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Summary

In this thesis, *Learning Disabilities and Inclusion in the Rabbinic Understanding of Talmud Torah*, I aim to find a connection between the talmudic value of Talmud Torah and the Talmud's approach to disabilities related to learning. My primary texts include rabbinic litature as well as some medieval legal codes. The study is divided into five chapters, with an introduction and a conclusion.

In my first chapter, I begin by investigating the definition, significance and purpose of Talmud Torah. I find that Talmud Torah is an experience that extends beyond the acquisition of facts. Its process is as important as its product; therefore, Talmud Torah cannot be limited to the scholarly. In my second chapter, I examine biblical and rabbinic concepts of wholeness and disability. Here, I conclude that in cases where it is legally possible, the rabbis attempt to invite people with disabilities to participate in Jewish life. The texts demonstrate a degree of fluidity. In my third, fourth and fifth chapters, I present texts that point to the diverse and often inclusive approaches to teaching. With a measure of openess, I suggest that the rabbis provide opportunities for many levels of learning. I add a bit of contemporary educational theory in order to make the point that the rabbis promote inclusion.

I conclude that there are methods of inclusion for people with disabilities in the rabbinic texts. The rabbis' effort to make Talmud Torah widespread distinguishes them among ancient societies. Their values of dignity for people with disabilities, as well as for the widespread experience of Talmud Torah speak to us today. My goal is to present such approaches as a foundation for building contemporary inclusive learning settings.

Learning Disabilities and Inclusion in the Rabbinic Understanding of Talmud Torah

Jill Lisa Maderer

Thesis Submitted in Partial Fulfillment
of Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
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Advisor: Rabbi Aaron Panken

Acknowledgments

As I suggest in this thesis, the purpose of my Talmud Torah is the experience as much as it is the final product. I am grateful to my thesis advisor, Rabbi Aaron Panken, for his partnership with me in this process. The flaws in this thesis are my own; but any success in it is to a large extent due to Rabbi Panken's guidance. I thank him for his:

thoughtfulness;
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I am grateful to my family for their constant support and love throughout this and every endeavor. They instill in me faith that I can deal with challenges in my own learning. They infuse in me ambition to reach my highest potential and no one else's. And they inspire in me a love for Jewish life.

I offer thanks and praise to God for this life and for the sacred obligation of Talmud Torah:

ברוך אתה יי אלהינו מלך העולם אשר קדשנו במצותיו וצונו לעסוק בדברי תורה.

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Introduction

This thesis aims to discover a connection between the talmudic value of Talmud Torah and the Talmud's approach to disabilities related to learning. Of course, I bring a bias to my investigation. I come to the text with the hope of finding a degree of openness. Without seeking to apologize for the sages' perspectives, I approach the text ready to discover views that speak better to their time than to my own. I understand that their teachings cannot all be directly applied to contemporary Jewish life. Yet I also come with the faith that every text has something to teach me, even if some may be applied to today's world only in an indirect way. It is my hope to honestly perceive the aspects of the text with which I disagree yet still to seek meaning from them.

The scope of this thesis is limited to rabbinic text. To this, I add some biblical passages for background, as well as some early medieval legal text for a perspective on how rabbinic texts are received. I include a limited amount of modern educational theory only when I can draw out similar ideas from the rabbinic perspective. Although my personal contemporary views on Talmud Torah, disability, and education in general are not concealed, the thesis does not center on them. I will not go so far as to create a potential contemporary program of Talmud Torah.[1] Instead, I will limit my insights on Talmud Torah to those that can be directly drawn from the rabbinic text.

I begin by inquiring of the rabbinic text: "What is the definition, significance, and purpose of Talmud Torah?" Through my study, I find that the purpose of Talmud Torah is not simply to acquire information. Rather, it is also to learn to live by the values expressed in the material. Additionally, the objective of Talmud Torah is to experience

[1]I had the opportunity to develop some of these ideas in a practical way in my role in compiling "Al Pi Darco--According to Their Ways: A Special Needs Educational Resource Manual" in my work as a rabbinical intern at the Union of American Hebrew Congregations Department of Jewish Family Concerns in the summer of 1999.

religion and community in the act of study.

In my second chapter I set aside the specific issue of Talmud Torah so that I may provide background on the biblical and rabbinic perspectives of wholeness, defect and disability. I find that the concern for accuracy in Jewish ritual and practice often conflicts with the concern for human dignity and the inviting of participation of people with disabilities.

The issues of Talmud Torah and disability begin to intersect in my third chapter. Here, I look at Bava Batra 21a-21b with an eye towards educational ideals that allow for a variety of levels of learning. I continue to seek such ideals in other rabbinic texts in my fourth chapter. Finally, in my fifth chapter, I look at rabbinic texts that specifically speak to the importance of the communal atmosphere for all students, and particularly for students who are challenged in learning.

I do not suggest that the rabbis devise their educational values with the intention of including students who find obstacles to their learing. However, I do submit that their values regarding Talmud Torah allow students of different levels to learn. I realize that the Talmud's understanding of different levels of learning does not include the contemporary category or term, *learning disability*. Therefore, I attempt to describe students who experience challenges in their learning without using the contemporary classification of learning disabilities.

Translation and Interpretation With a Feminist Lens:

This thesis aims to better understand the rabbinic and legal texts it cites, as well as to perceive their impact on contemporary practice. This presents a challenge in translating and interpreting text. As a feminist Jewish woman, I want to be confident that my words both demonstrate historical integrity, as well as recognize the gender exclusivity as a problem with which we attempt to deal when applying the classical material. Therefore, I use the following methodology in my consideration of translation,

interpretation, and application.

Because this thesis examines texts that originate in the rabbinic and medieval periods, their language and intention are missing women's voice and exclude women from the norm.

> Of course women have lived Jewish history and carried its burdens, shaped our experience to history and history to ourselves. But ours is not the history passed down and recorded; the texts committed to memory or the documents studied; the arguments fought, refought, and finely honed. Women have not contributed to the formation of the written tradition, and thus tradition does not reflect the specific realities of women's lives.[2]

I do not translate our texts as if women had been equally heard or recognized by the rabbis. Throughout the thesis, I translate each text using the gender specification that the text expresses. When the talmudic rabbis and classical legalists who crafted formative[3] Judaism intended the gender specificity, then it must be present in the study of the text. Any gender neutralization would impose meaning and negate the rabbis' exclusionary and patriarchal approach.

I go on to interpret the text with the use of the gender specification. The discussion of these texts, too, must reflect my understanding of their authors' attitude. To discuss the texts in a gender neutral form would be to skip a crucial step.

Once I begin to comprehend the texts as they might have been conceived in their own time and context, I move on to apply the text to our own world.

> Religious symbols are significant and powerful communications. Since through them, a community expresses its sense and experience of the world, it cannot allow missing pronouns to determine its sense of reality.[4]

[2]Plaskow, Judith, "The Right Question is Theolgical," in *On Being a Jewish Feminist: A Reader*, New York: Schocken Books, 1995, p. 230.

[3]Dr. Carole Balin terms the rabbis' Judaism as formative instead of normative, believing that which formed the traditions of Judaism evolves and need not be the only norm.

[4]Plaskow, p. 227.

I understand text as a religious symbol. Language matters. As I draw conclusions throughout the body of my thesis, I extend relevant applications to both males and females.

By using language that includes men and women, I recognize the progress (although it is not complete) regarding women and our role in Jewish life today. My understanding of Talmud Torah is affected by women's roles in learning. Although this specific aspect is not the core purpose of this thesis, I cannot ignore the evolution of women's roles in Talmud Torah--in learning and in teaching. Regarding women's voices, Rachel Adler insists on "a rejection of any distribution of authority that would disqualify women as serious participants in Jewish conversation."[5] Feminist thought requires women' voices to be heard equally; women must be equal teachers of Torah. At least in the ideal, women in the liberal community are now understood as having an equal role in Talmud Torah.

My translation and interpretive approach aims to perceive our classical Jewish texts through a feminist lens. This is not required due to a particularly feminist thesis topic. Rather, I believe that at least this surface feminist perspective on the text it is required of a liberal reader in any context. My hope is to apply Simone de Beauvoir's classic 1940's analysis of Western patriarchy:

> Applied to Judaism, de Beauvoir's definition highlighted the role of men as the subjects as well as the authors of Jewish texts, and demonstrated the marginalization of women's concerns, and the near-total absence of women's voices.[6]

Only in recognizing the gender exclusion of the past, can we move on to breathe women's voices back into the text. As well, we can work to understand our texts in light of women's lives. It is my hope to both perceive the sexism in our texts and to still seek

[5]Adler, Rachel, "Women and Tradition: Talking Our Way In," in *The Jewish Condition: Essays on Contemporary Judaism Honoring Rabbi Alexander M. Schindler*, New York: UAHC Press, 1995, p. 232.
[6]Heschel, Susannah, "Preface," to *On Being a Jewish Feminist: A Reader*, New York: Schocken Books, 1995, p. xii.

meaning from our texts, so that the lessons gleaned may be applied to all genders today.

Sensitive Language Regarding Disability:

This thesis attempts to further understand the rabbis' perceptions of disabilities. I will suggest that they create categories, among many different groups, for people with disabilities. The sages' system of categorization identifies people first by any outstanding characteristic. As the rabbis define people with disabilities primarily as disabled and secondarily, as individuals, I will reflect this attitude in my translations. For instance, I will translate using the phrase *the disabled,* rather than the phrase *people with disabilities*. An attempt to use politically correct language would impose my contemporary values on the rabbis' texts.

Our contemporary understanding of language perceives the importance of terminology:

> The philosophy of using person first language demonstrates respect for people with disabilities by referring to them first as individuals, and the referring to their disability when it is needed.[7]

When not translating text, I will change my terminology. In my interpretations, I will use language that contemporary disability support groups and advocacy coalitions encourage.[8] This language attempts to recognize people first as individuals, and second, as people who have disabilities.

[7]Blaska, Joan, "The Power of Language: Speak and Write Using "Person First," in *Text and Readings on Disability*, Palo Alto: Health Markets, 1993, p. 26 .
[8]Blaska, p. 27-28 suggests sensitive terminology.

Chapter 1: Definition, Significance, and Purpose of Talmud Torah

In this chapter, I will explore the meaning of Talmud Torah by examining its definition, significance and purpose. A look at texts regarding the definition of Talmud Torah will help us see Talmud Torah as an endeavor that goes beyond just acquiring facts. Indeed, I will show ways in which Talmud Torah is an experiential activity. The significance of Talmud Torah will be demonstrated through many different experiences that extend far beyond the significance of study. The significance of Talmud Torah will prove to transcend many obstacles as it permeates our relationship with Torah and God, Jewish identity and survival, and our understanding of both body and mind. The texts will also express that Talmud Torah has implications that reach beyond the classroom. The objective of Talmud Torah will be understood to include ethics, religious life, character-building and model teaching.

Definition of Talmud Torah

Jewish text and tradition clearly illustrate the significance of Torah and also of the Jew's experience of Torah. "Torah and its study is the dominant religious preoccupation throughout the history of Judaism...The great [Jewish] texts are the record of the Jewish concern with Torah."[1] The primary Jewish encounter with Torah is through the religious practice of Talmud Torah. Literally, Talmud Torah is defined as the "study of Torah," but Jewish text and tradition understand that encounter to extend beyond the typical definition of studying for the sake of acquiring information.[2] Talmud Torah, our experience of Torah, is just that-- experiential.

[1]Holtz, Barry W., *Back to the Sources: Reading the Classic Jewish Texts,* Simon & Schuster, 1984, p. 12.
[2]*Webster's Ninth New Collegiate Dictionary*, Merriam-Webster Inc., 1991's first and second definitions of the word "study" are, "a state of contemplation" and "application of the mental faculties to the acquisition of knowledge."

Our texts provide a sense of what it means to experience Talmud Torah. This passage from Berachot 11b helps to clarify the nature of Talmud Torah through the blessing that is used for study:

> What does one recite for a blessing [when studying Torah]? Rabbi Yehuda said that Shmuel said, "Who sanctifies us with mitzvot, commanding us to engage in the words of Torah." Rabbi Yochanan concludes it like this: "Eternal our God, please sweeten the words of Your Torah in our mouths and in the mouths of Your people, the House of Israel. May we and our children and the children of Your people, the House of Israel, all of us, know Your name and engage in Your Torah. Blessed are You, Eternal One, Teacher of Torah to His people Israel." Rav Hamnuna said, "Who chose us from all the peoples and gave us His Torah. Blessed are You, Eternal One, giver of the Torah."

The existence of a blessing for Talmud Torah clarifies that it is holy work. Such a blessing transforms the experience from an ordinary to a ritual act. The blessing does not use the term *Talmud Torah*. Instead, Rabbi Yehudah teaches that the verb used is לעסוק: to engage. He expands the understanding of the practice of Talmud Torah by not using the verbללמוד: to study. The term *engage* is inclusive of study, but it also indicates a broader, more experiential understanding of the mitzvah.

This terminology is instructive for our own practice of Talmud Torah. Engaging in the text requires us to forge and sustain a relationship with it and with God. The experience is not simply one of memorization or even application. With this understanding, the narrow understanding of study is broadened.

The importance of love in the process of engaging with Torah emphasizes relationship. Regarding Berachot 11b, Rashi comments:

> Regarding "Eternal our God, please sweeten..." [The words] are sweetened for us so as to engage in them out of love.

Rashi clarifies that the relationship is one of love. Engagement with Torah is the Jew's active way of developing a loving relationship with God.

Not only does Torah exist for learning; it exists to serve as the language that becomes a foundation in our relationship with God. As such, Talmud Torah is a ritual and religious activity. The boundaries of its objective are not limited to the realm of

learning. Instead, the horizons of learning are expanded to include holy relationship.

The experiential nature of Talmud Torah is evident in the first moment of Talmud Torah. The first instance of Talmud Torah, that is, the receiving of Torah, is an experience. The text describes preparation for the encounter with God at Mount Sinai[3] and then Exodus 19:16 describes an experience that involves several senses:

> On the third day, as morning approached, there was thunder and lightning and a heavy cloud on the mountain and a very strong blast. All the people in the camp trembled.

The experiential nature of the event is heightened with this description. Three of the five human senses are engaged: sound, sight and touch. Each sense is experienced intensely. Thunder is a loud, jarring sound. Lightning is a bright, harsh sight. And the trembling of one's body is a cold, violent sensation. The giving of Torah is experienced with the entire body.

