HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION

California School

ORIGINAL RABBINIC SOURCES: A MEANS OF LEARNING JEWISH CONCEPTS AND VALUES

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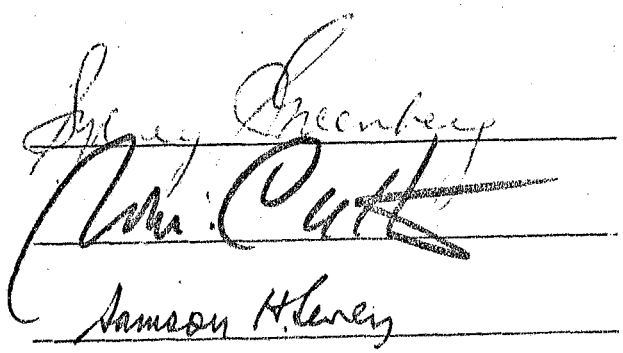
The Thesis of Joseph German is approved.



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I. INTRODUCTION

The average congregational school student spends a major portion of his Jewish academic career satisfying the demands of a language program that often provides little incentive towards pursuing a continuing Jewish education. It seems the average congregational school curriculum emphasizes the Hebrew language almost exclusively as a conversational language without any real regard for its primary purpose.

The Hebrew language should serve as a vehicle by which the young student should become better acquainted with the historical Jewish personality and the very values and concepts which maintained that personality for many years. Many educators feel that a philosophy of Jewish education emphasizes the elements necessary to the development of the Jewish personality in terms of certain basic aims: providing a sense of Jewish identity, linking the child closely with the synagogue as a center of Jewish experience

and fellowship embracing the entire family and, most importantly, providing opportunities for the student to develop spiritual and ethical sensitivity based on a sound understanding of Jewish concepts and values.

Many school boards and community education committees continue to be uncertain about these basic goals. They have not yet, in the main, adopted a philosophy of education that will meet the needs of the student, which will help make him a useful and contributing citizen in a very complex and fast moving society, nor have they determined in a pragmatic way how Jewish education can provide the student with the ingredients that will assure a safe journey along a road filled with many hazardous obstacles. Instead of providing the student a program rich with relevant areas of inquiry so that he can emerge capable of making sound, independent decisions enabling him to evaluate the many issues he may ultimately confront, the student, too often, faces a program with only a one-dimensional view of Jewish education consisting in large part of verb conjugations and noun declensions leaving him frustrated and without much hope

for a link between his Jewish environment and the outside world.

Jewish educators must continue to seek a process of instruction that will stimulate and expose the student to that culture and way of life that will sustain him now and in years to come. Enabling the child to acquire an increasing knowledge of Hebrew is essential only to his ability to fulfill this basic aim of Jewish education. More careful concentration on this basic goal would permit the development of more programs of study that would enable the young congregational student (and even those more fortunate to enjoy the integrated program of the day school) to learn from original Hebrew sources--from the rich catalogue of rabbinic and other post-biblical Hebrew literature. This would help the student discover a genuine understanding of the Jewish personality and of the insightful Jewish responses to various human concerns while simultaneously acquiring an increasing knowledge of Hebrew. This is not meant to preclude those who have no knowledge of Hebrew. Rabbinic literature even in translation has great merit, but,

as will be demonstrated, the Hebrew language itself has the advantage of unlocking the door to a wealth of Jewish attitudes and values which a translation could never provide. For example, צדקה, tzedakah, which most sources translate as charity really does not mean that at all. Charity, from the Latin caritas, meaning esteem or affection, has the connotation of giving to one as a favor: Webster defines it as "a voluntary giving of money or other help to those in need"; whereas, צדקה, derived from the root צדק, means justice to one's fellowman not as a voluntary favor but as a duty or obligation. Goldblatt, in his book The Jew and His Language Problem makes a weak argument for Yiddish to be the lingua franca of the Jewish world. The argument he uses to defend Yiddish and offend Hebrew is the same argument to demonstrate that the peculiarity of Yiddish as a Jewish vernacular is really the inclusion and widespread disguised usage of distinctly Hebrew words and idioms (a simchele is still simcha despite Germanization) in which are encapsuled very specific concepts and values that stimulate very specific feelings inherently common among Jews from whom Yiddish

evolved as a secondary language. These concepts and values would lose their meaning if rendered in a foreign language or translation.

This thesis addresses itself to the problems of the student in a three-day or six hours per week Hebrew-Judaica program with a minimum of two years of Hebrew or its equivalent as a prerequisite. The average congregational school student begins his study of the Hebrew language at the age of eight: he would then be ready for this program at the age of ten or above. This particular age group according to Piaget and others of the Geneva school is called the stage of "formal operations."[1] According to Piaget it is in this stage that intellectual activity is at its highest. In other words it is at this age that the student is able to deal effectively with abstractions, to solve problems using a systematic logical approach involving deductive and inductive reasoning, and to evaluate and to judge. We can, however, be grateful for the work of Bruner and other members of the Woods Hole Conference, and later, for Massialas' extension of Bruner's theory to include the affective as well

as the cognitive domain of instruction to demonstrate that intellectual activity can be similar at all ages if what is being taught is translated or explained into the student's way of thinking. It is the process of education that is critical, not the material being taught. There is, therefore, no reason why the model developed in this thesis cannot be applied to all age groups regardless of Hebraic background. The main concern is to acquaint the student with Jewish values via a value oriented process of education.

However, we must add a word of caution that though the teaching of Hebrew and Jewish values simultaneously is the ideal goal, it must also be recognized that insistence on Hebrew may be discouraging to a student unable to articulate an abstract thought with a limited Hebrew vocabulary. Even the prerequisite of two years of Hebrew may be inadequate to meet the demands of the Hebraic content of this program.

The specific rabbinic literature selected for the model is the Mishnah, Baba Mezia. Several chapters of the main divisions of the book have been

selected and rearranged categorically so that the student will have covered an undisrupted treatment of each area in this tractate. The tractate was chosen because of its legalistic nature and its quality to stimulate analytic thought processes. The main objective is to provide the student an area of study that will stimulate a genuine inquiry into Jewish concepts and values while simultaneously gaining an increasing knowledge of Hebrew.

However, prior to a detailed description of the model, this thesis will include several sections which will serve to support this particular approach: first, a study of the language--its origin and purpose and importance to society at every level--sociological, cultural and religious; secondly, an analysis of the very essence of education: What is education? What is the role of the teacher? What process of education must be pursued to accomplish primary educational objectives? Finally, how does the model itself apply to the religious school classroom not only in the context of the program selected but in all phases of the religious school

experience. It may be of interest to note that this program was tried with a group of students at Hollywood Temple Beth El in Los Angeles, California, during the 1973-1974 school year. A group of eleven children was chosen, four of whom were ten to eleven years of age and the other seven were thirteen to fourteen years of age. The program was supervised and implemented by the writer. The fact that these students were involved in a study which originally they felt was the exclusive domain of the seminarian completely stripped away the intimidating mystique of such literature and added an initial stimulus that activated an immediate response of enthusiasm and interest.

II. WHAT IS LANGUAGE

Nature and Origin

We do not yet have a complete understanding of the nature of language and its origin. Unfortunately, in our modern world of specialized inquiry there exists a clash of opinions as to the origin and nature of language. Psychologists attribute language to man's psyche, phoneticians and other linguists to man's body, sociologists and philosophers to man's spirit or soul. A more ancient view, still extant, is the theological explanation which traces the origin of language to God who first gave man the task of naming all living creatures presumably according to their origin, function and purpose.[2] In the final analysis a combination of opinion will probably prove necessary to the understanding of the nature, purpose and origin of language.

A cultural-sociological point of view such as that represented by Jespersen would describe the

original function of language as not one of intellectual activity but rather as the imparting of intense feeling or emotion.

> ". . . I have tried to show that we only begin to divine what the origin of language was when after tracing back its history as far as we can, we see that the earliest language was anything but intellectual, that it was indeed a sort of half-way house between singing and speech with long almost meaningless conglomeration of sounds, which served rather as an outlet for intense feelings than for the intelligible expression of them, and which in any case was not primarily thought of as a means of telling other people something or other, though by a roundabout way it did come eventually to serve as a means of communication."[3]

Linguists, who by nature are persuaded to take a more rigid view due to the discipline of their methodology would reject this evaluation.

