

The History of Discipleship in Judaism: From a Biblical Commandment on the Individual to Rabbinic Regulation on the Establishment of Public Jewish Educational System¹

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Abstract

This article deals with the history of discipleship in Judaism and its transition from an individual obligation to a public education system. The article is divided into three main sections: The first section discusses the centrality of education to Torah study in Judaism as well as the Jewish legal concept of “educational obligation” as opposed to the modern legal concept of “right to education.” The second and central section examines the development of the Jewish obligation to educate – the transition from private to public education. The author analyzes the various Talmudic regulations that led to this transition and the relationship between them. At the end of this section, the author discusses the funding structure of the public education system and the right of parents to choose the educational framework for their children. In the third section, the author emphasizes the distinctiveness of Jewish education as the supreme value of the pure intellectual study of the Torah, which refers both to financial interests such as the teachers’ right to strike in Jewish law, and to dedication to study in times of severe hardship and darkness such as the time of the Holocaust. For this research, the author analyzes various Jewish sources, from the written Torah and the oral Torah. From the Talmud, the Mish-

1 This article was written as part of the Zagreb Biblical Institute research project: “The Concept of Discipleship Among Evangelical Churches in Croatia.”

nah, the Midrash, and rabbinic responsa from the Middle Ages to modern times. Much of this literature has been translated from Hebrew and Aramaic.

Keywords: *education, Jewish, Rabbi, Talmud, Torah*

Introduction

Unlike in the past, the right to education is a matter of course for everyone today. This right has been recognized by the nations of the world as a fundamental right and is enshrined in Article 26 of the “Universal Declaration of Human Rights,” which was adopted by the United Nations General Assembly in December 1948. This right includes free education (which must be compulsory) at least at the primary school level; the availability of technical and vocational education and equally accessible higher education; and the prerogative of parents to choose the type of education they want their children to receive. This right has been enshrined over the years in the laws of various countries and in international treaties.² Among the Jewish people, education has been a core value since the founding of the nation. Throughout Jewish history, the Torah study of adults and the younger generation has been known to be extremely important, both for the preservation of the religious-cultural existence of the people and for its continuity. This is how the Sages testify to the importance of education and Torah study:

Rav Yehuda said that Rav said: What is the meaning of that which is written: “Do not touch My anointed ones and do My prophets no harm” (1 Chr 16:22)? “Do not touch My anointed ones,” these are the schoolchildren; “and do not harm My prophets,” these are Torah scholars. Resh Lakish said in the name of Rabbi Yehuda Nesia: The world only exists because of the breath, (i.e., reciting Torah), of schoolchildren... And Reish Lakish said in the name of Rabbi Yehuda Nesia: One may not interrupt schoolchildren (from studying Torah), even in order to build the Temple. And Reish Lakish said to Rabbi Yehuda Nesia: I have received from *my* ancestors, and some say: from your ancestors as follows: Any city in which there are no schoolchildren (studying Torah, they) destroy it. Ravina said: They leave it desolate (Babylonian Talmud 1999, Shabbat 119b).³

The Sages in the Talmud claim that even for an important need such as the building of the Temple, it is forbidden to stop the students’ studies since the whole world exists solely because of their study. Maimonides in his legal codex cites the words of the above Talmud sages and gives them binding legal status:

Teachers of small children should be appointed in each and every land, in each and every region, and in each and every village. If a village does not have chil-

2 See: International Covenant on Economic, Social and Cultural Rights from 1966.

3 Most translations into English were taken from *Sefaria.org*. All emphasis added by the author unless differently specified.

dren who study Torah, its populace is placed under a ban of ostracism until they employ teachers for the children. If they do not employ teachers, the village [deserves to be] destroyed, since the world exists only by virtue of the breath coming from the mouths of children who study Torah (Maimonides 1974. Hilchot Talmud Torah 2:1).

The meaning is that according to Jewish law, a city that does not take care of the education of the younger generation by establishing institutions for learning the Torah should be destroyed. Judaism's approach is very radical and advocates the position that without education and Torah study, we have no right to exist. This radical obligation of learning Torah for every Jew, for every father to teach his son, and for every community leader to take care of the education of the younger generation, can simply explain the phenomenon that among the Jewish people it has always been very rare to find those without a basic education. Among the Jews the greatest shame was ignorance.

In this work, we will point out that education in Judaism is a duty and not a right, we will explore the centrality and origins of the obligation to study in Judaism. We would also like to examine the development and expansion of this duty from a personal-family duty of the father towards his son to a public-communal duty during the Talmud period. We will also discuss the financial significance of the communal-public duty of education. We would like to show that the duty of education in Judaism has always been at the top of the scale of private and social duties - and for this purpose we will see, on the one hand, the uniqueness of the right to strike for teachers in Jewish law, and on the other hand, the sacrifice for Torah study during difficult times such as the Holocaust.

1. The Centrality of the Value of Education for Studying the Torah in Judaism

As early as in the morning when the Jew wakes up, he blesses: "He who sanctified us with his mitzvot and commanded us to engage in the words of the Torah" (Babylonian Talmud 1999, Berachot 11b). One of the things the Jew prays for is "a life of Torah love" (ibid., Berachot 16b). Judaism demands that a person devote his life to the study of the Torah, because true Torah study demands total life dedication to the Torah, as it is said: "Matters of Torah are only retained by one who kills himself over it? As it is stated: 'This is the Torah: When one dies in a tent' (Num 19:14)" (Babylonian Talmud 1999, Berachot 63b). And this is how Maimonides rules the halacha⁴:

4 Halacha – 1. legal part of Jewish religious literature; the name comes from the verb *halach* (heb. "to go"), because we "go" according to, that is, we follow Jewish law. 2. specific law from the halakha system.

Three crowns were conferred upon Israel: the crown of Torah, the crown of priesthood, and the crown of royalty. Aaron merited the crown of priesthood...David merited the crown of royalty... The crown of Torah is set aside, waiting, and ready for each Jew... Whoever desires may come and take it (Maimonides 1974, Hilchot Talmud Tora 3:1).

None of the other mitzvot can be equated to the study of Torah. Rather, the study of Torah can be equated to all the mitzvot, because study leads to deed... Therefore, study takes precedence over deed in all cases (Ibid. 3:3).

The Jewish people presented a magical ideological vision to the human race. The formation of a utopian society: a society in which intellectual engagement, expressed in the study of the Torah, is the central existential experience of all its members. The idea of eliminating the gap between an intellectual elite and the masses is indeed an absolute utopian idea.

One can find quite surprising parallels between this vision and Plato's utopian vision. Plato in the fifth book of his *Politeia* presents a utopia of an ideal state led by the philosopher king. The only place where Plato's vision of the leader-philosopher came to reality is in the Jewish society, which was headed by the sages of the generation. Nowadays, in the Jewish ultra-Orthodox society, the leader of the community is the rabbi, the greatest intellectual who receives his authority by virtue of his Torah knowledge. The ideal of this society is the constant study of the Torah by all members of the community.

Naturally, it is financially difficult to maintain such a utopian society where no one works and everyone studies, as the Mishna says: "If there is no flour, there is no Torah"⁵ (Mishna 1987, Avot 3:17). Therefore, the Sages talked about the economic model that can allow the maintenance of a group that is only engaged in learning, this is the Issachar and Zebulun model: "Issachar sits and engages in Torah study, Zebulun sets out to the seas and comes and provides for Issachar's mouth, and the Torah proliferates in Israel" (Midrash Bereshit Rabbah 1878, 72:5).

Admittedly, not everyone is qualified to be a philosopher, some have other skills and qualifications which should be used to support those who dedicated their lives to study. The midrash emphasizes that work and trade are not the goal but a means to enable the study of the Torah. The Zebulun tribe, who were international traders, took care to support the Issachar tribe who devoted their lives to the study of Torah.