The giving of Torah is also experienced with the mind. Matan Torah is the ultimate act of teaching Torah. Rashi comments on Exodus 19:16:

> At the time of morning, the teacher was there early. It isn't typical that the teacher would be there before the students.

In the giving of Torah on Mount Sinai, God is the teacher and we are the students. Talmud Torah originates as an experiential activity, involving mind and body. The study element exists as God and then Moses literally teach the people the laws. Yet, it does not end there. The giving of Torah is a powerful, ritual experience that engages the senses as well as the mind. This communal experience comes to require everyone's presence--whether living or not.

For future generations, the learning and teaching of Torah continues to be experiential. Torah does not only exist to supply information. Human encounter with Torah produces a powerful connection to the mind and body phenomonon of Sinai.

[3]Exodus 19:9-15.

Kedushin 30a explains:

> R. Yehoshua ben Levi said, "Anyone who teaches his grandson Torah, from above it is written of him: it is as if he received it from Mount Sinai, as it is written, "Make known to your sons and to your grandsons" (Deuteronomy 4:9), and following, "The day that you stood before your God on Horev" (Deuteronomy 4:10).

Jewish tradition teaches that the experience of receiving the Torah at Mount Sinai was not limited to those who were physically present. In the context of explaining who stands before God this day,[4] Exodus 29:14 teaches:

> You who stand here with us today before the Eternal our God and those who are not here with us today.

The tradition that we were all at Mount Sinai receiving Torah is not only a story. It is a reality that a teacher, such as the grandfather about whom Rabbi Yehoshua ben Levi speaks, can access. In the Jew's encounter with Torah, after engaging in Torah, the next step is to teach Torah. Teaching, the ultimate security that the engagement will continue, is a powerful ritual moment. In this passage, a grandfather's experience of teaching a grandson transports that grandfather to Sinai. His teaching connects him to the essential Jewish experience of Torah. In this connection, he relives the Jewish Sinai experience.

An alternative text in the Maharsha reverses the transported individual, explaining that when the grandfather teaches the grandson, it is the grandson who is deemed to have received Torah at Sinai. In both scenarios, the experience of teaching and more fully engaging in Torah prove to be more than an acquisition of knowledge. Much of Talmud Torah is the experience itself, of teaching and learning.

Reflecting Mount Sinai, Talmud Torah is powerful, ritual and experiential. We understand this experience to be available to grandmothers as well as grandfathers, grandaughters as well and grandsons.[5] Talmud Torah does involve didactic learning. It

[4]Exodus 29:9.
[5]Please see methodology explanation in Introduction.

is such concrete learning that reveals what past generations understood as God's will; therefore, it helps us to discover what we understand as God's will. The above texts have guided us beyond didactic study. These models of Talmud Torah serve to direct our own encounter with the text. We are taught that each of us can understand that practice in light of the blessing that encourages us to engage with the text and develop relationship. Each of us can create Sinai-like Talmud Torah, reliving the episode, mind and body.

Sociologist Samuel Heilman studies the legacy of engaging in Torah. Heilman finds that in modern communities, too, Torah does not only exist to provide information. As in the experience of receiving the Torah, the modern activity of Talmud Torah is a communal one. Study is a way to become a part of the Jewish people; it is a ritual act that binds community. Heilman suggests that Talmud Torah environments provide a "sentimental education" in which Jews access Judaism and experience it through study at the same time. In learning communities, ties are forged, and a safe space is created. Learners examine definitions, discuss interpretations, and voice their own opinions about the text.[6] Like Rabbi Yehoshua ben Levi, Heilman insists that Torah exists not only to supply information, but also, to provide an experience.

Significance of Talmud Torah

Jewish tradition understands our relationship with Torah as active. Torah does not simply exist; rather, it requires engagement. Talmud Torah's significance lies in the fact that it is the defining relationship between Torah and the Jew. Deuteronomy 30:11-12 teaches:

> For this commandment that I command you today is not hidden from you or far away. It is not in the heavens that you would say, "Who of us could go up to the heavens and take it to us and let us hear it and do it?"

Rashi comments on Deuteronomy 30:11-12:

[6]Heilman, Samuel, *The People of the Book*, Chicago: University of Chicago, 1983.

> It is not hidden from you: It is not concealed from you, as it is said, "If it were hidden, if it were concealed it would go down into hiding, and go down in concealment, being covered and held in concealment. It is not in the heavens: If it were in the heavens you would need to pursue it and learn it.

The Torah text insists on an active relationship. Torah is not established as a distant entity. It is neither hidden nor far away; Torah is not in the heavens. Torah is accessible, close. Torah exists for our earthly engagement. Rashi clarifies the relationship. The existence of Torah so depends on its study, that we would need to pursue it wherever it could be hiding. But Torah isn't concealed.

Torah is revealed. Talmud Torah is our way of receiving Torah. It is our path towards engaging in the Torah that is not in the heavens. The detailed description of the closeness of Torah enlightens our understanding of Torah in our own lives. It is not in the heavens; it is close. And we are responsible for keeping it close. Talmud Torah is central in Jewish life.

Talmud Torah, the experience of our encounter with Torah, is the central theme in the following text. In this talmudic aggadah, the significance of Talmud Torah is emphasized with analogy and exaggeration. Our Talmud Torah hero, Rabbi Akiva, risks everything, even his very life, for the study of Torah. Of course, he will explain that there is no life without Torah anyway, so perhaps he does not consider his learning a risk. The parable in Berachot 61b displays Rabbi Akiva's attitude and devotion:

> Our Rabbis taught:
>
> Once, the evil ruling power decreed that Israel was not to engage in Torah study. Papus ben Yehudah approached Rabbi Akiva and found him leading a pulic assembly engaged in Torah study.
>
> He said to him, "Akiva, aren't you afraid of the ruling power?"
>
> He responded, "A parable for you-- a metaphor: To what can this be compared? To a fox who was walking by a river bank. He sees fish who were grouping from place to place.
>
> He asked them, 'What are you fleeing from?'
>
> They responded, "From the nets that people have brought us.'
>
> He replied, 'Do you want to come up on dry land and live-- you and me, as my ancestors dwelled with yours?'
>
> They said to him, You are the one who is said to be the most clever of the animals?! You are not smart; rather, you are stupid! If the place that sustains us causes

> us fear, the place that would kill us would, all the more so.'
>
> So it is with us. Now, we sit and engage in Torah study, as it is written, "For it is your life and the length of your days" (Deuteronomy 30:20).

Talmudic aggadah such as this rarely, if ever, provides an accurate account of history. Rather, the story reveals messages from the sages. Here, we find a strong message about Talmud Torah and its key role in Jewish identity. This story begins with an approach from a rabbi whose name indicates a connection to Greek culture. The first name of Papus ben Yehuda signifies his attempt to identify with and even, perhaps, acculturate into the non-Jewish culture around him. His words to Rabbi Akiva advocate the law of the Roman culture: Jews are not to study Torah. Yet Papus ben Yehuda's second name indicates that a piece of his Jewish identity remains intact. Not only does he have a second name that is Hebrew in origin, the name actually means "son of a Jew." The Jewish aspect of his name and his identity is actualized in Papus ben Yehuda's choice to advise Rabbi Akiva to stop studying Torah. Even though his message advocates the Roman restriction, his warning to Rabbi Akiva shows his care for the Jewish scholar, as well as his desire to save his life. In name and action, the identity of Papus ben Yehuda lies somewhere between Jewish and Roman. His identity, Rabbi Akiva's identity, and by extension from these leaders, much of Jewish identity, revolves around engagement with Torah. Talmud Torah is the defining path of the Jew and a symbol of Jewish identity.

In Rabbi Akiva's parable, Torah is likened to water. So crucial are Torah and water to the Jew and the fish, respectively, that leaving their presence could not save them, but only destroy them. It is not enough for water to merely exist or for Torah to merely exist. It is not enough for the fish or for the Jew to have knowledge of, or just to visit that which sustains its life. One must be immersed in that which one relies upon for survival; literally and figuratively, one must live in it. The Jew relies upon Torah as a symbol and as a source of law and behavior. But Torah cannot merely be visited for such

things. Instead, the Jew must constantly be surrounded by Torah. Talmud Torah--engagement with and immersion in Torah, is not only needed for learning, but for the Jew's--every Jew's--very identity and Jewish life.

With Talmud Torah at the center of Jewish life, Jewish identity and Jewish survival, it is no wonder that Talmud Torah becomes one of the most important lessons a parent must teach a child. The rabbis of the medieval legal codes continue this legacy. Maimonides writes in Mishneh Torah, Hilchot Talmud Torah 1:1:

> Women, slaves and minors are exempt from Torah study, but, a son's father is obligated to teach him Torah, as it is said, "Teach them to your children and speak of them."

Maimonides presents the groups who are responsible for fewer mitzvot--women, slaves and minors--as a category of people who are exempt from the study of Torah. However, the father is obligated to teach his son Torah. This is one of the key obligations of Jewish fatherhood. Fathers teach their sons Torah and speak the words of Torah. They ensure the continuation of Talmud Torah.

In Maimonides' context, the males were responsible for learning and teaching Torah. In light of a contemporary understanding that Talmud Torah is now a mitzvah for males and females, we can perceive Maimonides' halakhah as relevant for both men and women.[7] We apply the crux of his teaching to all parents and children. This idea teaches us that parents are obligated to teach their children Torah and speak the words of Torah. This practice is of crucial significance, as it protects the future existance of Talmud Torah.

Later in this section of Mishneh Torah, Maimonides moves away from emphasizing those who are exempt from Talmud Torah. Maimonides extends the obligation of Talmud Torah to very specific groups of people within the category of those who are already established as obligated (this would still not include women, slaves or

[7]Please see methodology explanation in Introduction.

minors). The detail that he uses in describing those who are obligated paints a picture of a broad, diverse population of Jews, all of whom are to study Torah. He writes in Hilchot Talmud Torah 1:8:

> Every man among the people Israel is obligated to study Torah: from the poor to the rich, from the physically healthy to the suffering, from young to old and weak in strength. Even if he were one who is poor and his earnings are from tzedakah or he begs door to door; even if he is a husband to a wife and has children, he is obligated to set a fixed time for himself to study Torah day and night, as it is said, "Meditate on it day and night" (Joshua 1:8).

Maimonides begins this halakhah with the assertion that "every man in Israel is obligated." Despite the fact that it turns out not to be everyone, according to other halakhot, his phraseology makes Talmud Torah the norm and the expectation. Maimonides includes many categories of people who are obligated to study: poor and rich, healthy and infirm, young and old, husband and father. The Torah-studying Jew does not have one particular look or station in life.

Maimonides emphasizes the issue of poverty by repeating this category. He teaches that the man who is poor rather than rich must study. Maimonides provides further detail: even the man who is so poor that he must rely on tzedakah must study. The commentaries demonstate this issue of poverty. Kesef Mishneh comments of Hilchot Talmud Torah 1:8:

> We find in Gemara some sages who were sick or poor, such as Rabbi Eliezer ben Rabbi Shimon, and Rabbi Hanina ben Dusa was sick.

The Kesef Mishneh text provides human experience as a guide. This text points to talmudic legends of scholars who are poor. The extreme example of poor men who are so successful in learning serves to insist that all men who are poor can study Torah. Commentaries on the Mishneh Torah go on to insist on the requirement. Regarding the poor, Lekhem Mishneh comments on Hilchot Talmud Torah 1:8:

> Yoma, Chapter 1, page 35 says they have value. "A poor person, a wealthy person, and a wicked person come to judgement. To the poor person they say, "Why didn't you study Torah?"

This takes the instruction one step further. As Maimonides teaches, the poor must study Torah. As Kesef Mishneh states, there are examples or poor scholars in our past. Here, the interpretation includes a hint of consequence. A poor man who does not study will need to face the consequences. When the time of that person's judgment comes, even a poor man who may not be able to afford time away from work to study, will be held accountable if he does not study Torah.

We understand this issue of poverty and learning to reach beyond the male gender. We apply the halakhah to poor women as well.[8] Women in poverty would also be required to study in our eyes. And poor women would be held accountable for Jewish learning. Both men and women, regardless of financial situation, are participants in the practice of Talmud Torah.

In Maimonides' instruction to fix a time for Torah study, he quotes Bible: "Meditate on it day and night" (Joshua 1:8). This verse highlights the significance of Talmud Torah and interpretations of this text emphasize the idea that Torah study should be experienced by many kinds of people. One of the reasons for the need for study throughout so much of the Jewish community is clarified by the commentary on Joshua 1:8. "The idea of a book on which one has to meditate is firmly embedded, and is still accompanied by the idea of success in life."[9] As meditating on Torah is linked to success in life, it must be an activity for many kinds of Jews. "Daily meditation on the Book, and a strict observance of its gracious provisions for a life in covenant fellowship with the Lord, will mean a happy achievement of life's goal and prosperity."[10] Here, meditating on Torah as Joshua teaches is required, not only for a happy life, but for covenant with God.

[8]Please see explanation of methodology in Introduction.
[9]Soggin, J. Alberto, *Joshua: A Commentary*, Philadelphia: The Westminster Press, 1972, p. 32.
[10]Woudstra, Marten H., *The Book of Joshua*, Grand Rapids: William B. Eerdmans Publishing Company, 1981, p. 63.

With such a significant role, Maimonides makes Talmud Torah a part of the lives of all kinds of Jews. As there is no financial or health requirement regarding Talmud Torah, there is no requirement for ability or skill in one's study; thus one's intelligence and proficiency alone do not fulfill the mitzvah. Even Jews who find study difficult are included in those who are obligated for Talmud Torah.

In his study of the history of Jewish education, Julius B. Maller looks at post-biblical writings. He sees the concept that all were capable of being educated and that education was necessary for all.[11] Here he presents a text that compares Torah to water, as has been seen above, and also to wine. Sifre Deuteronomy Ekev 48 reads:

> As water is always free, so is the Torah always free. As water is priceless, so is the Torah priceless. As water brings life to the world, so the Torah brings life to the world. As water brings a man out of his uncleanness, so the Torah brings a man from the evil way into the good way. As wine does not remain good in vessels of gold and silver, rather only in cheap earthenware vessels, so the words of Torah remain pure only with he who makes himself lowly. Like wine, the words of Torah rejoice in the heart. As wine grows better by keeping, so the words of the Law become better as a man grows older.