> Language is not merely the sounds of the forest, not merely a succession of squeaks and grunts. It is not in principle animal cries. The hiatus between these cries and human speech is so great as to indicate that it is a purely human activity, an emergent, if we may make use of this conception, not in any sense reducible to pre-human behavior. In sum, the notion of speech as a non-instinctive, voluntary, and purely human activity is increasing rather than decreasing, and with it has come the notion of an autonomous type of activity, not reducible to non-linguistic forms of communication.[4]

Sounds, therefore, to the linguist, have a physical reality not associated with speech. Speech by defini-

tion would require some notion of meaning existing as communication between the speaker and some psychical reality either within the speaker or another individual able to encode linguistic symbolism. Physical associations and motor reactions common to lower species devoid of linguistic patterns cannot be accepted as containing linguistic meaning.

The psychologist would tend to ignore any speculative thought by restricting the study of language to scientific evidence and observation.

> A scientific study of language, as opposed to a speculative discussion, begins with direct observations of communicating individuals and searches for the relation of these observations to the existing body of scientific knowledge. There exist many speculations of a literary or philosophical nature that are interesting and stimulate the imagination; unless these speculations lead to scientific observations and generalizations, they are not discussed here. Rejecting opinions in favor of facts helps to reduce this vast topic to manageable proportions. The psychological bias restricts the discussion to the effects of language on the behavior of the individual. Psychology is the science of behavior. Our present interest is not in language as one of the social graces, but as a kind of cooperative human behavior.[5]

Linguists agree that there are three main functions of language without which language loses all prospects of meaning.

> We have already seen that one meaning function, namely, that of representation, Darstellung, predication, is in general conceived to be part of the nature of language as such. To this is generally added two other functions which we may describe as the indicative and the emotive or evocative. Speaking generally, it may be said, I think, that present-day linguistics recognizes these three primary functions of language, three types of meaning which are present in some form wherever there is a linguistic fact, and which are irreducible one to the other.[6]
>
> The sine qua non of language, according to the present speech-notion, is the presence of all three functions.[7]

Returning to Urban's earlier rejection of sounds being considered part of the early development of language it would be difficult for him to argue against the primordial cry as an example of the three primary functions of language. The cry proclaims the presence of the object, thus, indicative; the cry would of itself be considered emotive and finally it is certainly representational as it does describe something about the object it indicates. Articulated sounds whether instinctive or non-instinctive characterized by three main functions of speech express thoughts and feelings. The onomatopoeic theory of language which poets aptly utilize because of their ability to uncover the hidden

essence and true spiritual nature of language would add further credence to the theory that the earliest example of language enjoyed a distinct relationship between feeling and sounds. Even the Genesis account of creation reflects the ancient mythical notion that man's earliest contact with language was related to sound and its reflection of function rather than the articulation of intellectual thought. Linguists, who insist on an empirical explanation of the internal essence of nature fall into the awkward state of logical immobility due to the great limitation of their approach. No one answer is really satisfactory.

> I believe we are not quite certain in our own minds whether the attempts to reconstruct the phonetic body of a vanished language or fix mechanically that of a living one are not tainted with something pseudo-scientific, with dilletantic curiosity, artistic greed, or naturalistic superstition. . . . How often has science not been duped when relying on a beautiful harmony between soul and body, mind and nature, it has attempted to read the inner meaning from the external appearance.[8]

The study of language cannot be fulfilled by ignoring the totality of human life and experience. Language will always remain a reflection of human experience concentrating on the attributes of a living community

not in terms restricted to grammatic rules, behaviorism, phonetics or philosophical speculation, but by an all-inclusive body of information that unfolds the inner essence of a people through the activity or usage of its language.

The scientific community, though in disagreement as to the origin of language, does not argue that an advanced stage of language would involve more than a single individual, it would presuppose the working stages of several persons, a plurality or language community, the natural outgrowth of an ever-evolving linguistic process. "Whatever the concern or the aims of language may be, it always needs several persons to be its vehicle."[9] In addition, the character of the language community would be influenced by social conditions and pressures. ". . . the most individual speech is socially conditioned: an individual is never completely isolated from his surroundings, and in every utterance of '<u>la parole</u>' there is a social element."[10] Every person reacts according to stimuli from without, i.e., from society. Bloomfield puts it very suc-

cinctly and simply: "Language enables one person to make a reaction (R) when another has the stimulus (S). S→R."[11] Eventually, the uniformity of these stimuli-responses in individual tongues forms the basis for a unified national language.

In developing a philosophy of language it would be necessary to deal with a symbolic orientation of the meaning of language. Symbolism must basically be described in terms of abstract representations having the potential to stimulate feelings and emotions that provide some abstract notion of the reality. "The philosophy of language, we may then say, to begin with, is concerned with the evaluation of language as a bearer of meanings, as a medium of communication and as a sign or symbol of reality."[12] Consequently, there exist many varieties of language: mathematics, art, music, religion and other languages of symbolic orientation. The concern, therefore, is not so much the origin of language but rather its ultimate meaning and purpose, viz,, to evoke reactions to the rich array of symbolic stimuli within a growing sociological cultural language community. The greater

the ability of the individual to respond to these stimuli, i.e., his specific knowledge of the language, the greater his acceptability to that language community and the more unquestioned will be his particular membership.

Social and Cultural Aspects of the Language Community

A proper understanding of culture in relation to ethnographic study would require a definition of culture and its social ramifications in terms of operations that particular cultures exercise. Goodenough, in his essay "Cultural Anthropology and Linguistics," describes the relationship of language to culture by first defining culture.

> As I see it, a society's culture consists of whatever it is one has to know or believe in order to operate in a manner acceptable to its members, and do so in any role that they accept for any one of themselves. Culture, being what people have to learn as distinct from their biological heritage, must consist of the end product of learning: knowledge, in a most general, if relative sense of the term.[13]

It is not sufficient to describe a culture simply by describing observed phenomena. To Goodenough it is necessary to test our understanding of a particular

culture by being able to duplicate behavior according to the same kinds of responses.

> . . . it is obviously impossible to describe a culture properly simply by describing behavior or social, economic and ceremonial events and arrangements as observed material phenomena. What is required is to construct a theory of the conceptual models which they represent and of which they are artifacts . . . A further test is our ability ourselves to behave in ways which lead to the kind of responses from the community's members which our theory would lead us to expect. Thus tested, the theory is a valid statement of what you have to know in order to operate as a member of the society and is, as such, a valid description of its culture.[14]

It would, therefore, be necessary to develop a theory of conceptual models that would lead eventually to language itself as a means of comprehending concepts employed and the very culture itself.

> Indeed, we may define a language in precisely the same terms in which we have already defined a culture. It consists of whatever it is one has to know in order to communicate with its speakers as adequately as they do with each other and in a manner which they will accept as corresponding to their own. In this sense, a society's language is an aspect of its culture.[15]

Most cultural anthropologists agree that language is essential to the understanding of particular cultures.

> If culture is seen to be the unique characteristic of man, language must be viewed as the particular gift that makes culture possible. For

> without the human capacity to communicate intricate patterns of thought--to recreate experience in words--culture could not exist.[16]

Greenberg, in his essay "Linguistics and Ethnology," emphasizes the importance of utilizing a linguistic approach to culture.

> . . . a mature science of culture is unlikely to emerge without the linguistic approach to culture having played a significant role.[17]

Thus, an analysis of language is applicable to cultural traits. Languages function in society as a means of communication. Through language one learns not only to recreate experiences but to share them with others. This sharing of similar or mutual experiences is what constitutes cultural traits.

Differences in Languages

Since languages and symbolic representations of language differ it follows that languages must classify things differently. Languages differ greatly in vocabulary due mainly to differences in environment and cultural orientation. Benjamin Lee Whorf was able to notice that Eskimo languages have a variety of words for different kinds of snow. Edward Sapir,

who made a comparative study of Indo-European languages and differing languages in Africa and America claimed that the vocabulary of a language clearly reflects the physical and social environment of a people.[18]

The question arises, can one gain insights into a particular culture by merely studying its language without directly experiencing its social environment? The fact remains that even individuals within a given society though sharing a common vocabulary may not uniformly share in the same experiences reflected in their language. Children learn to speak early in life prior to having a substantial amount of experiences in the real world. The vicarious experience as a reflection of culture is as valid as the real experience though less desirable.

Having thus seen the importance of language study to the understanding of cultural traits within a language community it follows that a linguistic approach is essential to the understanding of Jewish culture and the particular way the Jew views the world. " . . . it follows that language is not only a way of communicating among people but it is also a way

of perceiving and conceiving the world."[19] It would, therefore, be impossible to gain insights into the Jewish mind without having made contact with the very language that communicates, either vicariously or directly, concepts reflecting the way in which the Jew perceives his world and the world of those around him.