Maimonides, when explaining the meaning of the messianic prophecy by Isaiah the prophet "The wolf shall dwell with the lamb, The leopard shall lie down with the kid" (Isa 11:6), asserts that this is a period in which a utopian philosophical society will exist:

5 The second part of this Mishnah is: "...if there is no Torah, there is no flour."

The Sages and the prophets did not yearn for the Messianic era in order to have dominion over the entire world, to rule over the Gentiles, to be exalted by the nations, or to eat, drink, and celebrate. Rather, they desired to be free to involve themselves in Torah and wisdom without any pressures or disturbances, so that they would merit the world to come (Maimonides 1974, *Hilchot Melachim* 12:4).

During the decrees of Hadrian,⁶ one of the decrees was the prohibition of public Torah study. Rabbi Akiva, one of the great sages of Israel who lived in the Land of Israel at that time, realized that the implementation of this decree might collapse the religious structure and continuity of the Jewish people, therefore he violated the decree and continued to teach Torah in public, he was captured and executed under severe torture as one of the “Ten Martyrs.”⁷

On one occasion, while Rabbi Akiva was sitting and teaching Torah in public, a man called Pappus ben Yehuda, happened to be there, and he wondered at Rabbi Akiva how he was not afraid of the Roman rule and risking his life. Rabbi Akiva, who saw the study of the Torah as necessary and vital for the people of Israel, answered him with the following parable:

To what can this be compared? It is like a fox walking along a riverbank when he sees fish gathering and fleeing from place to place. The fox said to them: From what are you fleeing?

They said to him: We are fleeing from the nets that people cast upon us. He said to them: Do you wish to come up onto dry land, and we will reside together just as my ancestors resided with your ancestors?

The fish said to him: You are the one of whom they say, he is the cleverest of animals? You are not clever; you are a fool. If we are afraid in the water, our natural habitat which gives us life, then in a habitat that causes our death, all the more so.

The moral is: So too, we Jews, now that we sit and engage in Torah study, about which it is written: “For that is your life, and the length of your days” (Deut 30:20), we fear the empire to this extent; if we proceed to sit idle from its study, as its abandonment is the habitat that causes our death, all the more so will we fear the empire (Babylonian Talmud 1999, *Berachot* 61b; *Midrash Yalkut Shimoni* 1960, Deut 837; Babylonian Talmud 1961, *Avoda Zarah* 3b).

6 Hadrian decrees - imposed by Emperor Hadrian on the rebellious inhabitants of the Land of Israel in 135 A.D., after the suppression of the Bar Kochba rebellion.

7 The Ten Martyrs (heb. *Asara Haruge Malkhut*) - are the ten leading rabbis who were cruelly executed by the Roman government in Israel because they did not obey the orders of the Roman government but continued to study and teach the Torah. These ten rabbis became part of the Jewish consciousness of opposing the Roman orders aimed at the destruction of Judaism. See: Babylonian Talmud 1961, *Baba Batra* 10b, *Sotah* 48b; Babylonian Talmud 1999, *Berachot* 61b, *Sanhedrin* 14a.

This parable is intended to illustrate the essential dependence of the Jewish people on the study of the Torah. Rabbi Akiva sees the decrees of the Roman Empire as fishing nets, the solicitation and temptation as a fox, Israel as fish, and the Torah as water. The “fox” suggests abandoning the traditional place of breeding and adapting a new way of life to survive the decrees of the Romans and their punishments, but the Torah for the Jews is like water for fish, they cannot live without it. To stop learning the Torah is more serious and dangerous than the decree of the government. The Romans will not necessarily catch the Torah students, but those who abandon the study of Torah surely endanger their future and destiny.

The Talmud cites the story of Rabbi Akiva’s sacrifice as an example of Rabbi Akiva’s own opinion on the subject of the limit of dedication to the obligation of keeping the Torah, which according to Rabbi Akiva’s opinion is sacrificing one’s life as it is said: “You shall love your God with all your heart and with all your soul and with all your might” (Deut 6:5), with all your soul - means: “Even if God takes your soul” (Babylonian Talmud 1999, Berachot 61b).

Even in the value of giving charity, Torah scholars have priority, as it is said:

“Cast your bread on the surface of the water, for after many days you will find it” (Ecc 11:1). Rabbi Beivai said: If you sought to perform charity, perform it with those who toil in Torah study, as water stated here is nothing other than words of Torah, as it is stated: “Anyone thirsty, go to water” (Isa 55:1) (Midrash Kohelet Rabbah 1878, 11:1).

This is because “Just as the tent cannot exist without pegs and strings, so Israel cannot exist without the scholars” (Midrash Tanna Debei Eliyahu Rabbah 1968, 28).

The sages symbolize the ideal of the existence of the Jewish people “a kingdom of priests and a holy nation” (Exod 19:6). Judaism aspires to establish a nation of intellectuals. The idea is not physical power, not a large territory, not great wealth, but a nation where the fulfillment of the ideal is that wisdom will be the common property. Naturally, the centrality of the value of education and the study of the Torah throughout Jewish history led to the enactment of many laws and customs in matters of education, however, it is beyond the scope of this paper. Therefore, we will not be able to deal with them within the framework of this work.⁸

1.1. Right Versus Duty

Before we begin our discussion, it is important to emphasize that the use of the concept of “right to education” in the various modern legal theories is very different from the use of this concept in Jewish law. While modern Western law grants

8 For a comparative study on the development of the laws and regulations concerning education in the State of Israel and in the Rabbinic Literature, see: Glick 1999.

rights to a person, Jewish law advocates a system that imposes duties on the individual or the public.

This is not only due to the essential differences between the modern legal system and the ancient legal system. The main difference between the legal theories stems from different worldviews: the secular society created the modern law and placed the individual at its center, while the Jewish society submits itself to a legal system commanded by God (Florsheim 1986, 35). The Jewish-religious worldview is based on a concept of duties, and indeed as we will see there are duties imposed on the parents and on the public, duties that create rights for the child. According to the modern concept, the right of the child creates “obligations” imposed on the father or the state.

Jewish law imposes on the child's natural parents a set of duties arising from the parents' status as natural guardians of their children. This status imposes on the parents, and especially on the father, the duty to educate his sons.⁹ This obligation is indeed imposed on the father, but the child is not relieved of it if his father did not teach him Torah, as Maimonides ruled: “A person who was not instructed by his father is obligated to arrange for his own instruction when he can understand, as (Deuteronomy 5:1) states: ‘And you shall study them and take heed to perform them’” (Maimonides 1974, Hilchot Talmud Tora 1:3).

2. The History of the Obligation on Jewish Education – From Private to Public Education

From ancient times, the Jewish tradition recognized education as an essential element whose purpose is to inherit the heritage, to instill the foundations of the faith and the teaching of the laws.

2.1. *The source of the parental obligation on education in Judaism*

Many times the Bible repeats and emphasizes the obligation to educate children in the way of the Torah and mitzvot:

But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw with your own eyes and so that they do not fade from your mind as long as you live. **And make them known to your children and to your children's children**¹⁰: The day you stood before your God at Horeb, when God said to me, “Gather the people to Me that I may let them

9 The duty of education also rests with the mother. See: Bakshi-Doron 1982, 69; Bakshi-Doron 2002, 1:250, Siman 54. For further discussion of the question of: who is obliged in the duty of education, see: Glick 1999, 90. et seq.

10 The duty of the father to educate his sons also includes his grandchildren (Babylonian Talmud 1961, Kidushin 30a).

hear My words, in order that they may learn to revere Me as long as they live on earth, and **may so teach their children**” (Deut 4:9-10, emphasis added by the author).

