve'."

In his opening remarks to *Sefer Devarim* (1:2), Ibn Ezra, in a deliberately cryptic fashion, implies that the first several verses in *Devarim* were not written by Moshe because they are in the third person unlike the rest of that book, which is in the first person. He associates these verses with several others appearing throughout the Torah (in-

cluding Bereishit 12:6 and 22:14) and concludes that “whoever knows the secret of the twelve will appreciate the truth.” Most interpreters of Ibn Ezra take this as an allusion to his remarks on the last chapter of the Torah. There (Devarim 34:1), he notes that if Moshe had already ascended Mt. Nebo, then not only the final eight verses of the Torah were added by Yehoshua, but the four verses preceding them as well—for a total of twelve.

Drazin contrasts the implications of Ibn Ezra’s cryptic remarks (correctly citing his 14th century super-commentator, Joseph Bonfils=R.Yosef Tuv-Elem ha-Sefaradi, in clarification) but seems to overlook a necessary distinction that must be drawn in the “13 Articles of Faith” of Maimonides, which he also cites, to which Ibn Ezra appears to stand in blatant contradiction. According to the version of those articles that is published widely in *siddurim*, a Jew is obliged to believe that “the entire Torah that we possess today was given to Moshe.” If this were Maimonides’ real position, then the author of the *baraita* in Baba Batra (14b-15a) would have forfeited his share in the world-to-come by stipulating Yehoshua’s authorship of the Torah’s last eight verses. Since it is inconceivable that Maimonides would have leveled or even implied such an accusation, this cannot be his actual position.

Indeed, we are fortunate to have recourse to the original (Arabic) text of Maimonides’ 13 articles (which appear in his Commentary on the Mishnah, Sanhedrin chapter *Helek*). A reading of that text (widely reproduced in Hebrew translation) indicates that his concern was NOT with Mosaic authorship (*Torah mi-Sinai*), per se, but with Divine Provenance (*Torah min ha-Shamayim*). He states there categorically that even one who accepts Moshe’s authorship of the entire Torah forfeits a share in the world-to-come if he maintains that Moshe wrote it on his own initiative rather than at God’s specific behest. This is the distinction clearly intended by Ibn Ezra’s super-commentator who writes: “Of what concern is it whether [these exceptional verses] were written by Moshe or by any other prophet, as long as all their words were transmitted through true prophecy.”

All in all, the book is a refreshing respite from the spate of *parashah* books that attempt to inject the author’s predisposed views into the text rather than allow the text to speak its own mind, as it were. Whether that is a function of rationalism, is a question best left to individual

judgment of the book's readers, among whom the educators who serve in modern Orthodox day schools ought to be at the forefront.



Through an Opaque Lens

Rabbi Hayyim Angel

Sephardic Publication Foundation (2006)

330 pp., \$25.00 US

The year 2006 has been particularly kind to those in search of rational approaches to *Tanakh*. In addition to Gabi Cohen's book on the *megillot* and Israel Drazin's book on the *parashah*, we are fortunate to have this anthology of essays by Rabbi Hayyim Angel, rabbi of Congregation Shearith Israel in Manhattan and instructor of Bible at Yeshiva College. In the dual capacities of rabbi and teacher, he brings to bear a broad erudition in Jewish exegetical literature, a sophisticated method of literary inquiry, and the ability to meld the two into the presentation of *Tanakh* as something both venerable and valuable for educated Jews as well as those seeking Jewish education and enlightenment.

Divided into two sections, the book contains five studies in methodology and fifteen textual studies, distributed among *Humash* (3 on Bereishit), *Nevi'im* (3 on Shemuel, 2 each on Melakhim and Yonah), and *Ketuvim* (2 on Tehillim and 1 each on Iyyov, Ruth and Esther). While most of the essays have already appeared in print (primarily in Jewish periodicals), the entire book creates the inviting impression of something larger than the sum of its individual parts.