The imagery in this passage negates any restrictions on the study of Torah. It is not concerned with who is or is not obligated to study Torah. Instead, it simply offers Torah as something that is accessible to everyone. In that accessibility, the text includes everyone in the experience of Torah.

The first metaphor in the passage, water, shows that Torah serves as an instrument of inclusion. As water is free and accessible for all, so too is Torah. Of course, water is not completely free or accessible. Geographically, the text is rooted in a place in which water is necessary for all, but is a challenge to secure. The obstacles that the desert presents in the search for water strengthen the metaphor.

Water may be free in that it exists for everyone, but still, it is difficult to secure. Torah, too, is necessary. Yet it is not always easy to secure. Obstacles in life may prove

[11]Maller, Julius B., "The Role of Jewish Education in Jewish History," in *The Jews: Their History, Culture, and Religion*, Finkelstein, Louis, ed., Vol. 2, New York: Harper & Brothers Publishers, 1960, p. 1240.

to make Torah less accessible. Yet the text reminds us, challenging as it may be, that the significance of neither can be ignored. Water is priceless, it brings life to the world, and it cleanses human beings. Torah, experienced through Talmud Torah, is priceless, it brings life to our world, and it guides us to a righteous path.

Even as we perceive something as priceless, once it is regular, it can also be understood in the category of the ordinary. Water, as presented in Rabbi Akiva's parable, is a staple for life. Water is so crucial for survival that once secured, it becomes ordinary. There is something almost mundane about Torah as well. It is to become such a staple for sustenance, so regularly studied, that it becomes a routine part of Jewish life.

On the contrary, wine is special. Wine is used for extraordinary moments and for sacred occasions. Yet, even though wine is a luxurious symbol, it does not need to be isolated from that which is ordinary. Instead, it must be stored in earthenware vessels. So, the passage teaches, we who study Torah must not elevate our understanding of ourselves to gold and silver; rather, we must be humble and see ourselves as earthenware. Such a metaphor limits one's ego. But more importantly, the model encourages anyone to study Torah. We must not mistake the comparison of Torah to wine as a warning that those in the world who lack prestige or domination in skill, class, or gender are not worthy of Torah study. Wine, the finest element in Torah, depends on the humble.

Wine, like Torah, brings joy to the heart. Torah study is demanding both in the process and in its implications of how one must live. Yet the experience of Torah is complete only when it includes joy. And wine improves with age. The passage suggests that the older one becomes, the more Talmud Torah that person has experienced, the better the Talmud Torah becomes. I would suggest that this is true for generations as well as for the individual. My generation has inherited the richness of those before, and so our Talmud Torah has the potential to integrate everything that has come before.

Torah is as ordinary as water and, yet, as extraordinary as wine. It is as necessary as water and, yet, as special as wine. Torah is as accessible and inclusive as water, and

yet, as far off and unreachable as wine. There are obstacles in Talmud Torah such as financial insecurity, gender exclusivity, and low-level intelligence or understanding. For some Jews, Torah is more accessible, for others, it is more far off. Still, Maimonides' many categories of learners made it clear: Talmud Torah must be experienced by the greatest scholars and the most mediocre thinkers. This range is how Torah can be everything from water to wine. Torah is our regular experience, yet it is sacred. Torah encompasses the extremes in life, as well as all that falls in between the extremes. The range of people and of life experience is found here, with the water and wine metaphors, as well as with Maimonides' range of learners that include rich and poor, healthy and sick. Water and wine, ordinary and extraordinary, routine and sacred, is Torah.

Rav Judah also presents a teaching that uses physical human experience as an analogy for Torah. We have seen that water, which is the substance that comprises much of the human body, is a symbol for Torah. It sustains and links diverse parts of the body. Torah, too, sustains and links the body. Eruvim 54a reads:

> Rav Judah son of Rav Hiyya said: Come and see how human beings are not at all like the Holy One. With human beings, when one gives a remedy to his fellow, it may be beneficial to one part of the body, but harmful to another. Yet not so with the Holy One: God gave Israel the Torah- a remedy for the life of the entire body, as it is said, "Healing to all its flesh."

Rashi comments on Eruvin 54a: "יפה: Good for his heart, bad for his eyes." Rashi clarifies that with human remedies, one part of the body may be helped while another part may be harmed. This is not so regarding God's remedies. With God's remedies, there are no side effects. Torah is a remedy to the whole Jew. It applies to every aspect of the Jewish self. Torah heals the body and soul.

Healing has two meanings. First, one who is ill, injured, or broken in some way, is in need of healing. For the person whose life is broken in some way, Torah is the remedy to help him/her return to a heathy path--probably one that revolves around mitzvot. Second, for the person who is not broken in any way, healing is still relevant.

One modern understand suggests that healing is a process of growth.[12] With this understanding , all are in need of healing. Healing is the ongoing transformation that brings us from where we are to where we are going. Healing is human development and improvement.

Torah constantly helps to bring us to a healthier place and a new place. While Joshua 1:8 teaches us to meditate on it, occupying our minds with Torah, Eruvin teaches us to remedy our physical selves with it, occupying our bodies with Torah. Torah, God's teaching and remedy for us, is holistic, involving mind and body. Its significance influences the whole Jew.

Purpose of Talmud Torah

The mere existence of Torah is not sufficient for the Jew. The experience of Torah has a purpose. The purpose of Talmud Torah is to link Torah to Jewish life. More than just studying for information, Talmud Torah revolves around experiences that shape one's behavior and character. The purpose of Talmud Torah is neshamah training.[13] Berachot 17a teaches:

> A pearl [of wisdom] from the mouth of Rava: the purpose of wisdom is repentence and good deeds. So one does not read and review and then kick and rebel against one's mother and father, against one's teacher, or against someone who is superior to him in wisdom and age. As it is said, "The fear of God begins with wisdom" (Psalms 111:10).

Rashi explains Berachot 17a: "Regarding 'the purpose of wisdom:' The main point of Torah is repentence and good deeds." Rashi helps us to understand that the wisdom of which Rava speaks is Torah. Thus, to learn Torah is to acquire wisdom. We engage in Talmud Torah to develop wisdom. Why acquire wisdom? Rava names two objectives. The wisdom we gain is to lead us to atonement and to good deeds. Wisdom, the strength

[12]Hoffman, Larry, on Synagogue 2000 philosophy, November 7, 2000, in lecture.
[13]UAHC, NY Youth Consultant Ivy Dash coined the term "neshamah training" in her work to help synagogues in New York integrate formal and informal Jewish education.

in our mind, is to lead us to become better people in our religious relationship with God and in our ethical relationship with other people. Wisdom is not to remain in the mind; rather it is to cause us to better our character and to train our neshamah. This purpose opens up Torah study to all those who want to improve themselves. Talmud Torah must be accessible to all who want to improve themselves.

The passage takes a quotation from Psalms that teaches that the fear of God, also understood as awe of God, begins with wisdom. This fundamental element of faith is reached through wisdom--as Rashi clarifies, through Torah. Wisdom is necessary not only as the path towards repentence and good deeds, but also for the path towards awe of God.

The study of Torah is not an isolated activity in Jewish life. It is understood as a piece of the development of one's character and behaviors. In the talmudic age and beyond, a basic concept of Jewish education has remained: learning and doing must be integrated.[14]

The integration of study and action extends to the experience of the teacher as well. Just as a student's learning must influence his/her behavior, a teacher's lessons are only a part of his/her responsibility. Mishneh Torah, Hilchot Talmud Torah 4:1 explains:

> If the teacher does not walk a good path, even if he is a great sage and the people need him, there shall be no learning from him until he has turned towards good.

A teacher, even a great sage, is judged on more than just scholarship. No matter how impressive the teaching skill or how great the need, a sage cannot teach unless he follows a righteous path. A significant piece of the teacher's role is to demonstrate how the material leads to good behavior. The transmission of material is not enough, just as the acquiring of information is not enough. A student is expected to learn and to act on the lesson; therefore, the teacher is responsible for teaching both the material and the

[14]Maller, p. 1235.

result of learning the material-- that is, the righteous path. Even with such a strict statement, the text assumes that people can change. Even if a teacher is not walking the righteous path, Maimonides leaves the opportunity open for the person to repent. Once a teacher has come to observe a more righteous life style, he can return to teaching. The standard, therefore, does not function as just a punishment. Rather, it serves as motivation for a teacher to demonstrate the purpose of Talmud Torah: living a righteous life.

Applying this verse to men and women[15] who serve as teachers and rabbis today is challenging. Of course Talmud Torah is about the practice as well as the content of the learning, and students can't be expected to learn this from a teacher who does not follow a righteous path. Yet two challenges arise in this expectation. First, a righteous path is a subjective term. In a liberal community we allow for diverse ways to be righteous. Still there will be ethical infractions that clearly deviate from any concept of a righteous path. Second, our contemporary rabbis and teachers deserve privacy in their own lives. And judgment of teachers is limited with the exception of extreme situations.

Torah exists for its purpose. Torah is to be put into action. Teachings from Torah are to be actualized. Torah does not exist to be misused, but to be enacted in a life-affirming way. Yoma 72b reads:

> Rabbi Yehoshua ben Levi said, Why is it written, "This is the Torah that Moses put [before the children of Israel]?" [If one has] merit, the [Torah] becomes a life-giving drug for him. If one does not have merit, it becomes a death-giving drug for him. This exists with what Rava said, that one who enacts Torah faithfully, it is a life-giving drug, unfaithfully, a death-giving drug.

If the Torah is not enacted properly, it may be misused and promote death instead of life. Torah cannot simply be studied; using it any which way will not do. The quality of study is determined by the actions to which the study leads. The above passage from

[15]Please see explanation of methodology in introduction.

Berachot ensures that we know how to enact Torah. We are to create a remedy of life by doing repentence and good deeds. By building charatcer, improving one's actions, and deepening faith in God, we actualize Torah as a remedy for life.

There is nothing passive about Torah. As a remedy, Torah is active. Kiddushin 40b reads:

> And already Rabbi Tarphon and the elders would recline upstairs in Nitzah's house in Lod. That question was asked before them: "Is study greater in significance or is deed greater?" Rabbi Tarphon would answer, "Deed is greater in significance." Rabbi Akiva would answer, "Study is greater in significance." The whole group responded, "Study is greater in significance-- it leads to deed."

In the debate between the significance of study versus that of deed, study wins out for one reason: it promotes deed. The rabbis' understanding of Talmud Torah is that it cannot be an activity separate from life. Study leads to deed. Talmud Torah leads to action. There is a cause and effect relationship between study and deed. Engaging in Torah promotes life-affirming behavior, leads to atonement and good deeds, furthers an understanding of God, improves relationships among people, and aides in the development of one's neshamah. The sages teach that the purposes of Talmud Torah are religious and ethical elements of life that every Jew needs. Talmud Torah is the path they present for Jews to pursue that Jewish life.

We now understand that this path, Talmud Torah, is an experiential path that brings us back to the ultimate experiential Talmud Torah: Sinai. The significance of Talmud Torah is clear in the central role it occupies in Jewish life. Its significance lies in knowing that it is not in the heavens; rather, it is earthly, whether as ordinary as water or as precious as wine, whether as physical as bodily drug or as intellectual as scholarly study. Talmud Torah is the essense of Jewish identity and survival in the face of strife. Its elevated role cannot be overlooked for the downtrodden. Through both teaching and learning, Talmud Torah is of key importance to Jewish life.

The purpose of Talmud Torah extends far beyond the walls of the classroom. The

knowledge gained carries little meaning unless it is applied to the improvement of ethical and religious life. Therefore, Talmud Torah cannot be limited to the elite or to the scholar. Instead, Talmud Torah must be available for anyone who strives to do repentence, perform good deeds, and to model behavior to students and to a community. Jewish life demands a path that will actualize the faithful lessons of Torah. The objective of Talmud Torah is neshamah training, Ultimately, our purpose in this experience is to plot a righteous Jewish path--a fitting task for any Jew.

Chapter 2: Categories and Attitudes Regarding People With Disabilities

Before continuing the specific conversation about Talmud Torah, and ultimately, about its accessibility, we need some background regarding the rabbis' understanding of the role that people with disabilities occupy in Jewish life. Much of rabbinic legislation works to create categories and limits. In the case of disablities, this is certainly true. Although the categories are often clear, they do not create perfect boundaries. In both the rabbis' legislation and our application, I would suggest that we will find a measure of fluidity.

In this chapter, I will examine biblical and rabbinic understandings of wholeness which will shed light on my exploration of disability. I will look at the rabbis' approach to categories and how it is relevant to disabilities. Finally, I will conclude by gleaning the rabbis' attitudes from their categories of law.

Biblical Wholeness and Defect

Biblical understandings of wholeness and defect serve as a foundation for our study of rabbinic law. The biblical term for wholeness is used in two different ways: to conote physical wholeness, and to describe wholeness of character. The term תָּם and versions of it, are used througout the Hebrew Bible to describe wholeness. It is used as early as the Book of Genesis, in portions attributed to J (the Yahwist author) dated to the 10th Century BCE.[1] תָּם is also used in later texts, throughout the Tanakh. In an examination of the two strands of the term's meaning, I will address the question: Are the two strands distinguished by chronological development of the term, or does another variable appear to create the distinction?

We begin by looking at texts concerned with physical wholeness. Many such

[1]Speiser, E. A., *Genesis*, New York: The Anchor Bible: Doubleday, p. xxviii, p. 51.

texts are found in the Book of Leviticus, attributed to P (the Priestly author), who may be dated as early as the Pre-Exilic period.[2] The voice of P in Leviticus is added to by the voice of H (the Holiness Code author), which articulates and develops themes already existing in P.[3] Ritual law shows great concern regarding wholeness in priestly rituals. Its texts contain specific physical requirements for both the priests who facilitate the rituals and the animal sacrifices. Leviticus 21:17-23 reads:

> Speak to Aaron and say, "Any man of your offspring throughout the generations who has a defect shall not approach for offering the altar with food for his God. Any man who has a defect may not offer--not one who is blind or has limbs that are lame, too short, or too long, or a man who has a broken leg or a broken hand, or a crooked back, is small, or has a defect in his eye, or has a scab, or an eruptive disease or crushed testicles. Any man from among the offspring of Aaron the priest, who has such a defect shall not approach and offer by fire for the Eternal; he has a defect and cannot approach his God with an offering of food. The food of his God, the holiest and the holy, he may eat. He shall not enter behind the curtain or approach the altar for he has a defect and shall not profane what I sanctified."