III. HEBREW: RELIGIOUS AND CULTURAL ASPECTS

The more that Jews were persecuted the more they clung closely to the language of the synagogue, protecting the ancient writings of Hebrew from tainted, mundane usage. Other vernaculars were developed and used to maintain the sanctity of a religious national language. Hebrew was, for the Jew, the spiritual fortress within whose walls he could find refuge, and recall with nostalgic fervor a glorious ancient past. The language of religion is evocative as well as invocative. In the case of the Jew it evokes national pride and it invokes the spirit of the mystical world or God, the very essence of Jewish religious thought.

Religious symbols represent an important segment of the language community. The Jew responds with feeling, whether positive or negative, to such symbols as the Magen David, the Menorah or the Mezuzzah. Within these symbols are locked a history

of thought, culture and religious expression. The feelings that such religious symbolism evokes make it a legitimate part of the language of religion. Language denotes a community of people and so does religious symbolism. A religious symbol is meaningless unless an association with other individuals or events involving a people has been accomplished. And in a broader sense the language of religion consists of numerous non-linguistic signs and symbols to be decoded by a qualified or active member of the religious language community. And ironically, the linguistic elements of the Hebrew language have the same qualities as the non-linguistic signs and symbols, as demonstrated by the wide usage of abbreviations, acrostics and mnemonics, e.g., תנ"ך, כנ"ל, רמב"ם, רש"י. Language itself can be described as an arbitrary system of symbols by which the members of a speech community communicate with each other. (see page 15) This writer had the experience of noticing from the portal gates of the chapel at the Palace of Versailles the Hebrew name יהוה inscribed above the altar in a place where the Ner Tamid would normally be found in a synagogue. Though the envi-

ronment was foreign, nevertheless, for a brief moment a feeling of Jewish sensitivity and awareness was evoked. "The symbol expresses something too great for words; yet if we ask what these things are that are too great for words we find that they are spiritual ideas."[20] It would, indeed, be difficult to express these ideas in words. The language of religion emerges as a language of theological and cultural concepts composed of both linguistic and non-linguistic signs and symbols capable of evoking distinct feelings or ideas too great for verbal analysis.

Religious thought cannot function without the paradox of religious symbolism. Reality as an abstraction must take on various shapes and disguises in order to anthropomorphize itself in some comprehensible way for those who subscribe to religious belief, e.g., the theological concept of the Logos. On a more sophisticated level, the biblical narratives as they appear mythological are paradoxically expressions of reality and natural phenomena; the myth itself emerges as the symbol of reality. It is in this sense that an understanding of the importance

of the Hebrew language to the elements of religion, culture and nationalism in Jewish life can be achieved.

As was previously mentioned, language is intrinsically important to the understanding of the cultural and religious growth of a people. Many Hebrew words would lose meaning if rendered in another language. The word רחמים comes from the root רחם which means womb, conveying a sense of love or maternal feeling; in English it is rendered as pity or mercy. Such a translation does not establish a genuine sense of the feeling that is contained in the original. Another word difficult to translate is מצוה which in English is rendered as command; yet, tradition teaches that it is a joy to perform a מצוה. Hebrew words are cultural capsules that when digested by the Jewish mind release granules of religious and cultural concepts.

Because of the images that the Hebrew language evokes there exists a universal kinship to Jews everywhere regardless of whether they are orthodox or atheistic. Many other groups do not function with a distinctive language. Judaism is more than an

expression of religious dogma; it is compounded with elements of culture, religion, race, and nationality.

> In sum, Judaism may be defined as the ongoing historical experience of the Jewish people, in which are compounded religious, national, and cultural elements. This unique, historical experience has been articulated in distinctive words and idioms of the Hebrew language, with which it has become inextricably blended. Dis-associate this experience from the Hebrew language, and the result is a pale, anemic reflection, a dilution and sometimes even an adulteration of the original experience.[21]

Consequently, those who do not have a functional knowledge of Hebrew remain greatly insensitive to a wide range of Jewish experience. Seeking to accomplish this task in translation will result in a blurred, if not distorted view of the Jewish world.

> Hebrew is the language of our past. It was the instrument employed by the creative genius of our people throughout the generations. It is the masterkey whereby one may unlock the store-house of original literary sources. Without a knowledge of Hebrew it is impossible to attain ready and direct access to the bedrock of the Jewish soul, or to study its evolution and embodiment in the writings of the Bible, the Talmud, the medieval and modern philosophers and poets.[22]

The Importance of Hebrew in the Religious School

A Conceptual Approach

The understanding of cultural values through the study of language is meaningless if not transferred

or communicated to individuals during the early years of their educational development. Indeed, the entire process of discovering and understanding Jewish values and concepts can be better managed when children are exposed to them from the day of birth. The process cannot be postponed until the student will take specific courses in a secondary school with the hope that he will then develop an intimate relationship with the culture that should really be an everyday life experience.

> There will be no integrated and wholesome Jews as long as our children are not brought up in Hebrew, the original language of the people of Israel, as long as they are not taught to speak, read and write the language.[23]

Words such as שלום, רחמן, שלח לחמך, כוח, שמח should become part of the child's vocabulary early in life. The thoughts and feelings evoked by such words can only be meaningful when the child has come into direct contact with them as expressed in the context of Jewish responses found in original literary sources. The conceptual design of the language should stimulate or evoke feelings within the student which will give the teacher something very concrete with

which to work; keeping in mind that language in itself does contain and communicate feeling no matter how objective the thought may be.

> Now a people existing for generations is usually unified, kept a people, not by a factual language alone but by certain concepts, generalizing ideas possessed by all the members of the people.[24]

Contact with the conceptual design of the Hebrew language exposes one to the essence of the rabbinic mind and the kind of vocabulary that best illustrates the concepts employed by the rabbis.

> The rabbinic vocabulary contains certain words that, with respect to the rest of the vocabulary, constitute a type all their own. Such words are Torah, Mizvot (commandments), Zedakah (charity), Teshubah (repentance), Tefillah (prayer), Derek Erez (ethics), Adam (man), and many others. They constitute a type of their own because they do not designate objects, relationships or qualities in sensory experience, do not stand for "matters of sense." They do, however, represent generalizing ideas and therefore must be conceptual terms of some kind.[25]

A Hebrew vocabulary capable of exposing the student to the rabbinic mind will provide a Jewish eduction that is value-concept oriented. A study of rabbinic literature would, indeed, achieve the primary goal of individual Jewish awareness in relationship

to the surrounding society.

> In Rabbinic Judaism, values are crystallized in specific terms, every value having its own name or symbol. If Rabbinic Judaism is a criterion, this must be true of values of all civilized societies. The values of Rabbinic Judaism consist of ideas. Rabbinic Judaism, in the course of the many centuries of its creative period (roughly the second B.C.E. to the seventh C.E.) produced a vast literature, and its religious values are embodied in every branch of that literature.[26]

As was stated earlier a religious symbol, which is how a value-concept can be represented, is too great for words or definition. We may say, therefore, that rabbinic value-concepts are indefinable. "The rabbinic value-terms can thus be characterized as undefined concepts."[27] However, lack of definition does not exclude the property of meaning.

> At the same time the value-term does convey an abstract, generalized idea of the concept it represents, and this generalized idea is common to all the members of the group.[28]

Value-concepts, therefore, become essential factors for the development of the individual as a member of a particular group.

IV. DEVELOPING A THEORY OF INSTRUCTION

In the early years of this century the synagogue exercised and enjoyed a greater influence on the growing child than it appears to do today. Society was less complex and the influences which encouraged a culture of leisure, the product of affluence and economic security, were absent. Families were more closely knit. Divorce, and the detrimental effects thereof, was strongly discouraged by society. There existed a strong reliance on the synagogue for the development and definition of social attitudes and values. However, as time went on, and certain stimuli in society led to a virtual breakdown in the family structure itself, there developed a greater decrease in the quantity and quality of contact with religious traditions and concepts which always emphasized social values and attitudes. It seems clear that a value-oriented process of education must be reintroduced to the religious school student and even within the

secular environment as well. This is not to suggest that we utilize antiquated procedures to achieve such a process; merely stating or even suggesting to a student that certain values are more desirable than others is not helpful in achieving results that will have a positive and lasting effect on the child. An understanding of values and concepts must embrace both cognitive and affective domains of instruction and must ultimately grow out of the very experiences of the student concerned. The study of values and concepts within any culture must be personalized almost to the point of being self-taught.