And this is how Nachmanides interprets it:

Only I warn you exceedingly to take heed and guard yourselves very, very much to remember whence the commandments came to you, that you should not forget the Revelation on Mount Sinai, nor all the things which your eyes saw there — *the thunders, and the lightnings* (Exod 20:15), *His glory and His greatness* (Deut 5:21) and His words that you have heard there *out of the midst of the fire* (Ibid). And you should convey all the things which your eyes saw at that glorious Revelation *unto thy children and thy children’s children* (Deut 4:9) forever.... He further charged in the form of a positive commandment that we should inform all our children from generation to generation of everything that happened there — what we saw and what we heard. The benefit of this commandment is very great. For if the words of the Torah had come to us only through the mouth of Moses, even though his prophecy was verified with signs and wonders, yet *if there [were to] arise in the midst of us a prophet or a dreamer of dreams* (Deut 13:2) and he were to command us [to do] the opposite of what the Torah commanded us, *and he [were to] give us a sign or wonder* (Ibid), then a doubt would enter the people’s hearts. But since the Torah reaches us from the mouth of the Almighty to our ears, and our eyes behold that there is no intermediary, we will reject anyone who differs and who casts doubt ... for when we shall also transmit the matter [of the Revelation] to our children they will know that the thing was true without doubt as if all the generations had seen it, for we would not testify falsely to our children... (Nachmanides 1859, Deut 4:9. Emphasis added, brackets in the original).

In other words, it is important to teach the children the source of the truths of the Torah, which is divine, and hence it will also be morally valid to require the children to follow in the footsteps of the ancestors. This commandment repeats in other places: “Impress them upon your children...” (Deut 6:7); “and teach them to your children” (Deut 11:19); “Enjoin them upon your children, that they may observe faithfully all the terms of this Teaching” (Deut 32:46).

All the Mitzvot counters count the father’s obligation to teach his son Torah among the 613 mitzvot (Gaon 1979, Mitzvah 15; Maimonides 1990, Mitzvot Ase 11; Eliezer ben Samuel 1902, 118, Micva 256; Moses ben Jacob Mikkotsi 1991, Esin 12; Isaac ben Joseph 1979, 44, Siman 106; Aharon HaLevi of Barcelona 1999, 567, Mitzvah 419). The ancient Midrash is expanding the duty of the father to teach his son the Torah: “‘Impress them upon your children...’ (Deut 6:7), those are your Disciples. And so you find on disciples that were called sons, as it is said: ‘The sons of the prophets’ (2 Kgs 2:3)” (Midrash Tanaim 1908, Deut 6:7, 27; Targum Jonathan ben Uziel 1997, 2 Kgs 2:3).

According to the Midrash, this duty is not only the duty of the father, but every person in Israel must teach Torah even to children who are not his sons if he is qualified to do so. Based on all that Maimonides is ruling:

Just as a person is obligated to teach his son, so, too, is he obligated to teach his grandson, as commands: “And you shall teach them to your sons and your grandsons” (Deut 4:9).

And not only to one’s children and grandchildren alone. Rather, it is a mitzvah for each and every wise man to teach all students, even though they are not his children, as states: “And you shall teach them to your sons...” (Deut 6:7). The oral tradition explains: “Your sons’, these are your students, for students are also called sons” (Maimonides 1974, Hilchot Talmud Torah 1:2).

R, Aharon HaLevi of Barcelona is ruling similarly:

The positive commandment to study the wisdom of the Torah and to teach it; meaning to say how we should perform the commandments, guard ourselves from that which God prevented us and to also know the laws of the Torah according to their true intention. And about all of this is it stated (Deut 6:7), “You shall teach them to your sons.” And our Rabbis, may their memory be blessed, said “Your sons’ — these are your students” (Aharon HaLevi of Barcelona 1999, 567, Mitzvah 419).

What emerges from this is that there is an obligation from the Torah on the father and the scholars of Israel (even if they have no children) to teach the children of Israel Torah. This obligation is personal, the father and every rabbi must teach Torah to the future generation, but at this stage, we do not see a requirement or recommendation for the establishment of public educational institutions to fulfill and implement this mitzvah.

In the Talmud, the sages state that it is one of the father’s basic duties to teach his children, and so it is said in the Mishnah: “A father is obligated with regard to his son to circumcise him, and to redeem¹¹ him, and to teach him Torah, and to marry him to a woman, and to teach him a trade. And some say: also to teach him to swim” (Babylonian Talmud 1961, Kidushin 29a.; Tosefta 1955-1988. Kidushin 1:11).

The father’s duty is extended to several areas. First and foremost, of course, is the responsibility to join the Jewish people in circumcision, and if he is a firstborn, there is an additional obligation to redeem him. Another obligation is to teach him the Torah to ensure Jewish continuity. The father must train the child to have a profession to guarantee him a livelihood and prevent him from becoming a bur-

11 *Pidjon haben* - redemption of the firstborn; the mitzvah from the Torah to redeem a son who is first born to his mother; on the thirtieth day after birth, the father gives the kohen five shekels of silver in exchange for his son staying with him, instead of serving God in the Temple as a kohen. See: Dadon 2009, 430-432.

den on society. There is even an opinion that it is mandatory to teach him to swim to prevent him from entering the danger of drowning in the future.

The father's obligation to teach his son Torah means not only an obligation to teach his son personally what he knows but to see to it that his son learns Torah. If he knows, he will teach him by himself, and if he did not have the opportunity to learn Torah, he must pay a rabbi to teach his son, as we saw earlier (Maimonides 1974, Hilchot Talmud Torah 1:3). From these sources it appears that the duty of education, at least according to the Bible and the ancient interpretation of the sages, was a parental duty, not a public duty. This can also be learned from the mitzvah of circumcision. The Talmud states that one whose father did not circumcise him has an obligation to the local Jewish court to do it (Babylonian Talmud 1961, Kidushin 29a). However, there is no similar binding instruction regarding a child whose father did not teach him the Torah.

It should be emphasized that the duty imposed on the father is not to teach Torah only, but also to teach him a skill that can support him. According to Rabbi Yehuda, the duty is to study a profession, and it is not enough to have a source of income, such as trade. The Tosefta praises the study of a profession:

Rabbi Yoseh bar Rabbi Lazar said in the name of Rabban Gamliel: Anyone who has a trade, to what is he similar? To a fenced vineyard where cattle and wild animals can't enter into it, passersby can't enter into it and can't see what is in it. Anyone without a trade, to what is he similar? To an open vineyard, for cattle and wild animals enter into it, passersby enter into it and can see what is in it (Tosefta 1955-1988, Kidushin 1:11).

Finally, it should be noted that there is a source for another obligation in the child's education: to teach him how to behave (Mechilta DeRabi Ishmael 1970, Parashat Bo, 18:73).

2.2. Moving Toward Obligation on Jewish Public Education

Throughout the history of the people of Israel, Yeshiva, Bet-Midrash, and schools for Torah study were formed privately and communally. The Midrashic tradition says that even before the Torah was given, a Bet-Midrash was founded by Shem and Eber where the forefathers studied (Midrash Bereshit Rabbah 1878, 63:6, 84:8). Likewise, the tribe of Levi was entrusted with the study of the Torah among the tribes of Israel (Gersonides commentary 1547, Deut 33:10; Prov 3:9). During the time of King Hezekiah, he decreed a special regulation for his generation, according to which everyone without distinction was obliged to learn Torah, and this is how the Talmud describes it:

What did Hezekiah do to ensure Torah study? He inserted a sword at the entrance of the study hall and said: "Anyone who does not engage in Torah

study shall be stabbed with this sword.” As a result, they searched from Dan (in the north) to Beersheba (in the south), and did not find an ignoramus. They searched from Gevat to Antipatris and did not find a male child, or a female child, or a man, or a woman who was not an expert even in the complex laws of ritual purity and impurity (Babylonian Talmud 1961, Sanhedrin 94b).