The use of the Hebrew term מוּם may apply to a defect of a human being or an animal.[4] Here, people with defects or physical disabilities are excluded from certain ritual functions. The text explains such physical defects that constitute restriction of ritual officiation. Defects may involve various parts of the body. The disabilities described are not practical obstacles in accomplishing ritual tasks; rather, there is a sense that the presence of disability decreases the holiness that is required in such ritual. For instance, the term עִוֵּר does not need to identify total blindness, but may refer to a person who has damaged one eye.[5] For a person to be פִּסֵּחַ, one can be lame in one leg or two legs, in that one has trouble walking properly or straddling.[6]

Such people with defects may eat of the food from terumah, but may not officiate

[2]"Priestly Source," *The Anchor Bible Dictionary*, New York: The Anchor Bible: Doubleday, Vol. 5, 1992, p. 458-9.
[3]"Priestly Source," p. 454.
[4]Levine, Baruch, *The JPS Commentary: Leviticus*, Philadelphia: Jewish Publication Society, 1989, p. 145.
[5]Levine, p. 145.
[6]Levine, p. 145.

in the ritual. The text disapproves of the presence of anyone who has a physical disability in the sacred precincts of the sanctuary.[7] Ritual sacrifices must be performed by people who are whole. In the priestly biblical perspective, wholeness is judged physically. The priestly rituals are physical tasks; as such, the requirements for wholeness are physical.

It is possible that the defects discussed by the text are not permanent. Rashi explains:

> Who has a blemish: for as long as his blemish is with him, he is unacceptable. But if his blemish passes, he is fit.

Rashi notes that some of these defects may heal or disappear. If this is the case, then the person would be fit to officiate in the ritual. Here, disability can be temporary. Having had the defect does not defile the person. The person is only disqualified while suffering from it.

The priestly concept of physical wholeness extends to requirements regarding the animals that constitute the sacrifices. Leviticus 22:18-20 teaches:

> Speak to Aaron and his sons and to all the children of Israel and say to them, "Every man from among the house of Israel or from among the strangers in Israel who presents his offering for any of their vow offerings or any of their free-will offerings, that they offer to the Eternal, it is to be acceptable in your favor: a male without blemish, of cattle, sheep, or goats. Any with defect, you shall not offer, for it will not be acceptable in your favor."

The requirement for sacrifices without blemish is related to that for officiators without blemish. Here, in the case of the animals, the text insists that the animal be whole enough. The text specifies the types of animals throughout these ritual laws. There is a need for a male without blemish--one whose body is totally intact. All features that identify the animal as the prescribed type will be intact. This ensures that the correct type of animal is used.[8]

[7]Levine, p. 145.
[8]Sperling, S. David, Book of Leviticus class, Fall 1999, in lecture.

In both biblical texts concerned with priestly ritual here, physical wholeness is necessary for spiritual wholeness. The bodies of the officiator and the animal must symbolize the wholeness with which the ritual is being followed. Therefore, the rituals require that the people come as close to physical perfection as possible.

Such an effort creates restrictrictions for those considered less whole or perfect. The restrictions may not be meant to limit opportunity in their intention, but they do function as tools of discrimination. Clearly, in this system, those Israelites who have physical disabilities do not participate as fully in ritual as they might have otherwise.

It is helpful here to look at Maimonides' response to physical disability and ritual. His interpretation of the issue moves away from the levitical concern for purity; without the Temple, purity no longer has a great affect on the system. Maimonides offers a perspective regarding physical disability and ritual for his post-destruction world centuries later. In Hilchot Tefillah 15:2 he teaches:

> A person who is blind in one eye should not raise his hands in the benediction, but if he were well-known in his town and everyone was used to this [condition] the priest who is blind in one eye may offer a blessing because the people of the congregation will not stare at him.

I read this passage in two different ways, both of which show concern for both ritual and dignity for the person who is blind in one eye. The first reading emphasizes the need to protect the integrity of the ritual. Tzvi Marx explains, "This was a public performance of great solemnity, there was concern not to detract from the concentration of the congregation upon the gravity of the ritual."[9] Maimonides states that a person who is blind in one eye should not participate in the leadership of the benediction. This general rule is flexible in the case of a person who is well known in the community. Such a person's exclusion from leading the blessing would be noticeable and potentially

[9]Marx, Tzvi, *Halakha and Handicap: Jewish Law and Ethics on Disability*, Jerusalem: Sholom Hartman Institute, 1992, p. 339.

humiliating. Therefore, in this case, the exception is made and he participates in the leadership. While the general rule prevents this, it is overidden. The specific circumstance of harming such a person's dignity is avoided.

A second reading of the passage emphasizes the need to protect the dignity of the person who is blind in one eye, perhaps even more than the need to protect the exact requirements for the ritual procedure. In this reading, there is not a concern that holiness is decreased due to the leadership of a person with one blind eye. Instead, there is an aim to include the person, with the condition that his participation will not appear to be alien to the congregation. With this understanding, he interprets the obstacles of physical disablity in two ways. Maimonides requires that the congregation is familiar with the disability enough so that its members won't stare. This accomplishes two objectives. First, the members of the congregation won't be distracted from the meaning of the blessing. Their intention as participants is crucial. Second, the priest with the physical disability won't be insulted or treated with disrespectful stares. His disability being blindness, he might not even see the stares. This just adds to the insult. Here, the priest's dignity is protected and the congregation's intention is ensured.

The second strand of biblical understanding regarding the term תָּם involves wholeness of character. In some of its earliest biblical uses, such as Genesis 6:9, this second strand can be found: "This is the line of Noah: Noah was a righteous man; he was blameless in his age. Noah walked with God." Here, the J source uses the term תְּמִים to describe Noah. The text is not referring to any physical quality of Noah's; rather, an internal quality. Noah's character is upright and he is blameless. The point is furthered in the next phrase: Noah walked with God. Here, wholeness is determined through religiosity and righteousness.

The strand that understands completeness in character is also found in some of our latest biblical texts, for instance, Job 1:8:

> The Eternal said to Satan, "Have you paid attention to my servant, Job?" There is no one

like him on earth--a blameless, upright man who fears God and rebels against evil.

Here, the use of the word תָּם is unrelated to physicality. Job is not being evaluated in terms of his body and its wholeness. Rather, here, the term points to wholeness of character. Job is identified as someone with oustanding, righteous character. In this way, he is without defect. Like Noah, Job is evaluated for wholeness of character and falls into the second strand of meaning.

We return to the question: what distinguishes the two major understandings of the term תָּם in the Bible? One possible response could be that different time periods brought different meanings to the term. This is possible; however, there is no consistent or smooth chronology in its use, demonstrating such a development. In a survey of the use of the term in two of its versions: תָּם and תְּמִים , neither strand proves to be more common in the Bible, and the earlier and later biblical uses do not create a pattern according to time period. The distinct P source's frequent focus on physical wholeness does not occur towards the beginning or the end of the term's use. Therefore its characteristic use is not related to chronology. True, the periods during which the P source writes must be concerned with physicality, but that is because of the nature of the ritual of that time. The situation, which is not always dependent on the time, creates the P source's strand of understanding wholeness as physical.

The P source's use is distinctive in its purpose. All of the surveyed examples of the wholeness that are physical--including P and other sources--involve a ritual task, whether referring to animal, structure, or human being. Such function characterizes this category of meaning. The second strand of non-physical meaning evaluates the righteousness of particular figures in the Bible, but the evaluation does not serve the purpose of a ritual accomplishment. Therefore, I suggest that the two strands of meaning for wholeness are distinct more for the particular function of the wholeness, than for the source's time period.

The biblical text's concern for wholeness and protection of ritual does not precude

its care for dignity of people with disabilities. The levitical text is careful to ensure that the ritual limits placed on people with disabilities will not cause further injustice in how they are treated. Levitucus 19:14 insists: "You shall not insult the deaf or place a stumbling block before the blind." A measure of respect for people with disabilities is required here. The root of the Hebrew verb, תְּקַלֵּל understood to mean "to insult" literally means, "to treat lightly." Frequently, it is used in contrast to the root כבד meaning "to honor, treat with repect."[10] That which is light carries less weight; to perceive and treat people with disabilities as though they have less weight or significance is an insult that the text does not tolerate. The assumption is that the insult of the deaf would be expressed verbally. As the deaf can not even hear the insult, "speaking ill of the deaf is especially reprehensible because it is taking unfair advantage of another's disability."[11] Physical disability may limit one's ability to officiate in ritual; however, it is not to incur disrespect. The text shows concern and compassion here for the dignity of people with disabilities.

As concepts of wholeness develop, the rabbis, too, evaluate wholeness according to function. With no sacrificial system, the priestly use of physical wholeness and purity cannot remain intact. Thus, the rabbis will consider the functions of their own world. As the center of rabbinic Jewish life changes from that of Israelite culture, rabbinic law transforms the understanding of wholeness.

Rabbinic Wholeness and Disability

The rabbinic understanding of wholeness and defect turns away from both biblical meanings. It neither focuses on physical wholeness, nor on the wholeness of character. At times, the rabbis will loosely connect their beliefs on completeness with

[10]Levine, Baruch, *JPS Commentary: Leviticus*, Philadelphia: JPS, 1989, p. 128.
[11]Levine, p. 128.

character. The main concern of wholeness in the rabbinic perspective is the mental capacity for learning and understanding. With regard to most activities, people with blindness and physical disability are not even considered to be liminal. Although they are visibly marred, they can function satisfactorily.[12]

> Perfection no longer means "zero defects," as it did in the priestly literature (although traces of that attitude can still be found). Instead, perfection is identified with intellectual functioning and communicative abilities.[13]

The role and source of disability is not absolute; it depends on the system and its values. When the system changes from priestly practice to rabbinic practice, so too, its functions and needs change.

For the sages, wholeness depends on the mind. They create categories of people who may not meet their mental expectations. The sages create three particular categories of people, relevant to this discussion, whom they consider people with mental disabilities worthy of limits in Jewish practice. These categories that will appear in rabbinic texts are חרש, meaning deaf-mute,[14] שוטה, meaning mentally disabled, and קטן, meaning minor.[15] These groups are deemed incapable of performing completely in Jewish life, due to their perceived limits in intellect and communication. Such mental ability is described with the term דעת. Judith Abrams writes about the concept of דעת and of the rabbinic categories of those who lack it. Regarding the concept of דעת, Abrams explains:

> In rabbinic literature, these concepts are often related to the term *da'at*. There is almost

[12]Abrams, Judith Z., *Judaism and Disability: Portrayals in Ancient Texts From the Tanach Through the Bavli*, Washigton, D.C.: Gallaudet University Press, 1998, p. 153.
[13]Abrams, p. 153.
[14]Bleich, J. David, "Survey of Recent Halakhic Periodical Literature: Status of the Deaf-mute in Jewish Law." in *Tradition* 16 (5), pp. 79-84. Bleich explains that changes in the understanding of the deaf-mute's ability to communicate have made the category all but irrelevant.
[15]Common contemporary terminology aims to see more than a disability in a person's identity. Therefore, accepted terms would be people with deaf-muteness and people with mental disability. The rabbis, as Abrams will teach us in her explanation of categories and stigma, do not share this philosophical approach. Due to their perception of one's identity through one's disability, I do not translate in contemporary terms.

no action that one can validly perform in the Mishnah's system without *da'at*.[16]

The quality דעת is clearly valued by the rabbis, but will be understood to mean different kinds of knowledge. Most of the texts concerning דעת will lead the rabbis to restrict people with disabilities. However, before we examine such texts, we will look at one that sees דעת in a different way. The sages' understanding of the limitations of mental capacity creates an allowance that helps to reveal their concern with דעת. There is an area where דעת can get in the way of an objective. There is also, at least one instance in which mental incapacity is seen as an advantage. Bava Batra 12b reads:

> Rabbi Yochanan said, "Since the time of the destruction of the Temple, the role of prophesy was taken from the Prophets and given to the mentally disabled and to young children.

Here, there is a need for prophesy to have a pure transmission. Anyone with דעת could have the intelligence or intrigue to adjust or corrupt the message. And so, in this case, דעת is a hindrance. The system needs the kind of person that it understands as an empty channel for communication. No one with such limited mental capacity would edit the word of God. In the person without דעת, the system finds someone who is trustful and naive. In the transmission of prophecy in this one instance, knowledge and understanding hinder the purpose.

The above case of prophecy provides an unusual lens with which to view the rabbis' understanding of דעת. Other texts will function differently. A look at concepts of mental capability will help to clarify the rabbis' understanding of דעת. One interpretation is a simple definition of common sense. To have knowledge is to have discernment at a fairly basic level. According to Kelim 17:6:

> [The size of] the egg of which they [the sages] have spoken, not large or small, but average. Rabi Yehuda says, "Bring the biggest and the smallest and put them in the water." Rabbi Yose says, "For who would tell me which one is the biggest and which one is the smallest? Rather, all [conclude] according to his understanding of the eye.

[16]Abrams, p. 153.

In the discussion of the use of an egg as a tool for measurement, the rabbis expect one to have enough discernment to make an observation. The "understanding of the eye" is the kind of insight that allows one to make conclusions according to common sense. This level of discernment allows one to be trusted with judgments and to execute a decision. Such basic common sense is relied upon by the rabbis.

The concept of discerment is taken a step further with the evaluation of one's ability to engage in a detailed question and answer dialogue. Tohorot 3:6 teaches:

> If a deaf-mute, mentally disabled person, or a minor were found in an alley that contained impurity, they would be presumed to be clean. But anyone [with] typical senses [would be considered] unclean. Anyone without the mental ability to question, [if there is] a doubt [about him, regard him as] clean.

Here, the person in question is assumed not to have the ability to prove his/her purity. Since the purity can therefore never be proven, s/he is assumed to be clean. This approach protects the person who cannot engage in a dialogue and present evidence while being questioned. The law ensures that one with such limited mental capacity is not required to live up to an unrealistic standard in order to be regarded as clean.

Of course, there is a possibility that the person in question is, in fact, not pure. In this case, the rabbis are prioritizing. It is more important to them that they protect the dignity of the person, than ensure the physical purity of the person. This prioritizing may reveal more than the rabbis' compassion for the person with mental disabilities. Being of the rabbinic era, these legislators may be exposing the part of their approach that is less concerned with physical wholeness. It is unclear whether the rabbis find the uncertainty of physical purity a sacrifice at all. Even if the physical is a concern, the rabbis allow the value of dignity to defeat the importance of physical purity in a hierarchy of ideals.