Notwithstanding our inveterate caveat about designating a single chapter as "representative" of the whole work, I would like to focus on one of Rabbi Angel's methodological essays, entitled: "Rambam's continuing impact on underlying issues in Tanakh study" (35-55). Appearing originally in *The Legacy of Maimonides* [edited by Yamin Levy and Shalom Carmy (NY: Yashar, 2006)], a collection of essays marking Maimonides' 800th "yahrzeit," this essay covers three fundamental issues: principles of prophecy; allegorical readings; and the historical setting of Tanakh.

The discussion of prophecy includes: the distinction between the

respective statuses of *Nevi'im* and *Ketuvim* (the former were prophetic, the latter “merely” divinely inspired), the particular styles of individual prophets (Yeshu`ayahu vs. Yehezq'el) and our right (or responsibility) to critique prophetically inspired Biblical heroes. The section on allegory includes anthropomorphism (preventing “gross” misconceptions about God), visions of the messianic age (not to be taken, literally, as supernatural), a discussion of angelic encounters (they transpire only in prophetic visions), and instances in which God commands a prophet to do something either unusual (Yehezq'el 4, 5) or outright prohibited (Hoshea 1). The final section provides examples of how the historical and cultural background of the Tanakh either explain actions of the patriarchs (Yehudah appears to enforce *yibbum*), the omission of explicit references to Yerushalyim in the Torah, or relate mitzvot (e.g., *basar be-halav*) to specific Canaanite practices they were intended to counter.

Of singular interest and importance to teachers, however, is a chapter on the “textual” side of the book, entitled: “Learning faith from the text or text from faith; the challenges of teaching (and learning) the Avraham narratives and commentary.” Confronted with the discrepancy between Avraham’s behavior and “external” standards of ethics or morality, we are caught in a dilemma: To whom do we owe greater loyalty—the text or the patriarch? Rabbi Angel begins by considering three exegetical approaches.

1. Accept the plainest sense of the text, and assume that what Avraham did was correct. Throughout the Avraham narratives, this option always appears to be the smoothest reading of the text, since God responds to Avraham’s queries with assurances and covenants—and never overtly criticizes him.
2. Accept the plainest sense of the text, but criticize Avraham for what he did—either by searching for hints in the text which might indicate negativity, or simply by stating that Avraham did something wrong.
3. Provide an alternative reading of the text. In effect, this method eliminates the questions of faith that Avraham’s actions may have raised.

Applying these options to several episodes in the life of Avraham, Rabbi Angel provides useful methodological guidelines and incisive

literary insights based on his own considerable pedagogical experience. Viewing Avraham from the perspectives of major medieval and modern commentaries (including Rashi, Radak, Ramban, Ralbag, Malbim, R. David Tzvi Hoffman and the Netziv), Avraham emerges as a man of great faith whose unwavering obedience to the word of God does not preclude the right to challenge either information he is given or promises he is made. Maimonides would have expected nothing less.



Tanakh Companion: The book of Samuel

Yeshivat Chovevei Torah
Ben Yehudah Press (2006)
265 pp., \$19.95 US

Every June, the Yeshivat Chovevei Torah rabbinical school sponsors several days of Tanakh lectures. Following in the venerable tradition of the annual *yemei iyyun* held by the Herzog Teachers College at Yeshivat Har Etzion, these lectures are geared towards teachers and feature cutting-edge work in literary and historical-geographic analysis. Now, for the first time since the series was inaugurated, some of the contents of those lectures have been made available for public consumption.

Comprising 13 lectures by nine contributors, the “*Tanakh Companion [to] the book of Samuel*” is a boon companion to the three books whose reviews precede it here. It, too, is a model of rationally inspired textual analysis that remains faithful to the spirit and intent of *kitvei kodesh* while adhering strictly to established principles of scientific inquiry.

Edited by Nathaniel Helfgot, who is also one of the contributors, the book eschews the minutiae that often characterize critical academic research, concentrating on the explication of the text and its message in a manner that endears it to the *takhlitic* reader and educator. Indeed, a noteworthy didactic feature of the book is its incorporation of the full Hebrew texts (with accompanying English translations) of all the Biblical passages dealt with in the articles. This makes the book more “user friendly,” enabling it to be utilized independently of a standard Tanakh.