After the destruction of the First Temple, during the exile, the midrash says that Mordechai founded Bet-Midrash for the study of Torah (Midrash Esther Rabbah 1878, 7:13, 10:4). The Talmud when interpreting the verse: “My eye affects my soul because of all the daughters of my city” (Lam 3:51) describe that “There were four hundred synagogues in the city of Beitar, and in each and every one of them there were four hundred schoolteachers, and each and every one had four hundred schoolchildren” (Babylonian Talmud 1961, Gittin 58a).

Such private organizations throughout history depended on a changing economic situation and the reality of scholars with initiative. But throughout time the educational responsibility for the children’s Torah study in its original form remained in the hands of the fathers. This reality created a situation whereby the socioeconomically weak population (the orphans and the poor) did not learn the Torah, and the Torah remained the property of the aristocracy and members of the upper economic class who could teach their children or hire teachers for them.

2.3. The Regulation of Shimeon ben Shetach¹²

During the Second Temple period, there was a revolution in the field of education. During this period, sages amended regulations expanding the educational duties. The earliest regulation appears in the Jerusalem Talmud, and it is attributed to the spiritual leader of the nation at that time, Rabbi Shimeon ben Shetach (1st century BCE): “And he (Rabbi Shimeon ben Shetach) installed three things... and that children have to go to school” (Jerusalem Talmud 1523, Ketubot, 8:11, 32c).

The Talmud does not explain the motive and background for the amendment of this regulation, and what were its results. Some researchers seek to understand it using the personality of Rabbi Shimeon and the period in which he lived (Shochetman 1962, 18; Glick 1999, 43-45; Tamar 1982, 158-159). To understand the public-spiritual distress in Israel during this period, the period of King

12 Shimon ben Shetah (transition from 2nd to 1st century B.C.) - President of the Sanhedrin until 38 B.C., during the time of King Alexander Yannai, who was a Sadducee. His sister was Queen Shelomtzion, the king’s wife. He is known for his fight against the Sadducees, opponents of the Oral Torah, who were supported by the king, with whom he was therefore not on good terms (Babylonian Talmud 1999, Sanhedrin 19a). After the king’s death, Queen Salome Alexandra, or Shlomtzion, gave full support to her brother, who completely succeeded in putting an end to the Sadducees and their influence, and in strengthening the position of the oral Torah among the people.

Alexander Jannaeus, known as King Yannai, let's look at the following Talmudic description:

An incident occurred with King Yannai, who went to the region of Kohalit in the desert and conquered sixty cities there. And upon his return he rejoiced with a great happiness over his victory. And he subsequently summoned all the Sages of the Jewish people and said to them: Our ancestors in their poverty would eat salty foods when they were busy with the building of the Temple; we too shall eat salty foods in memory of our ancestors. And they brought salty food on tables of gold, and ate. And there was one person present, a scoffer, a man of an evil heart and a scoundrel called Elazar ben Po'ira. And Elazar ben Po'ira said to King Yannai: King Yannai, the hearts of the Pharisees, (the Sages) are against you. The king replied: And what shall I do to clarify this matter? Elazar responded: Have them stand by wearing the frontplate between your eyes.¹³ He had the Pharisees stand by wearing the frontplate between his eyes. Now there was a certain elder present called Yehuda ben Gedidya, and Yehuda ben Gedidya said to King Yannai: King Yannai, the crown of the monarchy suffices for you, (i.e., you should be satisfied that you are king). Leave the crown of the priesthood for the descendants of Aaron. As they would say that Yannai's mother was taken captive in Modi'in.¹⁴ And the matter was investigated and was not discovered. And the Sages of Israel were expelled in the king's rage, due to this rumor. And Elazar ben Po'ira said to King Yannai: King Yannai, such (being expelled for slander) is the judgment of a common person in Israel. But you are a king and a High Priest. Is this your judgment as well? Yannai replied: And what should I do? Elazar responded: If you listen to my advice, crush them. Yannai countered: But what will become of the Torah? He retorted: Behold, it is wrapped and placed in the corner. Anyone who wishes to study can come and study. We have no need for the Sages... Immediately, the evil arose and caught fire through Elazar ben Po'ira, and all the Sages of the Jewish people were killed. And the world was desolate of Torah until Shimon ben Shatah came and restored the Torah to its former glory (Babylonian Talmud 1961, Kidushin 66a).

The wicked Elazar ben Po'ira manages to convince Yannai the king to kill most of the sages of Israel. The devastating result of this act is harming the practical ability to preserve the tradition of the Oral Torah.¹⁵

A spiritual wasteland falls in the country after a long period in which the sages occupied a central place in the public leadership while strengthening the tradition

13 Since the frontplate bears the Divine Name, they should stand in its honor. Yannai, who was a member of the priestly Hasmonean family, also served as High Priest, who wears the frontplate.

14 Captivity disqualified her from marrying into the priesthood, which meant that Yannai was not qualified into the priesthood as well.

15 Oral Torah-oral tradition, regulations and interpretations of the Torah, which generations passed down as a tradition until written down in the Mishnah and Talmud. For more about the Oral Torah see: Dadon 2009, 488-499; Dadon 2012, 419-442.

of the Oral Torah. Shimon ben Shetach, who was King Yanai's brother-in-law, Queen Shlomzion's brother, was saved from Yanai's sword, and with the death of King Yannai, he took responsibility for the spiritual rehabilitation of the people. He sends a letter to Rabbi Yehoshua ben Pearachia who fled to Alexandria to return to Israel to help him blossom the spiritual wilderness (Babylonian Talmud 1999, Sanhedrin 107b; Babylonian Talmud 1961, Sotah 47a).

Shimeon ben Shetach, who was one of the leaders of the Pharisees, had to fight on two fronts, against the Sadducees and assimilation into the Hellenistic culture. The main struggle among the Sadducees was over the question of ways of studying the Torah since the Sadducees did not believe in the Oral Torah (Tamar 1982, 159).

Shochetman (1962, 18) explains that the Pharisees knew that their victory over the Sadducees would only be complete if the next generation inherited the correct approach to the Torah and studied it according to the Pharisees tradition. Removing education from the sole responsibility of the father and handing it over to the public was, therefore, the best way to ensure the victory of the Pharisees, who, being the leaders of the public, could determine the educational curriculum in the school, and Shimeon ben Shetach as the leader of the Pharisees was the one that brought about to the turning point.

During this period, the Hellenistic culture began to make its mark in Israeli society, and it was necessary to act against assimilation, partly by establishing educational frameworks. There is no doubt that the ability of Shimeon ben Shetach to bring about such sweeping changes in various fields¹⁶ stemmed from his high moral and spiritual power. Despite his high position both in the Sanhedrin and in the affairs of the kingdom, for his livelihood, he was engaged in the linen trade and did not enjoy the wealth of the kingdom. Even Gentiles treated him with respect because of the moral highness that he behaved until they said, "Blessed is the God of Shimeon ben Shetach."¹⁷

Shimeon ben Shetach who served as president of the Sanhedrin, after the death of his brother-in-law King Yannai, led the Hasmonean state together with his sister Shlomzion the queen and that period of nine years is known as a period of abundance and blessing. The Talmud testifies that Shimeon ben Shetach succeeded in his fight against the Sadducees "to restore the Torah to its former glory" (Babylonian Talmud 1961, Kidushin 66a) since he understood in his wisdom that the key to a genuine change would come through education.

16 In the fields of law, family law and public education – see: Jerusalem Talmud 1523, Ketubot, 8:11, 32c; see also: Dadon 2018, 129-158, especially pages: 139-140.

17 See the story about the Ishmaelite who sold him a donkey and Shimon ben Shetach returned to him a precious stone that he found hanging around its neck, and said "a donkey I bought a precious stone I didn't buy" (Midrash Devarim Rabbah 1878, 3:3).