The capacity to engage in questioning is an aspect of דעת. As seen above, this realm includes the ability to be questioned. And as is found in Pesachim 10:4, it also includes the ability to actively question:

> They mixed [prepared, poured] him a second cup of wine. At this point, the son asks his father, and if the son lacks understanding [דעת], his father teaches him [questions that he may ask]: "Why is this night different from all other nights? That on all other nights we eat leavened and unleavened bread; this night, only unleavened bread. On all other nights we eat many kinds of herbs; tonight, we eat bitter herbs. On all other nights we eat roasted, cooked, or boiled meat; tonight, it is all roasted. On all other nights we dip once; tonight, we dip twice." The father teaches according to the son's level of understanding.

The tradition encourages sons to ask questions and to engage in conversation at the Passover seder. The intellectually capable sons will be able to initiate this questioning. Such an ability for inquiry helps to establish a relationship with the subject matter. This relationship is extended for those without the level of knowledge to ask their own questions. For these sons, help is to be provided so that they can engage on their own levels.

To extend this model for contemporary use, we first must understand that mothers, as well as fathers are teaching, and daughters as well as sons are questioning. The discussion that is involved in both above texts, whether answering or questioning, is fluid. The person in question is ensured full participation in the ritual, and the practice is adjusted for his/her capabilities.

Although the effort of inclusion is present in both texts, there is a difference between the inclusion strategies of the two. In the passage from Tohorot, an umbrella standard is established for anyone who falls into the categories named. The passage perceives people as abled or disabled, in a binary way. However, the Pesachim passage sees each child as an individual. Some children may be able to formulate many questions on their own, some may be able to ask when helped along, and some may not be able to ask any questions except for those provided. The text appreciates that children are not simply abled or disabled. Rather, children have varying degrees of ability. And so the parent is required to provide just enough help to each child, according to each child's own level of understanding and need. Understanding is purposeful; it is maximized to allow for the deepest experience possible.

The first look we have into the term in the creation story in the Hebrew Bible also

points to a purpose in having understanding. Genesis 2:9 reads:

> God caused every tree to grow from the ground, that was pleasant in sight and good to eat, and the tree of life within the garden, as well as the tree of knowledge of good and evil.

The original expression of דעת involves not only knowledge, but knowledge of good and evil. This requires discernment in general, as well as an eye for moral discernment in particular. The understanding between good and evil is a foundation for choosing paths of good and evil.

> *Da'at* is equated with discernment--the ability to differentiate (a cognitive skill) between good and evil (i.e., to make moral evaluations that are culturally determined). *Da'at*, if posessed, is what makes a person a human being.[17]

The culture assumes an objective for this דעת. The discernment does not exist for its own sake; rather, it exists to further moral character. The inclusion of moral character touches on the biblical strand that understands moral character as central to wholeness.

The concept of דעת may extend beyond knowledge and understanding. Here, in Deuteronomy 4:41-42, it is the quality of intention:

> Then Moses set aside three cities past the east of the Jordan for use, to which one who committed manslaughter could flee, one who slew someone without intention [דעת], who hadn't shown hatred to him [the victim] in the past; he could travel to one of these three cities and live.

The Hebrew Bible emphasizes the importance of awareness as it relates to knowledge, that is, intention. A person's intention is the key factor in determining whether that person is a murderer. In this way, דעת is one's purpose; it is the objective for which one uses knowledge. The emphasis here is on intention more than on action or fact.

Several of the texts have shown the element of purpose in the use of דעת. This quality, which the rabbis so value and require for one's participation in Jewish life, is more than cognitive. Certainly, it involves cogitive skills, but this characteristic may also

[17]Abrams, p. 131.

depend on moral direction, intention and purpose. This quality upon which the rabbis depend revolves around more than learning and understanding information. דעת may also include the result of understanding, that is, what one does with one's knowledge.

The term דעת may also refer to religious knowledge--knowledge of God. In Jeremiah 22:16, the Eternal scolds Shallum for not being the righteous leader that his father, King Josiah of Judah was. The Eternal describes the merits of Josiah: "He upheld the rights of the poor and the needy, so that all was good. This is what it is to know me." As Shallum is criticized for not serving as well as his father, the text expresses a standard of leadership. Josiah's admirable leadership comes from his knowledge of God. His דעת allows him to understand God's will. And with this knowledge he acts generously to those in need.

> While *da'at* is something that a wicked person lacks, in a leader it goes hand in hand with empathy and caring...*Da'at* is related, then, not only to empathy with the poor but to discernment, judgement, and the ability to lead.[18]

Knowledge of God aids a person in righteousness and in empathetic leadership. Without such knowledge, a leader lacks the values needed to provide caring leadership. It is this understanding of God that a leader depends on for righteousness in all areas of leadership. Religious דעת is not a cognitive form of דעת, rather it is an understanding of God. This form of understanding, like others we have seen, leads to a desired result. There is a purpose to religious knowledge: justice. For a leader, this purpose directly influences others. A leader who has power or impact in other people's lives can, with the right religious knowledge, bring righteousness into other people's lives.

The theories of modern anthropologist Victor Turner shed light on the rabbis' concern with knowledge and understanding as defining characteristics for full participation in Jewish practice. In his studies, Turner develops the concept of liminality.

[18]Abrams, p. 132.

He describes an "interstructural situation" in relation to puberty rites of passage in Africa. During these transitional periods, neophytes are separated from their normal lives and become structurally "invisible" in their society. In this state of transition, they are stripped of their former identity and molded with the authoritative "gnosis" of their society.[19] In transition, they are between understandings.

In the transitional process the,

> Communication of sacra both teaches the neophytes how to think with some degree of abstraction about their cultural milieu and gives them ultimate standards of reference. At the same time, it is believed to change their nature, transform them from one kind of human being to another.[20]

Turner, here, explains the process of becoming a full participant in a society. While becoming such a participant, one is between stages. In this transitional moment, one is no longer a part of the previous, immature stage of life. Yet, the period of training for the next stage does not yet qualify one as having graduated to it. This in-between period limits one's ability to fully participate or be perceived as a full member of the society.

Turner's findings can be applied to Jewish practice. As such a community-based system, Judaism requires a common language and understanding, so that it may be practiced with others. Full participation would require one to grasp the gnosis of the Jewish world.

> If a person enters adult life without internalizing his or her culture's truths, he or she maybe considered to be in a perpetually liminal position. In the sages' system, persons with hearing, speaking, and mental disabilities (i.e., persons without *da'at*) were deemd unable to receive, retain, and retrieve the *sacra* of the culture.[21]

The דעת ensures that a person both has knowledge and is able to communicate. Knowledge and understanding are necessary for the Jew to function in the community. The rabbis assume that one who cannot communicate in typical, common ways will be

[19]Abrams, p. 127.
[20]Turner, Victor, *The Forest of Symbols*, Ithaca: Cornell University Press, 1967, p. 102.
[21]Abrams, p. 127.

missing such understanding, and, in Turner's terms, such a person would not be keyed into the gnosis of the culture. Without a sophisticated, adult understanding of the culture, a Jew remains in a liminal place, somewhere in the range between no understanding and full understanding. Fully participating adults in a culture must be able to grasp its values. Disabilities are deemed as obstacles to this requirement. Therefore, for the sages, this liminal status compromises one's wholeness. Without the full ability to understand, one's participation must be limited. Yet, just as there is a range of understanding the society's gnosis, there is a range of restrictions that the rabbis enact.

The texts that explain the rabbis' limitations will describe people who are what Turner would identify as structurally invisible. Some of the limited subjects of the texts are only temporarily restricted, such as minors who will some day pass their liminal moments and enter full status. Yet, most of the situations describe people who will be permanently restricted. The concept of liminality applies to people with disabilities in its regard to partial status due to limited understanding of a cultural gnosis. However, as a result of the permanence of many disabilties, such people would not be identified as liminal.

> Persons who were deemed to lack *da'at* (cognition and purposeful action) were not seen by the sages to be liminal but rather stigmatized. Those who had *da'at* but could not act on it, being controlled in some way, were counted by the sages as liminal persons.[22]

Turner's terms are helpful because his liminal characters share qualities with the rabbis' limited characters. However, liminality is by definition, temporary. Rabbinic doctrine will limit those who permanently are limited in their ability regarding cognition and purposeful action.

In an examination of texts that help to define the role of people with disabilities, three categories will be emphasized: חרש, שוטה, and קטן. These three categories are

[22]Abrams, p. 130.

grouped together in limitations because:

> They have not been able to receive the sages' cultural gnosis, whether because they are too young to do so (the katan) or because they lack the means to receive and transmit it accurately (the cheresh and the shoteh). Therefore, they are considered incapable of participating in almost every action that the sages deem important.[23]

In the following texts, the sages will define roles that people with disabilities may occupy in Jewish practice. These roles will include allowances as well as restrictions. The sages' concern with intention causes them great caution. The protection of the intention required in ritual acts leads to limitations for those whose ability for intention is in doubt. This text from Rosh Hashanah 3:7 prepares the reader with an understanding of the importance of intention. The passage serves as a preface to 3:8, which will explain a restriction:

> [Regarding] one who was passing behind a synagogue or was in his home, next to the synagogue and heard the blast of the shofar or the sound of the Megillah [reading], if he intended in his heart [to hear it], he has fulfilled [the mitzvah], if not, he has not fulfilled [it]. Despite the fact that both are heard, [in] one [situation it] was intended in his heart [to listen in order to fulfill the mitzvah] and [in] the other situation he did not intend it in his heart.

The fulfillment of a mitzvah is not accomplished by action alone. One's intention must be to fulfill that mitzvah. Abrams explains:

> Simply hearing the shofar sounded on the Jewish new year, or hearing the story of Esther recited on the holiday of Purim, is not enough to fulfill the precept. One must intend to do so for the action to count. Because the *cheresh, shoteh v'katan* have no legally recognized *da'at*, and hence, no *kavannah*, they are not held liable to perform those commandments which require intention.[24]

In the sages' system, the lack of intention is permanent in the case of people with disabilties, for as long as the disability exists. The fact that people who permanently lack intention are not obligated in the same way as those deemed whole restricts leadership possibilities for the former. Rosh Hashanah 3:8 explains:

[23]Abrams, p. 168-169.
[24]Abrams, p. 181-182.

> The deaf-mute, the mentally disabled, and the minor cannot fulfill the obligation on behalf of the group, as can those who are obligated. This is the rule: anyone who is not obligated regarding a matter cannot fulfill an obligation on behalf of the group.

People with mental disabilities are excluded from mainstream individual mitzvot and group leadership. Ironically, a decree that restricts those without דעת could act to prevent their acquisition of דעת. The experiences from which such people are deprived could actually help them better understand the cultural practice. However, instead, the need to fulfill a group's mitzvah is prioritized over the individual's opportunity.

The precept in Rosh Hashanah 3:8 does not acknowledge any difference among people who lack דעת. The text's umbrella ruling places all people with disabilities in the same category. The identities of such people are tied to their disabilities. People with mental disabilties "are regarded as basically like each other and outside of the system of 'normals.'"[25] People with disabilities are all the same. In this passage there is no recognition of different levels and ways to have דעת.

This approach exposes the hierarchy of power in text. Clearly, the sages are the 'normals' in their own system. They are the subjects of their literature. Those of whom they write, who are different from them, are the objects. The power differentiation resembles that of the genders according to feminist thinker Simone de Beauvoir.[26] In such writing, the authors are the central subjects. In text that silences the voice of some, those who differ from the subjects can be presented as "other."

> Cheresh, shoteh, v'katan are linked not by something intrinsic in them but rather by the common way others relate to them.[27]

The rabbis perceive people with disabilities as other. They are a category outside of the norm, that must be subjected to the judgements of the norm. This dynamic occurs in the text that will help to define a community's practices and attitudes. The rabbis'

[25]Abrams, p. 130.
[26]Please see Introduction.
[27]Abrams, p. 125.

understanding of the generalizations becomes the general population's of who these people are.

The challenge that this presents is timeless. Those on the margins do not have power, authorship, authority or voice. They are defined not by themselves but by others, that is, the way that others relate to them. Therefore, their roles in life are defined not by their own needs, wants, and abilities, but by the needs and wants of others, and the perception that others hold regarding their abilities.

There are also rabbinic texts that provide alternative understandings and a degree of flexibility regarding restrictions. Rabbinic texts concerned with the biblically-rooted ritual act of separating terumah, are representative examples of restriction and allowance.

> Some of the most important, and lengthy, discussions of disabilities are connected to separating terumah, an act that provides an excellent example of accomplishing something through intention, blessing, and action. By its very nature, that is, differentiating one thing from another, it epitomizes having *da'at*: one has the intention to differentiate, can verbalize this intention, and has the wherewithal, physically and materially, to act on it.[28]

The דעת required by the rabbis involves abilities for intention, differentiation and communication.

Their resolutions regarding ritual will evolve through the laws of the Mishnah and Tosefta, beginning with the strictest limitations in Mishnah Terumot 1:1, and unfolding into a more fluid approach.

> There are five types who cannot separate [the terumah- the priests' share of the produce]; if they do separate, the terumah is not valid. The deaf-mute, the mentally disabled, the minor, the one who separates that which is not his own, and the non-Jew who separates that which belongs to a Jew, even if it was with permission--his terumah is not valid.

This Mishnah states rigid restriction. All of these types of people--the deaf-mute, the mentally disabled, the minor, the one who separates that which is not his own, and the non-Jew--are grouped into one category. There is no distinction for disabilities of

[28]Abrams, p. 169.

different severities or for minors of different ages. They are all barred from the ritual.

People with disabilities are placed in the same category with non-Jews. It is clear that, as in other texts, the sages would question the capacities of people with disabilities to perform ritual accurately. As is typical, the sages work to protect the integrity of the ritual. The striking distinction in this passage is the comparison of Jews with disabilities to non-Jews. Here, the sages question their intentions by placing them in a category with people who are not invested in the ritual. This introduces another aspect of ability. No longer does the category only describe people who are not necessarily capable of performing a practice with precision. The presence of non-Jews in this category brings into question the ability of Jews with disabilities to have intention. In this way, there is a lack of faith in the commitment--if through the capacity to commit--of people with disabilities. To question the intention of people with disabilities no longer just speaks to their abilities, but to their religiosity. Ritual is the Jewish language of communication between people and God. By comparing Jews with disabilities to non-Jews regarding limitations in Jewish practice, the rabbis undermine the religious relationship that is possible for a person with disabilities to experience. This is not to say that the rabbis question the Jewish identity of a Jew with disabilities. Disqualification from a ritual, "does not affect [one's] status as a covenantal person. This means that every Jew is considered covenantally 'in', even if he is halakhically disqualified."[29] Still, the question of whether people with disabilities have religious intention negates such people's religiosity.