> For now, it is important to note that our definition of values and valuing leads to a conception of these words that is highly personal. It follows that if we are to respect a person's life, we must respect his experience and his right to help in examining it for values.[29]

It is interesting to note that the Hebrew concept of the word לָמַד, to learn or study, has as its (intensive form) the word לִמֵּד, to teach, i.e., studying is actually teaching oneself.

The following program has been prepared with this object in mind. An examination of the material must consist of open dialogue and discussion. Only when

the student is actively involved will he experience any genuine sense of accomplishment and even more important, an identity with the material concerned.

V. MISHNAH--TRACTATE BABA MEZIA

INSTRUCTION GUIDE

GENERAL GOAL:

The learning of Jewish concepts and values while gaining an increasing knowledge of Hebrew from original rabbinic sources.

AVERAGE NUMBER OF SESSIONS:

Thirty.

TIME ALLOTMENT:

Forty-five to sixty minutes per session.

AVERAGE NUMBER OF CHAPTERS COVERED:

Approximately one to one and one-half per session depending on length and complexity of chapter and level of class.

AVERAGE AGE OF STUDENT:

Thirteen to fourteen years old.

MINIMUM AGE REQUIRED:

Eleven to twelve (see introduction pages five and six).

PREREQUISITES:

Student shall demonstrate a minimum knowledge of Hebrew language equivalent to two school calendar years of Hebrew instruction of at least four hours per week. As discussed in the introduction, an

alternate program in translation can be implemented for a group not able to fulfill the basic Hebrew requirements. The emphasis of the program is the assimilation of those value-concepts found in various sources of rabbinic literature (e.g., Baba Mezia). To take the time to develop prerequisite mechanical skills such as reading and writing will greatly inhibit the main objective of the program.

MATERIALS AND TEXTS NEEDED:

1. For teacher use only: Tractate Baba Mezia by Philip Birnbaum (see Bibliography) or any authoritative edition of Mishnayot. Teacher should become well acquainted with the Gemara portion as well. In addition, Introduction to the Talmud by Moses Mielzinger (see Bibliography) for reference material will prove helpful.
2. Overhead and filmstrip projectors.
3. For student use: It is suggested that the instructor make available to the students only those chapters of Mishnah to be covered in class; each segment should be distributed only after the class has

been exposed to and has thoroughly assimilated both the language and the concepts of a parallel contemporary case.

4. Each student should have a Hebrew-English dictionary, notebook and a Hebrew Bible with or without translation.

LESSON I: INTRODUCTORY

The first lesson should consist of an introduction to the study of Mishnah covering the following categories:

1. What is Mishnah?
2. Authorship and historical significance of Mishnah.
3. Status of Mishnah in terms of religious importance.
4. The differential meanings of Halakha and Aggadah.
5. Description and ability to apply basic hermeneutic principles.
6. Description of Tractate Baba Mezia.

Lesson Objectives:

1. Student shall be able to define and relate categories 1, 2, 3, and 6.
2. Student shall be able to give at least three examples of Halakha and Aggadah from contemporary life or personal experiences.
3. Student shall demonstrate at least one application of each of the hermeneutic principles discussed, either from scripture or from contemporary experience.

Methodology:

1. Group discussion and use of audio-visual aids.
2. Transparencies should be used to show students the textual design and the historical context of the material under discussion. (see Appendix)
3. Filmstrip recommended: Judah the Prince: Teacher of Law; script by Rabbi Ely E. Pilchik, illustrated by William Steinel.

LESSON I

INTRODUCTION

Mishnah

It is an authorized codification of the oral law and a commentary to the written law contained in the Pentateuch developed over a period of five hundred years from the time of the second temple to about 220 C.E., at which time Rabbi Judah ha-Nasi compiled laws from the discussions and decisions of the Tannàim of the Palestinian academies. The development of the oral law grew out of a need to define problems and situations that the Pentateuch had no real provision for, or for situations that were the result of a constantly progressing and changing society.

Mishnah, משנה, etymologically means "second to" or it can mean from the verb שנה, "to teach." It would behoove the instructor to point out at this time the importance of recognizing this period as transitional, and the recognition of Judaism as an ever-evolving religion in need of rabbinic clarification. Thus we see the importance of Mishnah as a major contribution.

Divisions of Mishnah

There are six main divisions referred to as סדרים, Sedarim. A mnemonic used to remember the divisions is זמן נקי, Z'man Nakeit. These divisions are further divided into Masekhtot or treatises.

I. זרעים, Zeraim (seeds or agricultural produce), laws relating to the soil. The first treatise is on prayer.

II. מועד, Moed (festival), laws concerned with the Sabbath and festivals.

III. נשים, Nashim (women), laws concerning marriage and divorce.

IV. נזיקין, Nezikin (damages), civil and criminal law.

V. קדשים, Kodashim (sacred things), laws concerning the Temple sacrifices and service.

VI. טהרות, Teharot (purification), laws concerning the clean and unclean.

Some brief statement can be made about the Masekhtot in terms of their development in both the Yerushalmi and Babylonian Talmuds. A page of Talmud consisting of Mishnah and Gemara with the usual com-

mentaries should be shown to the students and the length of the Gemara compared to the Mishnah. Some statement should be made about the Gemara as a commentary on the Mishnah, and in particular the important concern of the Rabbis to reconcile supposed differences among the Tannaim.

Many of the words are part of contemporary usage, making it possible for the instructor to apply the vocabulary to a modern vernacular. Much of the vocabulary is of biblical origin which should help to develop a strong conceptual approach to the material. The Mishnah is evidently very concise, which helped in its memorization until it was written down by Judah ha-Nasi. Perhaps the chantlike fashion of study among those who frequent the traditional Beit Midrash is a clue to the way in which the oral law was first memorized.

The student should next have a clear understanding of the difference between Halakha and Aggadah. Halakha is that which deals with legal aspects of the Bible, and Aggadah deals mainly with homiletic expositions of the Bible through stories, legends, folklore,

etc. In order to best facilitate later legalistic discussions it would be wise to have the student learn certain basic hermeneutic rules so that logical processes can be secured. At least the following rules should be covered:

1. Kal V'Homer, קל וחומר
2. G'zera Shavah, גזירה שוה
3. Binyan Av, בנין אב
4. a) K'lal Up'rat, כלל ופרט
   b) P'rat Uk'lal, פרט וכלל

A brief review of some of Rabbi Ishmael's hermeneutic rules and their application to daily situations will help to show how this system can be helpful to the religious school student. Any rule or concept can be made clear to any age student by making use of situations or ideas that have already been accepted by him as empirical truths. Hopefully, the student will be able to use this system as a means of expanding his understanding of the world around him, and ultimately make decisions based on a sound system of logic and reasoning.

The rule that is most frequently used in

Talmudic debate is the Kal V'Homer (קל וחומר). It is possible to infer from subjects of minor importance with particular restrictions that subjects of major importance have the same restriction. And Homer V'Kal (חומר וקל), those subjects which are of major importance having certain permitted activities, it follows that subjects of minor importance have the same liberties. For example, Passover, a holiday that is less important than the Sabbath has certain restrictions, it follows that the Sabbath would have the same restrictions; and vice versa, if a certain labor is permitted on the Sabbath, Passover, because of its comparative minor importance would enjoy the same liberty.

The beginning student in religious school is usually presented a curriculum concentrating on holiday units. It is possible to chart various holidays according to major and minor importance, and based on the data available, the student can visualize the structure of holidays and draw his own conclusions. The beginning student is equally confronted with rules governing social behavior. By applying the

Kal V'Homer (קל וחומר), it is possible for the student to discover for himself what he is permitted or not permitted to do. For example, if the child is taught that a certain behavior is prohibited in class, what conclusion could he reach about the same behavior in the sanctuary; and vice versa, if a child is permitted a certain behavior in the sanctuary, what would his behavior be like in the classroom?

The G'zera Shavah (גזרה שוה) is also a frequently used rule. Literally, it means "similar or equal decree"; it also refers to "analogy." Items or subjects which share similar characteristics also share similar unknown provisions as well. It is possible, therefore, to determine the unknown provisions of one by the known provisions of the other. An interesting example can be cited from scripture. David, confronted by Nathan the prophet is told the following story and asked to provide judgment. One day, a wealthy man who owns many sheep wants to provide a handsome feast. He chooses, instead, the one solitary sheep belonging to a poor neighbor. He takes it stealthily, and uses it for his banquet.