2.4. *The Regulation of Yehoshua ben Gamla*

The Babylonian Talmud testifies to another regulation whose purpose was to ensure the education of all the children of Israel. This regulation teaches a lot about the stages of development of the public education system:

As Rav Yehuda says that Rav says: Truly, that man is remembered for the good, and his name is Yehoshua ben Gamla. If not for him the Torah would have been forgotten from the Jewish people. Initially, whoever had a father would have his father teach him the Torah, and whoever did not have a father would not learn the Torah. How did they interpret this verse: “And you shall teach them [heb. *otam*] to your sons” (Deut 11:19), to mean: And you yourselves [heb. *atem*] shall teach, i.e., you fathers shall teach your sons. When the Sages saw that not everyone was capable of teaching their children and Torah study was declining) they instituted that teachers of children should be established in Jerusalem. The Gemara explains: What verse did they interpret homiletically that enabled them to do this? They interpreted the verse: “For Torah emerges from Zion” (Isa 2:3). But still, whoever had a father, his father ascended with him to Jerusalem and had him taught, but whoever did not have a father, he did not ascend and learn. Therefore, the Sages instituted that teachers of children should be established in one city in each and every region. And they brought the students in at the age of sixteen and at the age of seventeen. But as the students were not young and had not yet had any formal education, a student whose teacher grew angry at him would rebel against him and leave. Until Yehoshua ben Gamla came and instituted that teachers of children should be established in each and every province and in each and every town, and they would bring the children in to learn at the age of six and at the age of seven (Babylonian Talmud 1961, Baba Batra 21a).

From the words of Rav Yehuda we learn about the existence of three regulations, that saved the spiritual condition of the people of Israel: The first - the establishment of a public education institution in only one place, in Jerusalem; The second - expanded the number of districts and cities in which public educational institutions was established, as well defines the age of the students to 16 and 17 years; The third - the regulation of Yehoshua ben Gamla, “teachers of children should be established in each and every province and in each and every town, and they would bring the children in to learn at the age of six and at the age of seven.” The last regulation further expands the number of schools and the age of education from the age of 6-7.

Undoubtedly the most important, significant, and expansive regulation is the third, the regulation of Yehoshua ben Gamla. Because the previous regulations did not meet the needs of the public in terms of the age of the students and the geographical scope. In terms of age - determining the age of six to begin studies is in accordance with the words of the Mishnah: “He used to say: At five years of

age the study of Scripture; At ten the study of Mishnah; At thirteen subject to the commandments; At fifteen the study of Talmud” (Mishna 1987, Avot 5:21). And so was ruled by Maimonides: “Children should be brought to study at the age of six or seven, according to the child’s health and build... The children should never be interrupted from their studies, even for the building of the Temple” (Maimonides 1974, Hilchot Talmud Torah 2:2; Karo 1992, Yore Dea 245:7-8).

Determining the early age to start the child’s educational path has many advantages, as the Mishnah says: “Elisha ben Abuyah said: He who learns when a child, to what is he compared? To ink written upon a new writing sheet” (Mishna 1987, Avot 4:20). The process of the student’s adaptation to the educational framework is easier in young age, as well as the absence of discipline problems and the instilling of learning habits that will help the student to learn at an older age. It can also be assumed that in families where the economic situation was difficult, the teenagers helped support the family. Likewise, even in wealthy families, teenagers had to enter the family business¹⁸ and therefore the early age was ideal for starting the educational path.

2.5. The Relationship Between the Regulation of Shimeon ben Shetach and the Regulation of Yehoshua ben Gamla

Much has been written about whether Shimeon ben Shetach was indeed a contemporary of Yehoshua ben Gamla. While the former was a prominent leader of the Sanhedrin (Babylonian Talmud 1999, Hagiga 16b), the latter is believed to have served concurrently as High Priest (Mishna 1987, Yevamot 6:4, Yoma 3:9). According to the Talmud, the wife of Yehoshua ben Gamla, who was very rich, purchased the position of high priest for her husband from King Yannai: “As Rav Asi said: Marta, daughter of Baitos, brought a half-*se’a* of dinars in to King Yannai for that he appointed Yehoshua ben Gamla as High Priest” (Babylonian Talmud 1999, Yoma 18a).¹⁹

The dispute²⁰ between scholars regarding the identity of Yehoshua ben Gamla causes ambiguity regarding his identification and casts a shadow on the question of the time of installation of the regulation. In any case, it can be said that

18 See the biography of Rabbi Elazar ben Horkanos, one of the greatest Sages of the Tana'im period, (Midrash Bereshit Rabbah 1878, 42:1).

19 Yehoshua ben Gamla is also mentioned as a friend of Josephus Flavius, at the end of the Second Temple (Flavius 1932, 56).

20 See on one hand, Weiss 1871, 182, and on the other hand Halevy 1923, 466. See also: Hyman 1910, 621-623. This dispute affects the understanding of the relationship between the regulation of Yehoshua ben Gamla and the regulation of Shimon ben Shetach. Because the understanding that Shimon ben Shetach worked at that time together with Yehoshua ben Gamla, is possible only according to one identification, and is not possible at all according to another identification.

the regulation of Yehoshua ben Gamla was amended after the regulation of Shimon ben Shetach, and there are three approaches regarding the question of the relationship between the two regulations, both of which aim to establish a public education system.

According to the first opinion (Frankel 1757, Ketubot, 8:11, paragraph “Veshejehu Hatinokot”), the regulation of Shimon ben Shetach is the regulation of Yehoshua ben Gamla. However, there are two traditions regarding the identity of the founder of the regulations. Some believe that the regulations are indeed the same, except that Shimon ben Shetach wanted to amend the regulation to expand the education of the children of Israel, but he did not have the means.²¹ He encountered financial difficulties involved in the establishment of such a demanding project. Additionally, he had to deal with the opposition of the Sadducees. Therefore, he joined Yehoshua ben Gamla, who was a high priest and a rich man, who helped him deal with these difficulties (Tamar 1982, 158-159).

The second opinion (Glick 1999, 45; Shochetman 1962, 19) is that these are two different regulations. According to what is said in the Babylonian Talmud, two anonymous regulations preceded the regulation of Yehoshua ben Gamla, and some scholars understand that the regulation of Shimon ben Shetach is one of those two earlier regulations.

The third opinion (R. Ben Zion Meir Chai Uziel 1953, 348; R. Ben Zion Meir Chai Uziel 2009, IV, 103-109) believes that the Yehoshua ben Gamla regulation did not come to provide a “technical” answer to the deficiencies that were in the Shimon ben Shetach regulation. There is a fundamental difference between the two regulations. While the Shimon ben Shetach regulation left the duty of education as the father’s duty, *the father* must send his son to school; Yehoshua ben Gamla’s regulation fundamentally changed the definition of responsibility, and from here on *the community leadership* becomes responsible for the establishment and operation of the education system.

It can be stated that at least since the Mishna period the matter of children’s education is no longer just a parental private matter, but a public matter.²² The educational regulations and their strengthening over the generations led to the re-establishment of the tradition and acceptance of the Oral Torah and the Torah flourishing of the entire Mishnah period. After the destruction and the strengthening of the Roman influence in the land, Rabbi Yehuda HaNasi strengthened the implementation of the Yehoshua ben Gamla regulation and imposed severe active punishment on the cities that did not observe the regulation (Babylonian

21 Shimon ben Shetach was known to be poor. See: Jerusalem Talmud 1523, Baba Metzia, Chapter 2, Halacha 5 (8c).

22 Gafni is arguing that this was the situation in the Land of Israel, rather than in Babylon, where the education of the children remained the private concern of the parents (Gafni 1991, 107-109). However, many disagree with him, see Glick 1999, 205, note 28.