The Tosefta dealing with this issue displays some flexibility. T. Terumot 1:1 reads:

> R. Judah says, "If a deaf-mute who separated his terumah, it is valid terumah." Said R. Judah, "A story: The sons of R. Yochanan ben Gudgada were deaf-mutes and all [foods requiring] purity were prepared under their supervision." They said to him, "From this

[29]Marx, p. 53.

there is proof [that a deaf-mute may separate terumah]? Foods that require preparation in purity do not require [preparation with] intention and therefore may be prepared under the supervision of a deaf-mute, mentally disabled person or a minor. But terumah and tithes require intention [therefore the deaf-mute, mentally disabled, minor are disqualified]." R. Isaac says in the name of R. Eleazar, "The terumah of a deaf-mute does not become unconsecrated food because it is uncertain whether he has understanding." What do they do for him? The court appoints him executors, he performs terumah, and they establish [its validity] on his behalf. Rabban Simeon ben Gamliel says, "Who is the deaf-mute? Anyone who was a deaf-mute since his birth, but, if he was [initially] able to hear and [later] became a deaf-mute, he writes [his intention regarding terumah] and they establish [its validity] on his behalf."

This discussion revolves around only one of the disability categories; deaf-mute. Rabbi Judah introduces the discussion demonstrating his readiness to afford full terumah rights to a deaf-mute. The majority voice of the sages rejects his reasoning regarding those who supervise food preparation, but does not discard his effort. Rabbi Eleazar argues for allowance with a different approach. He does not speak to the permission for a deaf-mute to separate terumah; rather he evaluates a terumah that has already been performed by a deaf-mute. In this scenario, the discussion takes place after the fact. Perhaps this engenders flexibility because the allowance prevents waste. The majority voice of the sages interjects with a compromise. Although the sages do not accept the deaf-mute's terumah, they create a new option. The deaf-mute may perform terumah that can be approved for validity. There is an element of dignity restored, as the deaf-mute may perform his own ritual. Yet, the community standard is not lost, as it is subject to approval.

The last line of the Tosefta clarifies its concern. Rabban Simeon ben Gamliel distinguishes between one who is a deaf-mute from the time of his birth and one who once was able to hear. His differentiation shows concern that the person has been able to communicate and function in society. Victor Turner's understanding of gnosis applies here. One's ability to understand one's culture affects his ability to fully participate in it. Rabban Simeon ben Gamliel elevates the status of one he understands to have been able to communicate in the past. He wants to gain as much insight as possible into this person's intention, and therefore, is interested in a document that expresses such. The

Tosefta creates categories within categories. The text's ability to compromise and willingness to recognize different types of disability display a level of fluidity in the categories and limitations it designs.

The Tosefta's tolerance continues in the allowances it makes in T. Terumot 1:3:

> What is a mentally disabled person? One who goes out alone at night, sleeps in a graveyard, tears his clothing, and loses that which is given to him. [For one who is] sometimes metally disabled and sometimes lucid, this is the rule: at times when he is mentally disabled, he is [restricted or treated] as mentally disabled in every matter, and at times when he is lucid, he is [allowed or treated] as one with a sharp mind in every matter.

Although the status of שׁוֹטֶה is not necessarily temporary as is that of minor, the text recognizes temporal aspects. There may be times when one's mental disability is inactive. In such cases, one is not penalized for sometimes being disabled. Instead, in moments that are not so affected by disability, one is allowed to be considered a lucid, typical person.

In this discussion, this permits one to perform terumah at the appropriate times. As applied to other situations, the text recognizes the fluidity in every person. Its limitations are adjusted because, in this text, people are not defined by their disability. Here, restrictions of people with disabilities can be flexible. Allowances can be made, and levels of intellect, appreciated. In this way, the Tosefta moves toward a more fluid understanding of its system.

The Mishnah and the Tosefta occupy diffferent places on the range between individuality and what some scholars call, stigmatization. Abrams explains her perspective on the rabbinic system of categorization. In her examination of the rabbis' approach to people with deaf-muteness, mental illness and other disabilities, Abrams promotes the concept of stigma. She explains that stigma is the issue of extension and social distance created in relation to the stigmatized person.[30] Someone with a disability

[30]Abrams, p. 130.

may be perceived by only his/her disability. In this way, the rabbis' categories will extend beyond one distinguishing similarity or difference. The category that one occupies for a specific reason becomes one's entire identity. Such broad categorizing may be helpful in the rabbis' attempt to define status. However, such stigma may also fuel the difficulty of perceiving people as individuals.

This conflict of interests is also recognized by Tzvi Marx. He examines the rabbis' need to establish categories and protect procedure and ritual, but also to afford human dignity. Regarding halakhah he writes: "In order to realize its highest moral calling, its prescriptive capacity contains compromises between its ideals and the limitations of society at a given time."[31] The compassion towards people with disabilities that exists in Jewish text does not counter the exclusion that exists nor does it eliminate the problem of stigma. In Marx's perspective:

> There is in the handling of the handicapped an inherent flaw. Relieving them of the mitzvot in itself contributes to the perception of the handicapped as of lesser status than able-bodied members of society...the signification of worth by the obligation of mitzvot is the source of this loss of status by handicapped persons...They are foreclosed from achieving dignity in a culture that now measures it by the yardstick of achievement.[32]

Marx suggests that a culture that bases status on the performance of mitzvot automatically diminishes a group's status with the exemption of mitzvot. Such a decreased status may also threaten a group's dignity. Marx explains: "It is not sufficient to list sympathetic aphorisms--of which there is no lack--indicating sensitivity to the handicapped. The question is whether the tradition systematically resonates with the concerns of the handicapped."[33] The question is not sensitivity, it is whether or not the tradition establishes a religious life that systematically excludes people.

Marx understands that the tradition is caught between its ideals. Therefore,

[31]Marx, Tzvi, *Halakhah and Handicap: Jewish Law and Ethics on Disability*, Jerusalem: Sholom Hartman Institute, 1992, p. 2.
[32]Marx, p. 659-660.
[33]Marx, p. 5.

stigma exist; however, an effort to minimize stigma exists as well:

> Tradition contains two tendencies with regard to the handicapped. One, the exclusionary tendency, defines the whole person by his handicap and thereby recategorizes that person as functioning outside of the ordinary norms. This communicates to the handicapped and to the outsiders; this is not an ordinary person, he is a "handicapped" person. The qualifier "handicapped" somehow diminishes the person-[ness] of the handicapped. The other tendency, the integratory, minimizes the disabling effect of the handicap so as to reinforce the attitude that this is just an ordinary person with a handicap. He must be given consideration to help him overcome problems that his handicap poses. But this must not be allowed to affect the essential way in which he is to be seen as a person. He is like every other member of society, and admitted to the entitlements that this implies.[34]

Marx sees the problem of stigma that exists in the rabbinic system. However, his conclusions apply not only to the rabbis' perspectives, but also to contemporary halakhah and ethics. Because the topic of his study is the development of practice and ethics through the agaes, he is not limited to the rabbi's world. Instead, he takes both of the rabbis' ideals: that of category and that of compassion, and works to see their integration through the ages.

Even in the cases in which the stigma are less rigid, and the allowance, more flexible, the text clearly recognizes only its own perspective. "Those with *da'at* were deemed participants in the system the Mishnah developed, and those who were considered not to have *da'at* were deemed non-participants."[35] Not only does דעת define category, it does so in a system that speaks only in the voice of the participant. This challenge can be seen in the study of any text. In order to have been published, the voice of the text must be the voice of one who is accepted in the mainstream. Still, it is important to recognize that the rabbis are legislating a condition about which they may know little. The restrictions and allowances made by the rabbis are done so by applying their own attitudes and values.

Recognizing the male authorship of the text, Judith Hauptman takes a different

[34]Marx, p. 5.
[35]Wenger, Judith R., *Chattel or Person? The Status of Women in the Mishnah*, New York: Oxford Univeristy Press, 1988, p.7.

approach to understanding the rabbis' system. Her interpretations are based on a study of women in rabbinic literature; still, her methodology can be helpful here. Hauptman does not identify the rabbis' categories with the negative connotation of stigma. Rather, she is more sympathetic to the rabbis and emphasizes their time period as the explanation for their attitudes. Hauptman sees the existence of a solid system; yet she believes the sages show fluidity within their framework. She writes:

> [There are] laws in the two reigning theories, namely, that the rabbis--in grossly oversimplified terms--either hated women or else loved and respected them. The situation...is much more complicated: On the one hand, the rabbis operated in a patriarchal framework and continued to treat women as secondary to men; on the other, they instituted many significant changes to benefit women.[36]

Hauptman is writing about only one discrete category: gender. Although her topic is different than mine, Hauptman's methodology applies. The rabbis' system creates categories for people. As the rabbis demonstrate some fluidity within these categories, they are not stigma. Like in the case of women, the sages institute changes in the laws regarding people with disabilities; such change in status defies stigma. Hauptman and Abrams differ here as the flexibility that Hauptman sees in the rabbis counters the approach of stigma taken by Abrams.

One approach to understanding categories and stigmas is to examine who profits from the production of stigma.[37] Generally, a group in power may create categories that ensure it will maintain power. Here, the rabbis are the group creating a system that values their own talents: Jewish practice and learning. Regarding the rabbis and their status, Hauptman submits "a growing self-awareness on their part, a growing discomfort with patriarchal privilege."[38] Whether or not this is true, the rabbis maintain their control even when they make changes.

[36]Hauptman, Judith, *Rereading the Rabbis: A Woman's Voice*, Boulder: Westview Press, 1998, p. 244.
[37]Wang, Caroline, "Culture, Meaning, and Disability: Injury Prevention Campaigns and the Production of Stigma," in *Text and Readings in Disability*, Palo Alto: Health Markets Resarch, 1993, p. 87.
[38]Hauptman, p. 246.

In the case of disabilities regarding Jewish practice and Talmud Torah, I believe that the rabbis do exhibit a degree of flexibility. Ultimately, the rabbis provide people with disabilities wth avenues to partipate in ritual, and with many alternatives in Jewish learning. They care so deeply about the values of practice and study, it is understandable that they would make such allowances. Yet the sages continue to perceive people with disabilities primarily as disabled, and only secondarily as individuals. Because the category with which they are identified is a negative one, I think that the term stigma is legitimate to an extent.

I fall somewhere in between Abrams and Hauptman. The term stigma is fair in describing this system in which one's status may be defined by disability. And yet, the recognition that the rabbis create categories for all kinds of people, and that they define them through such categories, mitigates the weight of stigmatization. I believe that it is worthwhile to maintain the term stigma in describing the rabbis' categorization, because we need to acknowledge such stigma before we can reduce it in our contemporary understandings of people with disabilities in religious life.

> Far from viewing the stigmatization of the disabled as inevitable...[there is] the perspective on nondisabled people who stigmatize or stereotype people with severe disabilities, and...[it may be] argued that humanness is itself socially constructed.[39]

The rabbis construct their own categories and influence the social construction of attitudes of people with disabilities. The fluidity that they exhibit within their system demonstrates the continuous evolution of social construction.

A brief look at the rabbis against the backdrop of the culture of the ancient world places their attitudes in context. Disability is, after all, a cultural construction, without inherent meaning. As with rabbinic culture, ancient culture understands deafness as a broad category of mental disability. Surviving ancient material regarding deafness is

[39]Wang, p. 87.

meager.[40] Yet it is clear that like the rabbis' culture, ancient culture understands deafness as a key to one's intelligence. The term itself shows a much wider range than the English word, deaf. The term describes deafness as a range of conditions that includes overall inability to communicate.[41] Because the ritual and educational system and life of the ancients is so different from that of the rabbis, disability has a different impact on people's lives. The values of ancient culture's education will be addressed in my discussion regarding teaching methods (in Chapter Four).

In a look at biblical attitudes of wholeness and defect, we find two categories of perfection. One finds great significance in the physical body, and the other, in the character. In the case of physical wholeness, both the performer and the performance of physical ritual require correctness, without which, restrictions are imposed. Still, the biblical text includes a high standard of respect and compassion for people with disabilties. As the rabbis transform their practice of ritual, so too, they transform the concept of wholeness. For the sages, wholeness is found in mental capacity. They value larning, communication, and intent.

One's opportunity relies on the rabbis' understanding of one's ability to participate in these ways. Of course, the voice of people with disabilities is not present. Therefore, the text's principles rely on the rabbis' understanding of people's abilities--not on people's own perspectives of their abilities. The needs of people with disabilities may be protected, yet their own destinies are decided for them. The rabbis are one specific minority group that creates literature and legislates for the many groups who don't have the opportunity to author a text. Such a lack of voice may serve as an obstacle in ambition for people with disabilities. They may not be permitted to achieve their potential.

[40]Edwards, Martha, "Deaf in Ancient Greece,' in *The Disability Studies Reader*, New York: Routledge, 1997, p. 29.
[41]Edwards, p. 31.

Due to their care for religious ritual, the rabbis' first priority is to clarify status, with sometimes stringent categories of limitations. And yet, they do at times recognize more individuality in people. Even with their need for mental wholeness, they create areas of accessibility to tradition. There is a degree of fluidity in their categories, and some attempt for inclusion. Texts regarding attitudes and principles for people with disabilities vary widely, including restrictions, allowances and compassion.

Chapter 3: Bava Batra: A Case Study in the Availability of Talmud Torah

The background on biblical and rabbinic attitudes towards people with disabilities demonstrates obstacles that could get in the way of their study of Torah. Yet, even with limitations of people with disabilities in religious life, the rabbis do create possibilities for such learners. The texts reveal an openness in the different alternatives available for Torah study. On some levels, the rabbis' priority of Talmud Torah outweighs the limitations they place on who can participate in religious life. The texts display many instances of the priority of Talmud Torah by offering different kinds of avenues of learning. These multiple avenues take into account that different people have different styles of learning.