Nathan asks, "What should be done to such a man?" David answers that the man should be justly punished. Nathan replies that such a man is David himself who took another man's wife. Without going into details, the circumstances were similar and David provided the judgment in both cases. There are many other examples involving cases mostly of a legal nature. Another application can be made to Jewish heroes or personalities who suffered divine disfavor. A chart can be made illustrating similar characteristics and circumstances involving various Jewish heroes; the student can be asked, based on the principal of G'zera Shavah what conclusions can be drawn. Questions can be as follows:

1. List similarities.
2. In each case what was the cause of disfavor?
3. What conclusions can be drawn?
4. Can you make a reasonable generalization about others who may fit this category?
5. By making use of the Kal V'Homer is it possible to draw a conclusion about people who are not great personalities? In other words, what con-

clusion could you reach about yourself, given circumstances applicable to your own daily life? The G'zera Shavah can be clearly applied to personal situations; an entire study of ethics can be taught utilizing this approach.

The K'lal Up'rat and P'rat Uk'lal can be used in developing the hermeneutic rule for the Binyan Av. The Binyan Av involves cases dealing with particulars and a general, the general adds to the particulars, and the particulars are to be regarded as illustrative examples of the general.

The most vivid example of this rule is the various animals scripture declares ritually clean and unclean. By listing various animals that are considered ritually clean, scripture thereupon implies that these animals or fish have specific characteristics in common; therefore, all animals, whether specifically mentioned or not by scripture, are considered clean if they have the same characteristics as those mentioned in scripture. In this case the particulars are illustrative examples of the general, namely, scales and fins in the case of fish, a ruminant with cleft

hoofs in the case of mammals and non-predatory birds in the case of fowl.

Any number of exercises can be given to the student as examples of the Binyan Av. Students can be taught the concept of "Jewish Heroism" by listing characteristics that Jewish heroes have in common and forming a generalization. Other examples can include: the life cycle, holidays and Jewish survival. An application of this issue could be the following: each student is to list five traits or qualities which characterize a virtuous man. Generalizations will be made from the most prevalent answers.

It is, therefore, possible to apply hermeneutic rules of logic to situations of daily encounter while at the same time making similar application to the structuring of the regular religious school subject matter. The hope is to make the study of Torah more meaningful and to prepare the student for more advanced studies dealing more directly with Jewish religious thought and its role in today's society. Young people are becoming more and more desirous of providing their own answers via their own analysis and study; it is

the educator's task to provide the proper tools which will aid young students in their sincere endeavor to know and understand the truth.

Introduction to Baba Mezia

Baba Mezia (Middle Gate) is the second treatise of the order Nezikin (damages). This treatise deals mainly with the acquisition of property consisting mainly of personal movable property. Legal issues involving the following categories will be discussed:

1. Articles lost and found
2. Bailments
3. Usury
4. Contracts of hiring
5. Borrowing

Following is a list of questions which the student should be able to discuss with some supportive documentation at the conclusion of this first learning experience with Mishnah:

1. What is the purpose of the Mishnah?
2. Do you feel that a commentary on biblical law written 2,000 years ago can still be relevant today? If not, do you suggest we write a new

commentary? (It may be useful to ask this question again after the course is completed.)

Homework Assignment

How would you decide the following case? Two people come to the authorities clutching a coat, each one claiming he found it first.

שני יושבים זה אצל זה בפתח בית-הדין, וכל אחד אומר כולו מצאתי אותו, מה תשפט?

LESSON II

It is important for the student to make a clear analysis of a case study prior to his reading of the Mishnaic text. This will assure originality and the stimulation of logical thought processes.

Given the previous example of two people claiming ownership of a found article the following dialogue will probably transpire:

Teacher: All right, you were given a case study to review at home. What have you decided?

David: I think they should do what Solomon would have done to that baby--split it in two--and maybe the one who's lying will tell the truth.

Teacher: Well, that's fine, David, but if you remember the story, Solomon was dealing with at least one woman who was the real mother. In this case we are talking about two people who found an article together and each one truly believes he can keep it. I think it may help to clarify matters if we first understand the nature of the article itself. First of all, if you found something what would you want to determine first?

Janice: I would first want to see if there is a name on it or something.

Teacher: Fine, in other words, you would want to know if there was some identification.

Janice: That's right.

Teacher: Do you feel that there are other kinds of identification besides a name?

Mark: Yes. I remember I lost a pen once, but I made a scratch near the tip that went around the pen and I saw some boy with a pen like mine and I said the pen was mine and he said prove it--and I described the mark. He found the mark and was forced to return it.

Teacher: That's excellent, Mark. So there can be various kinds of identification. All right, returning to our original case, since we are talking about two people trying to claim ownership of a lost article we can assume then that there are no identification marks on the garment--and now we have a clear concept of what a lost article is (in Hebrew מציאה) over which there are no identification marks.

Ruth: Well, if that is the case then they should split the garment.

Teacher: That's fine, Ruth. But how exactly do we do that without damaging the garment?

Steve: I know. Sell it and divide the money.

Teacher: That sounds reasonable. Do all of you agree? Well, fine--that is exactly how the Mishnah answers except they ask for something that always happens in a court of law when anyone takes the stand.

David: They have to swear.

Teacher: Exactly, and why?

Sam: Because--to make sure they tell the truth.

Teacher: Yes--and as you probably know, years ago--

certainly the time of the Mishnah--hardly a person did not believe in God--therefore, swearing was instituted by the rabbis to discourage anyone from lying.

The instructor should now distribute the chapter of Mishnah under discussion. New chapters should only be distributed after the students have had an opportunity to work out a problem in terms of their own experience or thoughts.

פֶּרֶק א: שְׁנַיִם אוֹחֲזִין

משנה א. שְׁנַיִם אוֹחֲזִין בְּטַלִּית, זֶה אוֹמֵר: אֲנִי מְצָאתִיהָ, וְזֶה אוֹמֵר: אֲנִי מְצָאתִיהָ; זֶה אוֹמֵר: כְּלָהּ שֶׁלִּי, וְזֶה אוֹמֵר: כְּלָהּ שֶׁלִּי, זֶה יִשָּׁבַע שֶׁאֵין לוֹ בָּהּ פָּחוֹת מֵחֶצְיָהּ, וְזֶה יִשָּׁבַע שֶׁאֵין לוֹ בָּהּ פָּחוֹת מֵחֶצְיָהּ, וְיַחֲלוֹקוּ. זֶה אוֹמֵר: כְּלָהּ שֶׁלִּי, וְזֶה אוֹמֵר: חֶצְיָהּ שֶׁלִּי, הָאוֹמֵר כְּלָהּ שֶׁלִּי, יִשָּׁבַע שֶׁאֵין לוֹ בָּהּ פָּחוֹת מִשְּׁלֹשָׁה חֲלָקִים, וְהָאוֹמֵר חֶצְיָהּ שֶׁלִּי, יִשָּׁבַע שֶׁאֵין לוֹ בָּהּ פָּחוֹת מֵרְבִיעַ. זֶה נוֹטֵל שְׁלֹשָׁה חֲלָקִים, וְזֶה נוֹטֵל רְבִיעַ.

After a student has read the first section of the chapter the teacher should ask that the following words be written in notebooks for future reference:

1. אוחזין --they hold
2. מצאתיה --I found it
3. יחלוקו --They should divide it

The teacher should review the Gemara for a more developed understanding of the Mishnah. The word אחיזה should be clearly developed. There are certain mechanical operations that must be exercised prior to any legal claim to ownership. The taking hold of an article with the thought of keeping it constitutes possession of a lost article without any identification markings. This is true of a public area. However, in any area that is private or only a few people walk through--the area equivalent to a radius of ד' אמות (four cubits) (a cubit is equal to the length of a forearm) is considered the private area of the person involved and anything in that area can be considered his without the mechanical gesture of clutching the article provided there was a clear thought or statement indicating the desire to acquire title to it. The word אחיזה, to clutch or hold, is conceptually very significant. As the Rabbis seem to indicate, the idea of grasping an article must be

true in both act and thought. As will be made clear with a Mishnah to follow, the finder must have a clear grasp of the situation in order to be eligible for title. Merely to pick up an article without intent to claim ownership is not sufficient. This is the case in רשות הרבים --a public area; רשות היחיד --a private area-- ד' אמות (four cubits) and the thought or statement of ownership are sufficient.