Talmud 1999, Shabbat 119b; Maimonides 1974, Hilchot Talmud Torah 2:1; Karo 1992, Yore Dea 245:7). Rabbi Yehuda HaNasi even supervised the implementation of the regulation of Yehoshua ben Gamla, as described in the Jerusalem Talmud:

Rebbi Simeon ben Yohai stated: When you see towns in the Land of Israel uprooted from their place, know that they did not contribute to the wages of Bible and Mishnah teachers. What is the reason? *“Why is the land ruined, torn down like an uninhabited wilderness? The Eternal said, because they abandoned My Torah”* (Jer 9:11-12).

Rebbi Judah the Prince sent Rebbi Hiyya, Rebbi Assi, and Rebbi Immi to tour the towns of the Land of Israel in order to give them Bible and Mishnah teachers. They came to one place where they found neither Bible nor Mishnah teacher. They said to them, bring us the watchmen of the town. They brought them the stewards of the town. They told them, these are not the watchmen of the town, they are the destroyers of the town. They asked them, and who would be the watchmen of the town? They told them, the Bible and Mishnah teachers. That is what is written, *“if the Eternal would not build the house, etc”* (Psalm 127:1) (Jerusalem Talmud 1523, Chagiga 1:7).

The Sages also decreed that it is forbidden to live in a city that does not have schools for children: “A Torah scholar is not permitted to reside in any city that does not have these ten things: ... and a teacher of young children” (Babylonian Talmud 1961, Sanhedrin 17b).

On a personal note, when I arrived in Zagreb in 1998, I realized that without the establishment of a Jewish school that would ensure the study of Hebrew and Jewish studies, there would be no real future for the Jewish community and that I would not be able to stay with my children for long. That is why I suggested the establishment of a Jewish school, and this initiative was enthusiastically welcomed by the majority of the community board. In 1999, four girls were sent to Israel to study at a college for Hebrew and Jewish studies teachers, and after completing their studies, three of them returned to Zagreb with a teaching diploma. In 2003, the Jewish school in Zagreb was founded with the help of the Ronald S. Lauder Foundation, which covered the financial costs.

2.6. *The Financing of the Public Education System*

There are few sources from which one can learn with certainty about the distribution of the burden of financing education expenses between the public and parents, as was customary in the days of the Mishnah and the Talmud. Yehoshua ben Gamla’s regulation imposing an obligation on the public to establish an education system is the main source of the obligation of public education, but who is supposed to finance the burden of maintaining the schools? Ostensibly, making education a matter of the community’s responsibility means financing the educational

institutions by the public treasury (Glick 1999, 203). However, this does not mean that free compulsory education will be provided.

We can learn from different rabbinic sources about a few opinions regarding public duty. Whether it includes the organization of the educational system and its supervision only, or also the funding, or whether the funding is collected from the parents of the students only, and not from all the community members. There are also approaches according to which the parents can pay the tuition fees for their children, while the financing of the tuition fees of students from poor families applies to the community.

According to the Jerusalem Talmud (Jerusalem Talmud 1523, Peah, Chapter 8, end of Halacha 7 (21a)), anyone who lives in the city for more than twelve months must participate in the tax designated for educational purposes. From this, we learn that the community bears responsibility for financing the education system with the help of a designated tax paid by all residents of the city and not only by the student's parents. The Babylonian Talmud also talks about public funding, although not about the way it was raised (from all community members or the parents only):

And Rava said: The maximum number of students for one teacher of children is twenty-five children. And if there are fifty children in a single place, one establishes two teachers... And if there are forty, one establishes an assistant, and the teacher receives help from the residents of the town to pay the salary of the assistant (Babylonian Talmud 1961, Baba Batra 21a).

According to the Talmud, the funding of the teacher's assistant is paid from the city treasury, so it is clear that the teacher's salary is also paid from the city treasury.

Some rabbis claim that before the regulation of Yehoshua ben Gamla, the duty of the Torah law was for every father to make sure that his son learns. And since the poor could not fulfill the mitzvah due to financial incapacity, the gates of Torah education were closed to their children, therefore a regulation came and turned education from a private matter into a public matter, and the financial burden for the children's education was transferred to the entire community, which became responsible for all the children of the community regardless of the economic background of their parents. Rabbi Meir Halevi Abulafia (Spain, 12th-13th century) interprets the words of the Babylonian Talmud as referring to the funding coming from the community treasury and emphasizes the social nature of Rabbi Yehoshua ben Gamla's regulation. Paying teachers' wages from the public treasury will lead to the opening of the gates of schools for everyone, the poor as well as the rich (R. Meir Halevi Abulafia 1790, Baba Batra 21a, paragraph "VeAmar Rava"; R. Meir Halevi Abulafia 1799, 241; Rashba 1988, Baba Batra 21a, paragraph "VeHa DeAmrinan"; R. Shneur Zalman of Ladi 2003, Hilchot Talmud Torah, 1:3;

R. Joseph Colon ben Solomon Trabotto 1984, Siman 33). However, some believe that the commandment of educating the children from the Torah applies to the father only if he can teach his son himself, but he is not obligated to hire a teacher to do it in his place. In their opinion, the purpose of the regulation was to add a financial obligation to the mitzvah of children's education (R. Avraham de Bouton 1974, Hilchot Talmud Torah 1:3; R. David ben Solomon ibn Zimra 1972, V, 114). Advocates of this opinion believe that the goal of the Yehoshua ben Gamla regulation was to move from teaching by private teachers to collective teaching in schools, which would result in a significant reduction in the cost of education, and would allow most parents to afford it. The third opinion regarding the obligation to fund the cost of education combines the parents' obligation with the community's obligation. According to the advocates of this approach, the obligation to pay the teacher's salary remained with the parents, although in cases of financial difficulties, the parents received a discount or even an exemption from payment, and the cost of the child's education was imposed on the community, which for this purpose collected a special tax for educational purposes (R. Moshe Iserlish 1992, Choshen Mishpat, 163:3; R. Yom Tov ben Avraham Assevilli 2012, Baba Batra 21a, paragraph "Amar Raba"; R. Feinstein 1959-1973, Yore Dea, IV:29). Sometimes the funding of the education system came from donations of community members who were encouraged by the rabbis to contribute to children's education even more than to synagogue's charity (R. Shimon ben Tzemach Duran 1901, 533), or by granting an exemption from community taxes to teachers (Glick 1999, 202 et seq.).

In practice, the scope of the community's obligation to finance the expenses of the education system sometimes exceeded the basic need to pay teachers for basic education. There were communities in which the community even financed advanced education for outstanding children who came from a low economic background (Glick 1999, 222). As a principle, it can be said that the payment of school fees in most communities depended on the family's income and was related to the number of students from each family. The community financed the education expenses in the first stage of education. Special support to children, whose parents could not pay the school tuition, was given almost always in all communities.

2.7. The Right to Choose Education

In addition to the laws dealing with the parents' obligations in the education of their children, there are laws in Halacha concerning the parents' right to choose the educational framework, and in particular, the parent's right to choose an educational framework outside their city (Glick 1999, 156). However, a distinction must be made between the public's duty to establish a school, and the right of par-

ents as private individuals to choose the appropriate education for their children. As long as there is no school in the place, the townspeople can force all members of the community to participate in funding a teacher to comply with the Yehoshua ben Gamla regulation and guarantee every child a basic education. On the other hand, if there is a school in the place and there is no longer any fear of canceling the regulation, each parent may exercise his right to choose for his children the best educational framework in his immediate environment (Glick 1999, 70). This has the effect of encouraging competition that will lead to maintaining the quality of education.

3. The Special Nature of Jewish Education

In this last part, I would like to emphasize the special nature of Jewish education. It can be demonstrated in many fields, however, I choose the following three aspects: education out of economic interests versus education as an independent value; the right of teachers to strike in Jewish law, and the dedication to the value of education and Torah study during the Holocaust. These aspects demonstrate the importance, uniqueness, and high level of dedication to the value of education in Judaism.