Although such an intention is not evident in the texts, the result is clear. It is said that "for those in ancient Jewish Palestine [that] they did what they could to make education widespread."[1] The effort to reach out to many students need not originate from the intention to include students with learning disabilities. The rabbis' very pursuit of widespread education creates availability for many kinds of students. This door that the rabbis open for a broad number of students would seem not to exclude people with disabilities.

> It would be strange to imagine that someone should be denied participation in this practically constitutive aspect [Talmud Torah] of Jewish identity; at least on its elementary level, merely because of a technical disability due to handicap.[2]

The development of educational ideals in the rabbis' pursuit builds a foundation of diverse teaching that may benefit students with preferred learning styles. Students with different styles, abilities, and intelligences can have the opportunity to learn. Learning

[1]Goldin, J., "Several Sidelights of a Torah Education in Tannaite and Early Amoraic Times," *Ex Orbe Religionum*, Leiden: Studia Geo Widengren Oblata: 1972, p. 186.
[2]Marx, p. 475.

challenges are not necessarilty viewed as impossible obstacles.

Talmud Torah in the Ancient Jewish world lacks a clear system. "Only sidelights are granted us...no systematic account or even outline of the course...is preserved."[3] Although a complete curriculum or theory of education does not exist, passages throughout rabbinic literature reveal teaching and learning methods. Bava Batra 21a-21b is one area of the talmudic material that contains a particulary significant amount of information. Filled with literary details, the passage is not strictly historical in its entirety; however, it reveals values of the rabbis.

Rav, who transmits the teaching, lives in Palestine for years and brings many reliable traditions to Babylonia. The Talmud tends not to praise the high priests at the end of the Temple period. Yet, here, it credits Yehoshua ben Gamla, a High Priest in the generation preceding the destruction of the Second Temple, for the great progress that was made in the institutionalization of schools in every district. Although the precise structure of the learning and teaching is not indicated by the text, the growing knowledge of Judaism was widespread and taught in all towns.[4] The explanation of the approach to Torah study in Bava Batra 21a-21b is incomplete and imprecise; however, it sheds great light on the rabbis' ideologies of Talmud Torah.

> The section of the Babylonian Talmud recounting the work of Gamala is of such importance in the history of Jewish education that no account, however summary, can afford to omit it.[5]

Both qualitatively and quantitatively, Bava Batra 21a-21b presents material that includes many issues of education that are discussed in smaller passages through the literature.

There is a discussion among scholars as to how established an education system

[3]Goldin, p. 180.
[4]Safrai, S., "Education and the Study of Torah," *The Jewish People in the First Century*, vol. 2, Philadelphia: Assen, 1976, p. 948.
[5]Swift, Fletcher H., *Education in Ancient Israel From Earliest Times to 70 A.D.*, Chicago: The Open Court Publishing Company, 1919, p. 94.

exists. Several secondary sources used in my exploration pose the existence of an institutionalized system of schools. Alternatively, in his study of instruction in Sassanian Babylonia, David Goodblatt suggests a less formalized system of disciple circles. He suggests that Babylonian study does not revolve around large academies on the model of Geonic yeshivot. Palestinian learning may be better characterized as having schools: institutions with a staff, curriculum and corporate identity. On the contrary, Babylonian study takes place in disciple circles, in which students meet with masters and study with assistants. Such a circle may meet in a designated building and a fixed curriculum may exist. However, when a master dies, a circle disbands and new ones are formed with other masters. Goodblatt envisions a relationship comparable to that of a group of apprentices and a master craftsman.[6]

Goodblatt emphasizes the idea that disciples do not only include advanced students, but beginners as well.[7] In their effort to serve a widespread population, the vision of disciple circles reflects that of the theory of more established schools. Both theories allow for the understanding that learning centers reach out to many kinds of students. Also, Goodblatt understands this less institutionalized structure as a step in the development of established schools and academies.[8] Therefore, many of the philosophies found in texts such as Bava Batra 21a-21b can apply to schools or to disciples circles. The ideals presented in our texts may be understood as approaches that are encouraged in the expanding education efforts.

In the presentation of its ideals, the Bava Batra text is helpful in its disclosure of methods in education. The text does not reflect a single effort to outline a rabbinic educational approach. Rather, there are several rabbis, from different locations and from different time periods, who appear in this section. That they all appear together here

[6]Goodblatt, David, *Rabbinic Instruction in Sasanian Babylonia*, Leiden: E.J. Brill, 1975, p. 267.
[7]Goodblatt, p. 268.
[8]Goodblatt, p. 272.

reveals the efforts of the redactor to formulate a conversation that would provide guidance in Talmud Torah.

The conversation opens by honoring Yehoshua ben Gamla for his work in beginning to establish a system of ideals that could inform an institution of education. Yehoshua ben Gamla is from Eretz Yisrael and makes his contributions generations before these rabbis, in the years 20-30 CE. In the portions that expound on Yehoshua ben Gamla's areas of impact, the voices heard are those of Rav Yehuda, Rav, Rava, and Rav Dimi from Nehedarea. Rav Shmuel bar Shilat's presence is evident as well. Rav Yehuda ben Yehezkel is a head and founder of the Pumbedita yeshiva. He is a second generation Amora in Babylonia (Fl. 250-290). Rav is a great leader and sholar of Sura. He is a second generation amora in Babylonia (Fl. 220-250). Rav Shmuel bar Shilat is also a second generation Amora in Babylonia. Rava is the head of the Mehoza yeshiva, which moved from the town of Nehedarea upon its destruction, and he is also the head of the Pumbedita yeshiva. He is a fourth generation Amora in Babylonia (Fl. 320-350). Rav Dimi from Nehedarea is a fourth generation Amora in Babylonia who is active into the fifth generation as well (Fl. 320-375).

It is possible to group these rabbis into two time periods. Rav Yehuda, Rav, and Rav Shmuel bar Shilat were all second generation Amoraim in Babylonia. Although they did not all inhabit the same city, the time of their lives probably overlapped, and the course of their lives may have intersected. Even if they did not engage in the actual conversation that our redactor brings together, they had awareness of one another's views. Rav Yehuda speaks in the name of Rav who is active earlier and in another city. Rav Yehuda's use of this source demonstrates communication between learning communities and traditions of rabbis' lessons so that they might appear in future generations' teachings. Rava and Rav Dimi from Nehedarea are both fourth generation Amoraim in Babylonia. They, too, may have actually engaged in conversation, or at least, been aware of one another's views. Also possible in these cases, is that the rabbis' views are so well-known

that the redactor is able to construct conversations based on his awareness of the rabbis' ideas.

Our text is rooted in the mitzvah of teaching one's children Torah. The text praises Yehoshua ben Gamla for providing leadership in the development of an approach to education that reaches different kinds of students. Although some scholars, such as Goodblatt, suggest a lack of formal, institutionalized education, others suggest that historical study reflects the manifestation of Yehoshua ben Gamla's work leads to free public education that was in fact instituted in the Jewish community.[9] The question remains as to how institutionalized such free education is at this time. Either way, the educational ideals attributed to Yehoshua ben Gamla are maintained for centuries.[10] Specific aspects are found from the rabbis point of view in Bava Batra 21a-21b:

> Rav Yehuda said in the name of Rav: Surely, remember that man, whose name is Yehoshua ben Gamla, favorably. Were it not from him, Torah would have been forgotten from Israel.
>
> Originally, if one had a father, [his father] taught him Torah. One who had no father did not learn Torah. From which text did they explain this? "And you will teach them" (Deuteronomy 11). Read it "And you (yourselves) will teach them." They [the sages] ordained that the teachers of children would be placed in Jerusalem. From what text is this explained? "Torah comes forth from Zion" (Isaiah 2). Still, one who had a father, [the father] would bring him up [to Jerusalem] and study. They ordained that they would place [a teacher] in every single district. And they [parents] would bring them [students] at age 16-17.
>
> Rav said to Rav Shmuel bar Shilat: Until [the age of] six, do not accept [the student]; from then on, accept. And stuff him [with words of Torah] like an ox [needs to be stuffed for fattening].
>
> Rav said to Rav Shmuel bar Shilat: For if you hit a child, don't hit him with anything but a shoe-strap. If he studies, he studies. If he doesn't study, he shall remain in the company of his friends.
>
> Rava said: From [the time when] Yehoshua ben Gamla ordained, and onward, we don't take a child from town to town; rather, we take him from synagogue to synagogue. If a river separates [the area] we don't take him. If there is a bridge, we take him. If there is [only a] narrow [bridge], we don't take him.
>
> Rava said: The number of students to a teacher is 25 students. If there are 50 students, we place two [teachers]. If there are 40 students, we establish a head tutor/teaching assistant. And [financial] support is given to him.
>
> Rava said: If a teacher of a child teaches, yet there is another such teacher who

[9]Maller, Julius B., "The Role of Education in Jewish History," in *The Jews: Their History, Culture, and Religion*, New York: Harper & Brothers Publishers, 1960, p. 1239.

[10]Steinsaltz, Adin, *The Talmud: A Reference Guide*, New York: Random House, 1989, p. 17.

teaches at a faster pace, don't remove him [the original teacher]. Perhaps he [the second teacher] will be sloppy.

Rav Dimi from Nehardea said: All the more so, [choose] the teacher who teaches at a fast pace--jealousy among scholars increases wisdom.

Rava said: [Between] these two teachers of children, [where] one teaches at a fast pace and is not precise and one is precise but does not teach at a fast pace, we appoint the one who teaches at a fast past but is not precise. A mistake in a subject can be eliminated [corrected].

Rav Dimi from Nehardea said: Appoint the precise one, not the fast one. A mistake taught to a student can remain on and on. That it is written: "For six months Yoav and all Israel settled there until he cut every male from Edom (1 Kings 11). For David came up and said to him [Yoav], "For what reason do you do this?" He [Yoav] said to him, "Smite the males of Amalek" (Deuteronomy 25). He [David] said to him, "But we read [זכר as] 'memory'." He [Yoav] said to him, "We read it 'male'." Yoav went and asked his teacher. He [Yoav] said to him, "How did you read it?" He [the teacher] said to him, "Male." [Yoav] took out his sword to kill him. He [the teacher] said to him, "Why?" He [Yoav] said to him, "It is written 'Cursed be the one who witholds his sword from blood" (Jeremiah 48). Some say the he killed him, some say that he did not kill him.

Rashi clarifies the commandment to teach one's children and defines the scope of a district: "Teach them to them: The father himself is commanded to teach him. District: Larger than states or cities." There are two streams of discussion in this piece of Talmud. The first stream concerns Talmud Torah. The second stream, located in the middle of the Talmud Torah discussion, refers to a previous passage concerning residential areas that are not appropriate as centers of service. I will not address the issue of community zoning for public or commercial establishments and for private or residential establishments. However, the immediate learning environment is discussed in Chapter Five. Specifically regarding this passage, I focus on the methods in education presented in this discussion about the study of Torah.

The passage promotes learning possibilities for many kinds of students. We begin with potential practical obstacles in Talmud Torah.

> The scribes, at first, restricted their educational activities to adults, giving free lectures in synagogues and schools, while the education of children remained in the hands of the parents as in olden times. But as boys often lacked this advantage, the state employed teachers in Jerusalem to whose care the children from the provinces were entrusted; and as these did not suffice, schools were also established in country towns.[11]

[11]Swift, p. 94.

No longer do the sages rely on parents for the education of the community's students. The previous trickle-down method is eliminated as education becomes a public responsibility. This public obligation expands as the community does. The expansion works to increase the number of children who are students. The method of distribution of education changes, perhaps due to a change in demography.

The text explains that a teacher is placed in every district. A boy who has no one with whom he could make the journey to Jerusalem would use the district school. Perhaps this more convenient location becomes the choice school, even for those boys who have fathers.

The implications of the local study center extend beyond the child who has no parent to serve as an escort. Students who attend formal study are no longer defined by those who are willing and able to make the journey. Perhaps the local school proves helpful to those who cannot make the journey, for reasons other than having no father. An infirm student who might be unable to make the journey has an accessible school. A student who needs to reduce his travel time in order to return home to help in the household has a nearby solution. I believe that the local school may increase accessibility for all students, particularly those who are challenged in their learning. A journey to Jerusalem may seem worthwhile only for students who excel in their studies. However, a nearby location requires less effort. The reduced effort required to travel to school may motivate parents to send their children, even if the children are not scholars.

The text explores the question of when one should begin to bring children to school, and offers several different conclusions. The question of the entrance age is addressed in two separate sections of the passage, each offering a different regulation. Initially, fathers are instructed to bring their sons at the age of sixteen or seventeen. The reason for this age is not provided by the text or by Rashi. If we skip down the passage several lines we come to more discussion regarding age. The question is discussed by Yehoshua ben Gamla, and further explained by Rav, both of whom present ages that are

inconsistent with the first suggestion. Such a difference in the suggestion for the entrance age may indicate that the authors are focusing on different issues. The unexplained original suggestion is not likely to apply to a student's very first experience of learning. Rather, perhaps the teen-age years represent a time to begin a new level of education. Later in the passage, Yehoshua ben Gamla ordains that fathers should bring their sons to school beginning at the age of six or seven. This slight range provides for some flexibility and allows a family to wait for an immature or challenged six year old to turn seven.

Perhaps the early entrance age addresses not only the need for more learning, but also the issue of continuity. The application of continuity applies in two ways. If a student were requested to join a class at an older age, it may be challenging to pull that person away from the daily habits, chores, or household work that s/he has become accustom to doing. The early starting age for education ensures that a child understands Talmud Torah as a part of life. If a student were to begin in a class at a young age, s/he might become attached to it and thereby become committed to remaining in school (I later discuss this priority of the rabbis). If such a student found him/herself in a conflict, s/he may not want to leave the student body, but instead, to seek resolution. Once a student has laid down roots and become invested in a student community, s/he may be less inclined to leave. Even a student with trouble learning could be motivated to remain and make an effort to learn with the other students. If a community has been built, then even such a challenged student may feel support and encouragement, or at least familiarity from those around. All learning can potentially involve community; particulary, learning for the challenged student can be enhanced with community.

Rav presents age suggestions in a more regulated way. He says that a student may not be accepted into a school before the age of six. There are several possible reasons for this principle. Perhaps Rav wants to ensure that a child's beginning years are spent with his family. It is possible that he does not want to see the level of learning lowered for the

sake of a student who is too young to learn the lessons. Another possibility is that the implications of his regulation reach to a broader philosophy. Rav might recognize something similar to the 20th century Montessori philosophy. The Montessori system is a method of early and elementary education developed by Italian psychiatrist and educator Maria Montessori (1870-1952). The philosophy links biological and mental growth, recognizing that learning potential corresponds to certain ages and stages when mental capacity is best suited to acquire particular knowledge.[12] Rav could be recognizing the different developmental stages through which children grow, and advocating age appropriate learning.