In principle, the second portion of the Mishnah is the same. The litigation is over fifty percent of the article. A division of the fifty percent into two equal parts with an oath would allow seventy-five percent to one party and twenty-five percent to the other. A חציו של חבירו could be thus derived. Whenever there exists a dispute over any portion of a lost article the article should be equally divided accordingly, an oath administered and the money appropriated through sale be so divided. At this point the students should be asked to decide a case study involving the above. For example:

Three people come to a court of law claiming ownership in the following way: One claims one-hundred

percent, another--fifty percent, and the third, fifty percent. The easiest way to find the solution is to take the excess over one-hundred percent and divide by the number of people involved and subtract this figure from all three.

Person A . . . . . 100% less 33% = 66%

Person B . . . . . 50% less 33% = 17%

Person C . . . . . 50% less 33% = 17%

Total . . . 100%

Discussion Questions:

1. In the context of the Mishnah discussed what is the rabbinic concept of the word חזקה?
2. Write at least two parallel cases in Hebrew on each of the two sections of the Mishnah.
3. Write a short essay discussing the decision to divide the value of an article when two or more people are in dispute over the legal ownership. Do you feel this to be a good and just way to settle the dispute?
4. The rabbis instituted the requirement to take an oath before dividing the article. Do you feel this is necessary? If not, what other alternatives

would you suggest?

5. What is the rabbinic concept of שִׁעְבּוּד? What words can you derive from שִׁעְבּוּד, and how do you feel they lend meaning to the word שִׁעְבּוּד? Hint: passive participle, "שִׁעְבַּד," is chastisements.
6. The Bible states in Exodus 20:13: "Thou shalt not bear false witness against thy neighbor." Should this not suffice in a court of law? Why did the rabbis insist on an oath?

Homework Assignment:

ילך כובס עם סופרים ומוכן כיסוה מלכסונה בפלטה, ויאמר לאמיכו "תן לי סוס המלכיסה" אמרו נותן לו סוס המלכיסה, והולך על הסופרים ואומר, "סוס לוכה הוא - מה המשפט יום אמרו שנת פרעתו ואומר, "סוס לכיתי בה מאומה?"

A discussion revolving around the following questions should be developed prior to a study of the original Mishnah.

1. What elements are necessary to claiming ownership of a lost article?
2. What is the meaning of סוס לוכה הוא--research the

word לכה, does it have any ethical or religious significance?

3. What must be clearly established before anyone can declare ownership?

4. What is the rabbinic concept of שלוח or an agent?

5. In Exodus 23:4 it is written כי תפגע שור איבך ..., using the principle of קל וחומר make a case for one's friend.

6. In Deuteronomy 22:1 it is written לא תראה את שור אחיך או את שיו נדחים והתעלמת מהם השב תשיבם לאחיך.

Can this be derived by קל וחומר from the previous verse? If not what is the essential difference; if it can be derived why would scripture repeat itself? It would be necessary to review the historical nature of Deuteronomy and to emphasize the difference in meaning between נדחים and תפגע as a way of explaining the two verses.

LESSON III

Lost and Found--*Continued*

Chapter I--Mishnah III

משנה ג. הָיָה רוֹכֵב עַל גַּבֵּי בְהֵמָה, וְרָאָה אֶת הַמְּצִיאָה, וְאָמַר לַחֲבֵרוֹ: תְּנָה לִי. וְטָלָה וְאָמַר: אֲנִי זָכִיתִי בָהּ, זָכָה בָהּ. אִם מִשֶּׁנְּתָנָה לוֹ אָמַר: אֲנִי זָכִיתִי בָהּ תְּחִלָּה, לֹא אָמַר כְּלוּם.

After reading and translating the text, make certain the students have recorded the phrase קנה, which has the connotation of acquiring ownership. Focusing on the root זכה, ask the students if they researched the word for any significant meanings. The word זכה means to be clean or pure in a moral sense; therefore, the act of acquiring ownership must involve a moral conviction on the part of the person seeking to acquire ownership of the lost article that there exists no clue to the identity of the original owner or any סימן (sign) on the article or circumstances related to the lost article that can be described by the original owner. The idea being that the lost article must be justifiably free of any question of existing legal ownership. Again, it would be important

to point out two essential gestures to acquire ownership of a lost article that has no identification markings: the grasping hold of the article and second, the declaration of ownership. Any interference or lack of the two does not guarantee or constitute ownership. It would lend interest to the class to ask for similar experiences on the part of the students and how they had reacted to this situation. Role playing is another excellent activity, where several students could play the role of judges over a dispute and others be asked to act out various kinds of situations involving lost articles. The other Mishnayot on "lost and found" could be similarly developed, eventually leading to a case study which involves a complex assortment of difficulties. For example:

A boy on his way home from school takes a short cut through an alley and finds a glass vase with fresh flowers against a building. He stands there and reflects that he will keep this article when a friend comes by and declares it for himself. A dispute arises, to whom does the article belong?

Items to be discussed:

1. What is the alley רשות הרבים or רשות היחיד?
2. What can be considered appropriate for ownership?
3. Is the article really מפקר? Is it possible it may have been left there deliberately?
4. Are there סימן--must an object have permanent types of markings to be considered identifiable?
5. If one assumes temporary ownership until the real owner is notified or alerted must the temporary owner or watchman care for the flowers, and can he claim a fee for such care, or what must he do to prevent loss to the value of the flowers?
6. Can the guardian of the vase make personal use of the vase until the real owner claims it?

Eventually, after studying a number of Mishnayot, students should be able to solve any number of parallel situations dealing with many variables. Their ability to successfully solve parallel problems by polemic discussion will be the main criterion for evaluating the success of the program.

An example from each of the other categories will be cited to illustrate the applicability of the

above procedure. The general style and format should remain the same.

LESSON IV

Hiring and Borrowing

(As a homework assignment or for classroom discussion.)

תשובה משנית מאבדו והשוללה לאחר

והמשנית לפלמה בשכר הראשונה - מה ההשפעה?

Students should be asked to review Exodus 22:9-14 as the basis for discussion. It should be made clear that scripture states clearly that in the case of a borrowed article the borrower is liable under all circumstances; in the case of a hirer, if the article was damaged during normal use he is free of liability. Interestingly enough, there should develop two major arguments, the same as the ones in the Mishnah. A suggested activity would be to divide the class into two sections; those agreeing to one point of view would form one group, the other group forming the opposing point of view. Given a reasonable amount of time to privately list reasons for their decisions, a spokesman from each group would deliver his group's findings.

Chapter III--Mishnah II

משנה ב. הַשּׂוֹכֵר פָּרָה מֵחֲבֵרוֹ, וְהִשְׁאִילָהּ לַאֲחֵר,
וּמֵתָה בִּדְרָכָהּ, יִשָּׁבַע הַשּׂוֹכֵר שֶׁמִּתָּה בִּדְרָכָהּ,
וְהַשּׁוֹאֵל יְשַׁלֵּם לַשּׂוֹכֵר. אָמַר רַבִּי יוֹסִי: כֵּיצַד?
הַלָּה עוֹשֶׂה סְחוֹרָה בְּפָרָתוֹ שֶׁל חֲבֵרוֹ? אֶלָּא תַּחֲזוֹר
פָּרָה לִבְעָלִים.

Again students should make a list of new vocabulary words after the reading and translation of the new chapter. Only after another discussion on the subject should the teacher reveal that the decision is according to Rabbi Yossey.

LESSON V

Bailments

(To be reviewed at home followed by class discussion.)

במשקיד שרות עליכן לדעת, אם תמיד יהיו אחראים,
מה יעשה לדעת, עליו למכר יום אחד אומר
לו שלח בהמתי.

Students should first become acquainted with the concept of משקיד--depositing, or bailment, and the responsibilities of the bailee. After the students have had a reasonable amount of time to discuss and resolve the

problem, the teacher should then distribute the original Mishnah.

Chapter III--Mishnah VI

משנה ו. הַמַּפְקִיד פֵּירוֹת אֵצֶל חֲבֵרוֹ, אֲפִילוּ הֵן אֲבוּדִין, לֹא יִגַּע בָּהֶן. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: מוֹכְרָן בִּפְנֵי בֵּית דִּין, מִפְּנֵי שֶׁהוּא כְּמַשְׁיִב אֲבֵידָה לַבְּעָלִים.

The explanation should revolve around the responsibility to protect any perishable item within normal limits. If conditions cause undue danger to the survival of an item it is required that the bailee sell the item, make regular deductions because of normal depreciation and return the remaining value to the owner.

It would be worthwhile to develop the value-concept of Rab Shimon Ben Gamliel's statement:

כמשיב אבידה לבעלים.

LESSON VI

Usury

(To be reviewed at home followed by class discussion.)