3.1. Education for Learning Torah as a Supreme Value and Not Out of Financial Interest

While today's general education system in Western societies is often driven by economic motives and is far from true equality, the Jewish education system is built on the value of pure intellectual study, study for the sake of study. Additionally, alongside pure study, one must also pursue a profession—though not as a substitute, but as a complement. Even after acquiring the profession, studying the Torah does not stop because it has an independent value.

Until the Industrial Revolution, education, culture, and development were often the privileges of the upper class and clergy. The contents of the education corresponded to the interests of that social stratum. Today, although the education system is maintained with the help of the state, which tries to maintain it equitably, this does not mean that we have freed ourselves from the dependence on capital. The economic interest is still the main infrastructure for the existence of the education system. The economic interest also determines the contents of the education system and the importance and prestige of the various professions.

Following the development of the industrial revolution and its market economy, schools today serve the economic interest because, before anything else, they are a mechanism to look after the children while the parents work (in the OECD countries about 70% of women work and men a higher percentage). If there were no

schools, then the economy as it is known to us today could not exist for the simple reason that at least one of the spouses would have to stop working to take care of the children, this situation would cause a shortage of working hands, which would lead to a drastic decrease in income, consumption and growth. The economy also dictates the study content according to the needs of the economic structure which is only replicated and perfected over time. To preserve the economy and ensure its growth, there is a need for “white collar” professions (engineers, doctors, lawyers, economists...) but also for “blue collar” professions (production, infrastructure, cleaning and maintenance workers...). On the other hand, the socio-economic system will also take care of a minimal amount of artists to encourage creative thinking but mainly to give meaning, content, and value to social life. Therefore, the education system is inherently competitive, which sorts the students into the various professions in which they will be engaged throughout their lives. The core of Jewish education is values and Torah study, and by its nature, it does not consider the economy, as the Talmud testifies:

And there already was an incident in which Rabbi Tarfon and the Elders were reclining in the loft of the house of Natza in Lod, when this question was asked of them: Is (Tora) study greater or is (good) action greater? Rabbi Tarfon answered and said: Action is greater. Rabbi Akiva answered and said: Study is greater. Everyone answered and said: Study is greater, (but not as an independent value; rather, it is greater) as study leads to action (Babylonian Talmud 1961, Kidushin 40b).

The general education system often tends to downplay values-based education, avoiding the deep, contentious debates that such education entails. As a result, in modern public schooling, the responsibility for teaching values largely falls to the family and community.

3.2. *Teachers' Strike - in Jewish Law*

The importance and uniqueness of the children's education and study in Jewish law is evidenced by the opinion of the great Ashkenazi and Sephardic rabbinic authorities on the question: Is it permissible according to the Halacha for the employees of the education system, the teachers, to strike? The great Sephardic authority Rabbi Ovadia Yosef (20th century) in his responsa²³ (R. Yosef 2020, IV, 48), explains that there is a difference between all the workers in the country and the workers of the education system. In the schools, the children are taught Torah and mitzvot, and suspension of Torah study to raise wages in today's reality is

23 Responsa-answer, (heb. *sheelot uteshuvot* - questions and answers), the literature of the exchange of questions and answers, primarily about halacha, between rabbis and Jewish courts throughout the diaspora, from the time of the Gaonim to the present day (see also Dadon 2009, 540-541).

forbidden by Halacha. In connection with this, he cites the words of the Talmud about Yehoshua ben Gamla (Babylonian Talmud 1961, Baba Batra, 21a), which were ruled to be Halacha (Maimonides 1974, Hilchot Talmud Torah, 2:1) and discusses the importance of education and learning for children (Babylonian Talmud 1999, Shabbat 119b). He is ruling that even if the teachers' salary is not appropriate and does not reflect their effort and merit, there is no justification for abandoning thousands of Jewish children to the mercy of the street and canceling them from studying the Torah, because of a salary benefit and improvement of working conditions. If a strike does take place, when the students return to class they will not be able to devote their attention to their studies properly, as they were disconnected from the Torah for a certain time, and as the Sages said: "If you abandon me for one day, I shall abandon you for two days" (Jerusalem Talmud 1523, Berachot 9:5). Likewise in his opinion a long cancellation of studies will inevitably lead the students to moral deterioration.

A similar ruling was given by the great Ashkenazi authority Rabbi Moshe Feinstein (R. Feinstein 1959-1973, Choshen Mishpat, 59). In his opinion, while a workers' strike has a basis in the Talmud and rabbinic literature,²⁴ a strike by teachers from teaching Torah is a great sin, for "The world only exists because of the breath, (i.e., reciting Torah), of schoolchildren..." (Babylonian Talmud 1999, Shabbat 119b). Therefore, teachers are forbidden by Jewish law to go on strike to raise their salary, since a person is not allowed to sin to make money and improve his livelihood, and only if the teacher's salary is not enough to support him, and this makes it difficult for him to teach the students in peace of mind, and if indeed striking one or two days will add to his salary, maybe only then there is a reason to allow him to strike (R. Feinstein 1959-1973, Choshen Mishpat, 59).

3.3. The Sacrifice for Torah Study and Education During the Holocaust

Despite the severe hardship during the Holocaust, Jews continued to study and teach their children Torah as best they could in the ghettos and camps, drawing encouragement from their studies as the verse floated before their eyes; "Were not Your teaching my delight, I would have perished in my affliction" (Ps 119:92). In the ghettos, studies continued according to the situation. In the Warsaw Ghetto for example, in addition to studies in the official institutions, extensive Torah study took place underground in improvised places that included small rooms, basements, and attics. According to various estimates, before the war, there were more than 5,000 yeshiva students in Warsaw. After the occupation of the city naturally, the numbers dropped dramatically, but the studies continued throughout the ghetto period. (Glicksberg 1975, 101-117, 156-164).

24 For more about Employer - employee relations in Jewish law see: Dadon 2015, 301-317.

The *responsa literature* of the Holocaust period reveals the incredible faith of Jews who wished to continue following the Torah even in a world of utter darkness, where the Nazis had declared war on Jews and Jewish values. The following is a question presented to Rabbi Ephraim Oshry²⁵ in the Kovno ghetto on August 26, 1942. He was asked whether One is allowed to Endanger his life for the Sake of Torah Study and Public Worship. Despite the daily hard work and the terrible conditions of labor many Jews found the time and will to engage in Torah study, which filled them with hope and encouragement.

The Nazis were aware of the moral importance of Torah study and public worship in the synagogue and sought to break the Jewish spirit. Therefore, they decreed the death penalty for Jews who engaged in Torah study and public prayers. Rabbi Oshry describes the question he received:

It was then that R. Naftali Weintrau, the *gabai*²⁶ of Gafinowitz's synagogue, may God avenge his blood, approached me and asked me whether the Tora requires one to place himself at physical or mortal peril by attending a *minyan*²⁷ in the *kloyz* where he used to pray every morning and evening. Is he obliged to forfeit his life for the sake of Tora and public worship, or not? (Oshry 1959, 60).

In determining his response, Rabbi Oshry is considering many rabbinical sources,²⁸ together with the hard and tragic time his people living in. In a time when Nazis' interest was shutting down the voice of Judaism. Rabbi Oshry concluded as follows: On one hand, it is a *mitzvah* on each one to sacrifice his life for the sake of study of the Tora, however, he did not have the power to order people to risk their life for the sake of Torah study and public worship. On the other hand, Rabbi Oshry did not forbid anyone from sacrificing their life for this purpose. However, as Rabbi Oshry witnessed, many Jews in the ghetto, including himself,

25 Rabbi Ephraim Oshry (1914–2003) during the Holocaust, he served as an important resource for Jews in Ghetto Kovno, answering the most complex and agonizing questions of Jewish law and morality at a time of unprecedented crisis in Jewish history. He began keeping a record of these religious and moral questions, and his answers to those questions on scraps of paper during the war. He buried these papers in tin cans. He hoped to retrieve the papers after the war, which is precisely what he did after liberation. After the war, he wrote out the questions he received and the answers he gave, and published them in five volumes entitled, *She'elot u-teshuvot mi-ma'amakim* ("Questions and Responses from Out of the Depths"). The *responsa* were published originally in Hebrew, as a five-volume series (1959, New York), later some of these questions and answers were subsequently translated into English and a short version was published in one volume, *Responsa from the Holocaust*.