In addition to the editor himself, multiple contributors include

David Silber (who explores the relationship between the birth of Shmuel and the concept of monarchy) and Hayyim Angel (who studies the *Urim ve-Tummim* and draws on Tehillim to explain David's attitude towards Shaul), and individual contributions are from Avi Weiss (on Avigayil), Jack Bieler (on Uzzah), Joshua Berman (David and the Temple), Leeor Gottlieb (the book of Shmuel in the Dead Sea Scrolls), Shmuel Herzfeld (David and Batsheva), and Yehuda Felix (on Hannah and prayer). In deference to Rabbi Helfgot's service as an editor of TEN DA'AT, we shall feature his article entitled, "Amalek: Ethics, Values and Halakhic Development" (his other article compares David and Saul).

The divine charge to eradicate Amalek poses a formidable pedagogical challenge. To affirm it, is to advocate genocide, while to deny it is to invalidate the word of God as the ultimate determinant of morality. Small wonder, then, that the Talmudic *Aggadah* and the Midrash *Kohelet Rabbah* impute to King Saul a values' clarification worthy of Kohlberg. The "irony" is that although his conclusion appeals to our contemporary sense of fairness (he declined to kill the women, children and animals for a crime that was committed by Amalekite men), he is condemned for this by Samuel and forfeits his kingdom as a penalty. [See Moshe Sokolow: "Autonomy vs. Heteronomy in Moral Reasoning: The Pedagogic Coefficient," in *Hazon Nahum* (Festschrift for Norman Lamm; NY, 1997)]

Rabbi Helfgot broadens the scope of the inquiry into *mehiyyat Amalek* to include the Torah's commandment, Saul's (in)action, and David's later dealing with the Amalekite who reported Saul's death to him, drawing into the discussion sources as disparate as the *Mekhilta*, the *Rambam*, and the *Sefer ha-Hinukh*, on the one hand, and the *Avnei Nezer* and the *Hazon Ish*, on the other. He is also guided in his treatment of the subject by a definitive essay of Avi Sagi and some thoughtful words of his teacher, Rav Aharon Lichtenstein. In summary of his efforts to detect whether the Biblical charge is genocidal, he states:

In the real world, where no Amalekite DNA is test is possible, there is no practical difference between the Maimonidian approach and the *Sefer Ha-Chinukh* approach. But the moral difference is profound. For *Sefer Ha-Chinukh*, God has commanded genocide to be performed by each individual Jew, but

the conditions are lacking due to forces beyond our control. For Maimonides, and subsequently for the Chazon Ish and the Sachatchover [Avnei Nezer], however, there is no such far-reaching demand. God has not commanded genocide after all. And to answer [the] question [whether what God commands is intrinsically moral or becomes moral by virtue of being commanded by God], what God wants is indeed what is moral. (93)



All four of the books reviewed here should be available in day school libraries for use by teachers in their preparations and by students in conducting research. Readers are invited to supplement this review with recommendations of their own that we will publish in subsequent issues.

SHORT REVIEWS

Sharim ve-lomdim 'im Naomi Shemer

Ed. Hava Geva, Varda Karin, Amnon Sagiv
(Israel, 2004)

63 pp., no price stated

Distributed by:

Israel Connection

9595 Wilshire Blvd., Beverly Hills CA 90212

Naomi Shemer, who died in the summer of 2004 at the age of 73, bequeathed us a veritable treasure house of songs of which “Yerushalayim shel zahav” is merely the best-known. Her range (topical, not musical) embraced the modern Jewish-Zionist-Israeli experience with warmth and passion that were born of her personality and outlook.

We were fortunate to have had Naomi Shemer to memorialize our contemporary history and experiences and we are now fortunate to be able to learn Hebrew from a selection of her songs. Arranged by experienced Ulpan teachers, *Sharim ve-lomdim 'im Naomi Shemer* builds basic Hebrew language lessons around 14 songs, providing the opportunity for vocabulary acquisition, reading comprehension, speaking and understanding, all while enjoying some of the best and most popular Hebrew songs of the 20th century.