Preparation for a case study in usury: have the students

refer to Exodus 22:24. Ask them to develop the meaning of the word נשך, usury or interest, and if it bears resemblance to another word, to develop a value-concept. כיצד מותר לשכנתו יוצג המבקר שלקח בתמיכה, אפשר שנמצא נתן לקח הלוואה?

Prior to discussing the original Mishnah it may be useful to cite Leviticus 25:35-38, and develop the value-concept of וחי אחיך עמך. The Midrash in this verse stresses the importance of providing one's own needs first. The example cited by the Midrash is: two men on a journey possess enough water for one to survive. The owner of the water has the right to save his own life based on this verse:

וחי אחיך עמך

It would be interesting to see how the class would respond to such a situation.

Chapter V--Mishnah II

משנה ב. הַמַּלְוֶה אֶת חֲבֵרוֹ, לֹא יָדוּר בַּחֲצַרוֹ חִנָּם, וְלֹא יִשְׁכּוֹר מִמֶּנּוּ בְּפָחוֹת, מִפְּנֵי שֶׁהוּא רְבִית. מַרְבִּין עַל הַשָּׂכָר, וְאֵין מַרְבִּין עַל הַמֶּכֶר. כֵּיצַד? הִשְׁכִּיר לוֹ אֶת חֲצֵרוֹ, וְאָמַר לוֹ: „אִם מֵעַכְשָׁיו אַתָּה נוֹתֵן לִי, חֲרֵי הוּא לְךָ בַּעֲשָׂרָה טְלָאִים לְשָׁנָה, וְאִם

שֶׁל חֹדֶשׁ בְּחֹדֶשׁ, בְּסֶלַע לַחֹדֶשׁ", מְתֻרָּץ. מָכַר לוֹ
אֶת שָׂדֵהוּ, וְאָמַר לוֹ: "אִם מֵעַכְשָׁיו אַתָּה נוֹתֵן לִי,
הֲרֵי הִיא שֶׁלְּךָ בְּאֶלֶף זוּז; אִם לַגּוֹרֶן, בְּשִׁבְעִים עֶשֶׂר
מָנֶה", אָסוּר.

The procedure is the same for this Mishnah. List the new vocabulary. Develop further discussion bearing in mind to constantly seek answers from the student's experiences. Individual logical thought processes must be constantly stimulated. The main role of the teacher as was pointed out, is to allow the student an opportunity to teach himself. Woodruff, in his book Basic Concepts of Teaching, puts it very succinctly:

> 1. When through experience we get a mental picture in our minds of one of the objects or forces which make up our world, we have a concept, which immediately becomes our "set" for any further perception of that same thing.
>
> 2. While concepts are forming through experience, the individual is also learning what value each of the objects and forces has for him through his impressions of how each of them affects him. This sense of value becomes a part of each concept and determines how he feels about it. This tends to influence his behavior toward that thing.
>
> 3. As a concept forms in our minds we learn symbols for the whole concept and for each of its parts or qualities, and these symbols become part of the concept also.[30]

Jewish education as was demonstrated revolves around a similar process. Jewish concepts and values should be approached within the framework of the student's own experience either directly or vicariously. The Hebrew language itself stands as the symbolic model from which the concept takes shape and eventually helps the student to respond to recurring situations in a way consistent with all other members of the Hebrew language community throughout the world.

VI. APPENDIX

A. Chart: Evolution of Jewish Law

evolution of Jewish law

THE TORAH

Torah she-bichtav, the "Written Law." According to tradition, the Torah was given to Moses on Sinai, who transmitted it to Joshua, who transmitted it to the Elders, who transmitted it to the Prophets . . . and, eventually, it was transmitted to the Sanhedrin.

THE MISHNAH

Codification and collection of Torah she-be'al peh, "Oral Law," transmitted by word of mouth over generations. Compiled by Rabbi Judah and his court around 189–200 C.E. in Palestine.

The Jerusalem Gemara

Compilation of the commentary on the MISHNAH by the Amora'im in Palestine, approx. end of 4th cent. Together with the Mishnah, this forms the JERUSALEM TALMUD.

The Babylonian Gemara

Compilation of the commentary on the MISHNAH by scholars in the Babylonian academies, approx. end of 5th cent. This is much larger and more significant than the Jerusalem Gemara. Together with the Mishnah, this forms the BABYLONIAN TALMUD.

Comments and decisions of the GE'ONIM, 6th–10th cents.

Commentaries by RASHI (France, 11th cent.)

Tosafot: Commentaries by descendants of Rashi (France/Germany, 12th–13th cent.)

Mishneh Torah by MAIMONIDES ("The Rambam") (Egypt, 12th cent.)

Shulchan Aruch: Code by JOSEPH KARO (Palestine, 16th cent.)

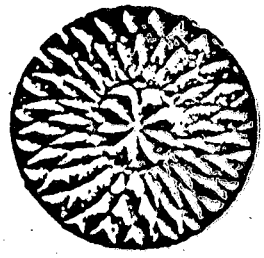
Other codes and commentaries

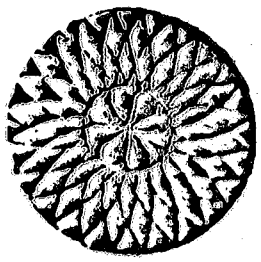
Responsa literature

THE TALMUD

B. A Page of the Mishnah

a page of the Mishnah



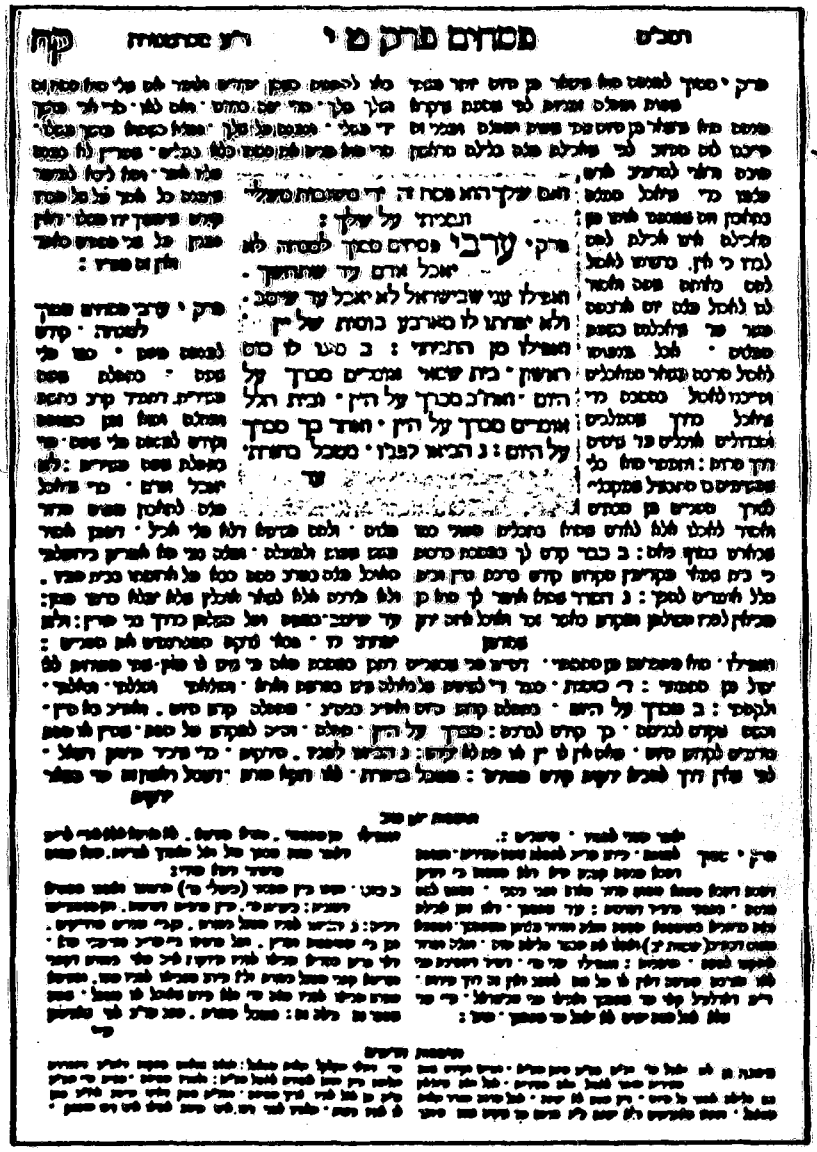


Commentary by Rabbi Obadiah of Bertinoro (born Italy, c.1450; died Palestine, c.1510)