26 *Gabai* - a person responsible for the general technical functioning of the synagogue, including collecting money from the members and organizing affairs in the synagogue; One of his duties is to arrange the order of the members to read the Torah.

27 *Minyan* - Ten Jewish men over the age of thirteen, a quorum required for the reading of some prayers, for example the *Kaddish*.

28 For background and detailed explanation of this *responsa* see: Dadon 2016, 203-234, especially 216-225.

did risk their life till the end of the war and kept on praying and studying Tora in public:

I devoted myself particularly to the daily lessons that I gave for the Tiferet Bahurim society. Wherever I taught, assisted by He Who dwells on high, I was able to bolster the faltering courage and wavering morale of Jewish youth and masses, and I tried to impart intelligence and wisdom so that my listeners would realize and understand that, just as one utters a blessing when things go well so must one offer a blessing when things go poorly; that we must wait silently for God's succor and deliverance, because God is good to those who place their hopes in Him and await His mercy, and He is near to all those who call upon Him sincerely (Ps 145:18); and that we must gird with faith and trust to bear the burden gladly and willingly, because hope for our future still exists (Oshry 1959, 59).

As we know, the situation in the camps was much more difficult than in the ghettos. To conclude this part, below we will present two testimonies about the attitude to Torah study, one from a labor camp and the other from an extermination camp. In the following testimony, Rabbi Prof. David Weiss Halivni, a holocaust survivor, writes in his memoirs that one day during his stay in forced labor camps at Wolfsberg (Stalag XVIII-A), he noticed that the greasy wrapping paper of the sandwich, which the sentry ate, was a page from the "Shulchan Aruch" Jewish law codex, from the laws of Passover:

When I saw this wrapping paper, I instinctively fell at the feet of the guard, without even understanding why. The letters themselves pushed me to this. With tears in my eyes, I begged him to give me the 'Bletl.'²⁹ At first the German did not understand what was happening. [...] I explained to him that it was a page from a book that I studied at home. Please, I sobbed, give it to me as a souvenir. He gave me the page and I took it to the camp. On those Sundays when we were liberated, we now had not only an oral Torah but also a written Torah. The Bletl became a tangible symbol of the connection between the camp and the actions of Jews throughout history. [...] The page became a rallying point. We longed to study it when we had free time, even more than we longed for Tefillin. The page, parts of which we had to decipher because the fat made some letters unreadable, absorbed our attention. Most of those who came to hear did not understand the subject, but it did not change. Everyone grasped the symbolic importance of the page (Halivni 1999, 56-57).

I wish to conclude with the words of the writer and Nobel laureate Elie Wiesel. In his memoirs, Wiesel, who was a prisoner in Auschwitz, describes a profound experience of studying the Torah under the most harrowing conditions. He recounts the study of a boy who, lacking any texts from rabbinic literature, pursued his learning in a death camp where holy books were utterly unattainable.

29 "Bletl - leaf in Yiddish, sheet of paper.

I was lucky, if you'll forgive me for this expression - that a former yeshiva dean in Galicia was a colleague of the working group. I see us now, carrying sacks of cement or large stones, pushing wheelbarrows full of sand or mortar, and all that while studying Halacha from the Mishnah or a Talmud page. My friend knew everything by heart, and thanks to him we managed to escape. We went to Rabbi Hanina ben Dosa and asked him to pray for us. We headed to Resh Lakish. Will he agree to use his Herculean power to free us? We wandered through the Pombadita groves and the Galilee mountains. I listened to the sages who debated whether one should say Shema Yisrael while standing or lying down (Wiesel 2001, 82).³⁰

Conclusion

The two-dimensional mitzvah of Jewish education, the parental-community obligation, is indeed very ancient. These obligations served as a tool for passing down the Jewish tradition from generation to generation and preserved the uniqueness of the people of Israel in the long exile.

In general history, education has mostly been private, which primarily benefited the sons of the elite and affluent strata of society. Meanwhile, widespread public education only began to take shape following the Industrial Revolution, starting in the mid-19th century. However, the central importance of the value of education in Judaism is evidenced by the commandments given in the Torah according to Jewish tradition over 3,000 years ago, commandments for adults to study the Torah and teach it to their children. A tremendous educational revolution happened in the people of Israel during the Mishnah period over 2,000 years ago, when the parental duty of education was joined by a public-community duty, to establish educational institutions where educators and professional teachers would teach. This obligation has been fulfilled by the Jewish communities throughout Jewish history, including and especially when the people of Israel were in exile under difficult conditions for two millennia.

Analyzing many rabbinic sources, we showed the long history and centrality of discipleship in Judaism. Judaism considers education as a parental-community obligation and not a child's right. We examined the amendment of various Talmudic regulations that led to a transition of the parental private obligation to a communal obligation and the establishment of a public education system. The funding structure of the Jewish public education system required many regulations to keep the system going effectively and with good quality. We showed that the revolutionary transition to public education during the Mishna period did not release

30 For another moving Jewish testimony from the city of Modena, in northern Italy, which was used as a transit station for refugees on their way from the camps and the displaced persons' camps to Israel, see: Lev 1998, 119-122.

the parents from their educational obligation, but rather helped the economically disadvantaged class and made it possible for everyone to have a quality education. The parents' rule remains important and central in the education of the children and in shaping their personality, especially in emotional and personal matters where the parents have a greater advantage than the teachers, all this alongside the professional educators and the school teachers. For this reason, parents are the ones who are allowed to choose the most appropriate educational framework for their children, in terms of the selection and quality of the study content.

In the last part of this work, we emphasized the special nature of Jewish education, as demonstrated in three aspects: education as an independent value and not economically conditioned. Teachers' right to strike in Jewish law, and the passionate devotion to education and Torah study during the Holocaust.

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Kotel Dadon

Povijest učenja u judaizmu: od biblijske zapovijedi pojedincu do rabinske regulative o uspostavi javnoga židovskog obrazovnog sustava

Sažetak

Ovaj članak bavi se poviješću učenja u judaizmu i njegovim prijelazom iz individualne obveze u javni obrazovni sustav. Članak je podijeljen u tri glavna dijela: prvi dio raspravlja o središnjoj ulozi obrazovanja u proučavanju Tore u judaizmu, kao i o židovskom pravnom konceptu „obrazovne obveze“ nasuprot modernom pravnom konceptu „prava na obrazovanje“. Drugi, središnji dio ispituje razvoj židovske obveze obrazovanja – prijelaz s privatnog na javno obrazovanje. Autor analizira različite talmudske propise koji su doveli do ovog prijelaza i njihov međusobni odnos. Na kraju ovog dijela, autor raspravlja o strukturi financiranja javnoga obrazovnog sustava i pravu roditelja da odaberu obrazovni okvir za svoju djecu. U trećem dijelu, autor naglašava posebnost židovskog obrazovanja kao vrhovne vrijednosti čistoga intelektualnog proučavanja Tore, što se odnosi i na financijske interese poput prava učitelja na štrajk u židovskom pravu te na predanost učenju u vremenima teških nedaća i tame poput razdoblja holokauta. U ovom istraživanju autor analizira različite židovske izvore, od pisane Tore i usmene Tore, uključujući Talmud, Mišnu, Midraš i rabinske response od srednjeg vijeka do modernih vremena. Velik dio ove literature preveden je s hebrejskog i aramejskog.