Commentary by Rabbi Moses Maimonides, called "The Rambam" (born Spain, 1135; died Egypt, 1204, and buried, according to tradition, in Tiberias, Israel)

Tosafot Yom Tov: Commentary by Rabbi Yom Tov Lipmann Heller (born 1579; died Cracow, 1654)

Tosafot Chadashim: Additional commentaries by later scholars



Reproduced from an edition of the Mishnah published in Vienna in 1794

Tractate (book): *Pesochim*

***Perek* (chapter): End of *tet* (9) and beginning of *yod* (10)**

The text of this passage from the Mishnah (in color) beginning at *Perek Yod* reads:

On the eve of Passover, a man must not eat from the time of the Minchah offering [about 3 p.m.] until nightfall. Even the poorest in Israel must not eat unless they lean [another translation states: unless he sits down to table], and they must be given at least four cups of wine to drink, even if it is from the Tamhui [community soup kitchen]. After they have mixed him his first cup, the School of Shammai says: He says the Benediction first over the day and then the Benediction over the wine. And the School of Hillel says: He says the Benediction first over the wine and then the Benediction of the day. After the Kiddush they set it before him, and he eats lettuce dipped in salt water or vinegar. . . .

—Pesochim 10:1–3
trans. by Eugene J. Lipman

This passage of the Mishnah relates to the Passover seder. The observance of the seder was so important that the community was obligated to provide wine and matzah for even the poorest Jew. The passage begins with the time when food should not be eaten, so that one might enjoy the seder all the more, and continues with a dispute as to whether the blessing over the wine should precede the blessing for the day. The rest of Chapter Ten deals with the precise order of the seder service, including the Four Questions. The basic outline of the seder in the Mishnah is still followed today in modern haggadahs.

C. A Page of the Talmud

VII. FOOTNOTES

FOOTNOTES

[1]Jerome S. Bruner, The Process of Education, pp. 33-54.

[2]The Bible, Genesis 2:19-20.

[3]Jespersen, Mankind, Nation and Individual, p. 5.

[4]Urban, Language and Reality, p. 92.

[5]Miller, Language and Communication, p. 1.

[6]Urban, p. 68.

[7]Ibid, p. 69.

[8]Vossler, The Spirit of Language in Civilization, p. 77.

[9]Ibid., p. 15.

[10]Jespersen, Mankind, p. 19.

[11]Bloomfield, Language, p. 24.

[12]Urban, p. 37.

[13]See Goodenough in Language in Culture and Society, D. Hymes, ed., p. 36.

[14]Ibid., p. 36.

[15]Ibid., p. 37.

[16]Goldschmidt, Exploring the Ways of Mankind, p. 44.

[17]See Greenberg in Language, Culture and Society, p. 31.

[18]See Banjamin Lee Whorf and Edward Sapir in Language, Thought and Culture, P. Henle, ed., pp. 1-10.

[19]Goldschmidt, p. 46.

[20]Urban, p. 586.

[21]Chomsky, Hebrew: The Eternal Language, p. 10.

[22]Ibid, p. 271.

[23]Ribalow, "The Role of Hebrew in Jewish Education," Judaism and the Jewish School, J. Pilch, ed., p. 135.

[24]Kadushin, The Rabbinic Mind, p. viii.

[25]Ibid, p. viii.

[26]Ibid, pp. 1-2.

[27]Ibid, p. 2.

[28]Ibid, p. 2.

[29]Raths, Values and Teaching, p. 36.

[30]Woodruff, Basic Concepts of Teaching, p. 63.

VIII. BIBLIOGRAPHY

BIBLIOGRAPHY

Birnbaum, Philip, ed., Maimonides' Mishneh Torah. Hebrew Publishing Company; New York, 1967.

Blackman, Philip, ed., Tractate Baba Metzia. The Judaica Press, Inc.; New York, 1965.

Bloom, Benjamin S., ed., Taxonomy of Educational Objectives. David McKay Company, Inc.; New York, 1956.

Bloomfield, Leonard, Language. Henry Holt and Company; New York, 1933.

Bruner, Jerome S., The Process of Education. Random House, Inc.; New York, 1963.

Bruner, Jerome S., Toward a Theory of Instruction. Harvard University Press; Cambridge, 1966.

Chomsky, William, Hebrew: the Eternal Language. The Jewish Publication Society of America; Philadelphia, 1969.

Cohen, Jack J., Jewish Education in Democratic Society. The Reconstructionist Press; New York, 1964.

Cook, Stuart W., Morton Deutsch and Marie Jahoda, Research Methods in Social Relations. The Dryden Press; New York, 1951.

Cox, Benjamin C., and Byron G. Massalias, Inquiry in Social Studies. McGraw-Hill Book Company; New York, 1966.

Daiches, Salis, and H. Freedman, tr., The Babylonian Talmud, Seder Nezikin, Baba Mezia, Vol. I. The Rebecca Bennett Publications, Inc.; 1959.

Fishman, Joshua A., ed., Advances in the Sociology of Language. Mouton & Co.; The Netherlands, 1971.

Fishman, Joshua A., ed., Readings in the Sociology of Language. Mouton & Co.; The Netherlands, 1968.

Gartner, Lloyd P., ed., Jewish Education in the United States. Teachers College Press; New York, 1969.

Gleeson, Patrick, and Nancy Wakefield, ed., Language and Culture. Charles E. Merrill Publishing Co.; Columbus, Ohio, 1968.

Goldblatt, David, The Jew and His Language Problem. New York, 1943.

Goldin, Hyman E., tr., Text of the Talmud. The Jordan Publishing Company; New York, 1933.

Goldschmidt, Walter, ed., Exploring the Ways of Mankind. Holt, Rinehart and Winston, Ind.; San Francisco, 1971.

Goodlad, John I. and M. F. Klein, Behind the Classroom Door. Charles A. Jones Publishing Company; Ohio, 1970.

Henle, Paul, ed., Language, Thought and Culture. University of Michigan Press; Ann Arbor, 1965.

Hoijer, Harry, ed., Language in Culture. University of Chicago Press; Chicago, 1954.

Holt, John, How Children Fail. Dell Publishing Company, Inc.; New York, 1964.

Hymes, Dell, Language in Culture and Society. Harper and Row, Publishers; New York, 1964.

Jespersen, Otto, Language: Its Nature, Development and Origin. George Allen and Unwin, Ltd.; London, 1923.

Jespersen, Otto, Mankind, Nation and Individual from a Linguistic Point of View. Charles & Read. London, 1946.

Kadushin, Max, The Rabbinic Mind. Bloch Publishing Company; New York, 1952.

Landar, Herbert, Language and Culture. Oxford University Press; New York, 1966.

Lipman, Eugene J., ed., The Mishnah. The Viking Press; New York, 1970.

Massialas, Byron G., and Jack Zevin, Creative Encounters in the Classroom. John Wiley and Sons, Inc., New York, 1967.

Mielzinger, Moses, Introduction to the Talmud. Bloch Publishing Company; New York, 1968.

Miller, George A., Language and Communication. McGraw-Hill Book Company, Inc.; New York, 1938.

Pilch, Judah, and Meir Ben-Horin, ed., Judaism and the Jewish School. Bloch Publishing Company; New York, 1966.

Raths, Louis E., Merrill Harmin, and Sidney B. Simon, Values and Teaching. Charles E. Merrill Books, Inc.; Columbus, 1966.

Rieger, Eliezer, Modern Hebrew. Philosophical Library; New York, 1953.

Rivers, Wilga M., The Psychologist and the Foreign Language Teacher. University of Chicago Press; Chicago, 1965.

Rivers, Wilga M., Teaching Foreign-Language Skills. University of Chicago Press; Chicago, 1968.

Salus, Peter H., ed., On Language, Plato to von Humboldt. Holt, Rinehart & Winston, Inc.; New York, 1969.

Sanders, Norris M., Classroom Questions: What Kinds? Harper and Row; New York, 1966.

Unterman, Isaac, The Talmud. Bloch Publishing Company; New York, 1971.

Urban, Wilbur M., Language and Reality. The Macmillan Company; New York, 1939.

Vossler, Karl, The Spirit of Language in Civilization. Harcourt, Brace and Company; New York, 1932.

Waxman, Meyer, A History of Jewish Literature. Bloch Publishing Company; New York, 1938.

Woodruff, Asahel D., Basic Concepts of Teaching. Chandler Publishing Company; San Francisco, 1961.