This issue of entrance age continues to be involved with other issues in the passage. Rav teaches that the student must be stuffed like an ox. Once a student reaches the age of six or seven, and is ready to learn, he should be taught to the fullest. Stuff him with words of Torah, just as one might stuff an ox with food. We learn from Rav to take advantage of the student's readiness and not to allow our students to be bored. The simile of stuffing recognizes different amounts are necessary for different types. For both the ox and the student, stuffing promotes bringing one to full potential--potential to work in the case of the ox, potential to learn in the case of the student. Different amounts stuff different people. One with limited ability will be stuffed with less material; one with more learning capacity will need more to be stuffed. This simile recognizes that not only slow learners but gifted ones as well need individualized plans for learning.

The challenge to keep children in school, explained above with the issue of the entrance age, is raised in connection with the distribution of teachers. As the rabbis look at how to keep students in school, the text raises the problem of the student who is angry with his teacher and therefore rebels and leaves. The response to this issue is Yehoshua ben Gamla's ordaining that teachers of children must be placed in every state and every

[12]"Montessori System," *The New Encyclopaedia Britanica*, vol. 6, Chicago: 1974, p. 1020.

city. Rashi explains that districts are larger areas than states and cities; thus, there are now more teachers and they are more local. The appointment of teachers to each of the local schools works to ensure a quality of learning. Without a teacher in every school, it may not be worthwhile for students to attend. The knowledge that a teacher, rather than just a study partner, will be there may encourage attendance. The hope might be that a long-term instructor in a class may instill students with a motivation both to attend and to resolve potential conflict.

The issue of community arises again in connection with punishment. Rav tells Rav Shmuel bar Shilat that if a teacher is to hit a student, he must only use a shoe strap. Perhaps Rav seeks a method that will not harm the student, but will make a point. A shoe strap is small enough that it will not cause serious harm. Beyond the shoe strap, the teacher does nothing. If the student then studies, he studies. If not, at least he will remain in the company of friends. This returns to the idea that the classroom is a community. Even if a child causes probelms, s/he can still gain something by being in a community and hearing its studies. Perhaps, when such a student sees his/her peers learning, s/he will be tempted to rejoin the lesson.

The text understands not only special students, but all students, need attention. Rava explains the regulations about the student to teacher ratio. There should be twenty-five students to every one teacher. This is a large class, which provides a realistic goal for communities. Yet the class size is small enough for the teacher to know every student. Students are ensured some personal attention, yet the supply of teachers covers more students than it could if the classes were very small. So in the rabbis' world, every young boy is ensured a place in class.

The ratio is protected. If there are fifty students, there must be two teachers for the group. And if there are forty students, then the class gets a paid teacher's aide. Perhaps this indicates institutional flexibility to a certain point; there is no mention of a teacher's aide for thirty students. So unless there are at least forty students, one teacher

teaches the entire group. Or, perhaps this model could be used in different schools according to different areas' resources. The specific number breakdown is less significant than the overall concern. The rabbis are clear in their caution to ensure that no child is alone in learning. This would be particularly important for the student with learning challenges.

The final relevant piece of the passage focuses on the qualities of a teacher of children. In an involved discussion, Rava and Rav Dimi from Nehedarea decide which is more important--that a teacher is precise or that a teacher teaches at a fast pace. As they are both fourth generation Amoraim, they could have actually had such a conversation. Rava begins by posing that if there is a teacher already in place and another teacher who teaches at a faster pace presents himself, the first should not be removed. The second, faster teacher may be sloppy. In this statement, Rava places the exactness of teaching above the speed.

Rav Dimi from Nehedarea finds the idea of competition appealing. He suggests that the second teacher who teaches at a faster pace should be chosen. In fact, he adds that jealousy among scholars increases wisdom. The second teacher would enter the position with the knowledge that a previous one had been removed. Knowing that there are other teachers available might create enough competition to increase the competence of the newly placed teacher.

Rava adjusts his point of view, focusing more on teaching method than on the issue of which teacher came to the position first. He suggests that the teacher who teaches at a fast pace should be appointed, over the one who teaches more precisely. According to his reasoning, if a mistake is made, it can later be corrected. Rav Dimi responds, saying that the precise teacher should be appointed over the one who teaches at a fast pace. A mistake can last. Rav Dimi demonstrates the potential damage of a mistake through an extreme example.

Rav Dimi tells a story of Yoav, beginning with a quotation from First Kings

Chapter 11: "For six months, Yoav and all Israel settled there until he cut every male from Edom." Rav Dimi explains King David approaching Yoav and asking why he is doing this. Yoav says that he is heeding the obligation to smite the males of Amalek (Deuteronomy 25). Yoav is reading זָכָר instead of זָכוֹר. David corrects him, explaining that the word is זָכוֹר, memory. The commandment is to wipe out the memory, not the males, of Amalek. Yoav tells David that he reads it, זָכָר , male. Yoav takes the issue back to his teacher and asks him how he reads it- זָכָר or זָכוֹר, male or memory. The teacher reads the word as "male," which is why the student, Yoav, has done so for all of these years. Due to the fact that his teacher had made a mistake all of those years ago, Yoav had been misreading the commandment. The mistake that the teacher made, perhaps in hastiness, was not corrected. Yoav had learned the passage incorectly.

Once Yoav realizes that he has suffered because he understood the wrong idea for all of this time, he draws his sword. When his teacher asks why he is doing this, Yoav quotes Jeremiah 48:10: "Cursed is the one who does the work of God incorrectly." Yoav is accusing his teacher of doing the work of God--of teaching Torah--incorrectly. The teacher tells him to leave that man--himself--cursed. That is, if Yoav believes that the teacher is cursed, fine. But leave the situation as is. The teacher is asking Yoav not to take it into his own hands by killing the cursed one. Yoav replies with another quotation from Jeremiah 48: "Cursed be the one who witholds his sword from blood." With this, Yoav justifies his potential slaying of his teacher. It is not clear whether Yoav witholds his sword; the text teaches that some say he killed his teacher, and some say he did not.

Whether the actual slaying occurs does not change the impact of the story. Rav Dimi makes the point. A mistake taught in childhood can be carried throughout one's life. Imprecise teaching may lead to a student's disrespect for a teacher. The eventual impact of such a mistake cannot be known, but the results could be as severe as one drawing a sword before one's own teacher--or killing an entire people. A mistake cannot always be corrected; it can cause serious damage. This story upholds the position that

the teacher who teaches accurately should be chosen before the one who teaches at a faster pace. Such an emphasis on precise teaching deflects focus from the quanitity of learning, allowing for the possibility of flexible expectations in quantity.

Several values of Talmud Torah shine through in the passage of Bava Batra 21a-21b. The rabbis praise Yehoshua ben Gamla for initiating goals for a system of education, and they work to develop the ideas. The sages show concern for several different kinds of students and situations.

In a practical sense, it is important to make local schools available so that it is convenient enough so that not only scholars find it worthwhile to make the effort for travel, but all children can attend. The rabbis recognize different stages in development and different abilities among students. In addition to the provided entrance age, the rabbis teach that students are to enter school when they, as individuals, are ready. They fix two different age ranges; this allows for a narrow amount of flexibility. This time will be different for different children.

The rabbis work to ensure that children will remain in school. A child who causes problems remains in the classroom. Such a student may cause trouble because s/he has trouble learning. Yet the system does not exclude such children who are challenged in learning. Nor does the system present an alternative school or track for them in a separate school. The only example of a non-typical student in our text, is one in which the student remains in the classroom.

This very approach is reflected in the contemporary philosophy called inclusion. Addressing both curriculum and behavior management, inclusion is the "trend toward the provision of services to students with disabilities in the regular classroom."[13] The system of inclusion recognizes that all students learn at different levels, and that they can

[13]Hunt, Nancy and Marshall, Kathleen, *Exceptional Children and Youth: An Introduction to Special Education*, Boston: Houghton & Mifflin Company, 1994, p. 17.

benefit from doing so together. Rather than separating out students who learn differently, the inclusion philosophy suggests that the very experience of exposure to other kinds of people furthers our knowledge in the world and in relationships. Regarding curriculum, inclusion requires teachers to make "adaptations as they are needed."[14] Regarding behavior modification, which is even more relevant in our Bava Batra text, inclusion advocates "would argue that only with the models of appropriate behavior available in the regular class and the opportunities for meaningful social interaction provided there can [one] be motivated to change...behavior."[15] Just as students learn from exposure to each other's curricula and learning styles, they also benefit from experience with a diverse social group..

Inclusion also requires that a classroom is well-led and fully-staffed to be sure that different kinds of learning can occur in this one atmosphere. The text's concern for the student-teacher ratio speaks to this issue; they understand the need for attention to go to each student.

That the rabbis address the question of quantity verses quality is also helpful regarding a student with learning challenges. It is important to study an abundance of Torah; yet, this should not be done with the risk of learning incorrectly. The exactness of the material is as important as the amount. This attitude is helpful to students who have trouble learning as it does not place pressure on them to rush through or to try to keep up with other students in order to reach a quantitative goal. Instead, it encourages students to take their time, to find meaning in the material, and to learn it well. Realistic goals help students reach for their highest potential.

The sages' concern for community is also helpful for students, particularly students who may have disabilities. For students with a disability connected to learning,

[14]Hunt and Marshall, p. 27.
[15]Hunt and Marshall, p. 27.

schooling may be a vulnerable time. To experience such vulnerability in a familiar community may ease the challenge. The community aspect of schooling is emphasized as students begin at a young age and progress through schooling together. Also, the emphasis on respect among teachers and students, presented in Chapter Five, furthers the quality of the community.

The discussion of Torah education demonstrates that it is key to the rabbis' image of the Jewish experience. The presence of diverse opinions, values and approaches towards learning provide different kinds of learners the opportunity to be successful students. In this way, Bava Batra 21a-21b creates an intersection of the world of Talmud Torah and the world of disabilities in the area of learning. The effort to expand the number of students engaged in Talmud Torah increases the possibility that students with learning disabilities may be included. The passage presents methodology in Talmud Torah that opens the doors for people with learning challenges. The coming chapters will trace some of these methods as they appear throughout rabbinic texts.

Chapter 4: Talmud Torah Accessibility Methods Throughout the Texts

In my examination of Bava Batra 21a-21b, I found areas where the rabbis ensure the accessibility of Talmud Torah. In their suggestions of various approaches of teaching, the rabbis provide different avenues for different kinds of students to participate. In this chapter, we will look at some of these same issues raised in other talmudic and legal texts. Such texts provide insights into the educational system, the effort to make Talmud Torah widespread, attitudes towards students of differing abilities, teaching methods, and classroom structure.

My conclusions will not be quantitative. I do not suggest that the statistical majority of attitudes and methods in Talmud Torah work to include students who have learning disabilities. Rather, my approach is qualitative. I seek to examine texts that present a variety of teaching methods and attitudes, and to demonstrate that among them exist approaches that can be helpful to students who have learning disabilities. I find that these texts shed light on the alternatives that exist in methods and styles of teaching. Such alternatives provide avenues for students, as they do not expect a student to succeed in only one, narrow, typical way. Instead, students who find obstacles in learning may have options for study. The more alternatives in a system, the better chance a student can find one that suits his/her needs and styles.

It is unclear to me whether the sages saw their alternatives in teaching as a means towards accessibility for those who have trouble learning in one defined way. However, it is clear that the sages care deeply about Talmud Torah and seek to include as many students as possible. With this attitude, the sages provide aspects of educational theory that can apply to all kinds of students in many different ages. Their wisdom extends to contemporary learners who may be categorized as students with learning disabilities. Certainly, their ideas work to diseminate Talmud Torah.

As we saw in the passage from Bava Batra 21a-21b, the sages work to ensure

widespread study. During and immediately preceding the time period during which the rabbis are writing, education becomes increasingly common and ripe for the articulation of educational ideals. This is partially due to the increased focus on Talmud Torah that results from political reality:

> Universal compulsory education for the sake of preserving the nation is a state policy familiar to the modern world. The gradual development of this policy among the Jews of Palestine is the most interesting and most significant feature of the history of education from the time of the restoration of the Jewish community in the sixth century B.C. to the end of the Jewish state 70 A.D.[1]

Interestingly, the rise and spread of educational institutions during this time, such as synagogues and elementary schools,[2] has everything to do with Jewish survival. Both the theory that education revolves around the school and the theory that it takes place in disciple circles have this in common: the centers of Torah study are eraching out to more and more students.[3]

As the educators succeed and Torah study becomes more widespread, there remain children who receive no education, but "as a rule, children [do] attend school, [learn] to read the books of the Bible and [acquire] the basic knowledge which enables] them to participate in Jewish life."[4] With such a widespread body of learners, it is reasonable to expect that it could include students who have trouble learning. Whether or not their challenges are known or disclosed, they might be students who benefit from the many methods in learning that we will expore.

The broad pool of students is as diverse as it is widespread:

> When it came to instructing children and accepting them into school, it was clear to all that every single child, the rich man's as the poor man's had to be accepted, the son of the *haver* and of the respected citizens as well as the son of the ignorant and the despised,

[1]Swift, Fletcher H., *Education in Ancient Israel From the Earliest Times to 70 A.D.*, Chicago: The Open Court Publishing Company, 1919, p. 86.
[2]*Ibid.*
[3]Goodblatt, David, *Rabbinic Instruction in Sasanian Babylonia, Leiden: E.J. Brill, 1975*, p. 268.
[4]Safrai, "Education and the Study of Torah," p. 949.

> even the sons of sinners and criminals.[5]

Here, there is an effort to avoid dynasty and legacy. One need not have intellegence in one's genes to have access to study. The widespread nature of Talmud Torah extends to adults as well:

> The very fact that anyone could attend the discussions at the many *batei midrash* scattered throughout the country, or could listen in to the give-and-take betwen a sage and his disciples in some public place, no doubt served as an indirect way of reaching many of the plain people.[6]

There is an effort to ensure that learning is accessible. There are two aspects to accessibility in education. The first is quality: is the content of the learning presented in an interactive, diverse, accessible way? In many of our texts, we find that it is. The second aspect is quantity. Is the learning available to many people? The above text presents an accessible system, in which study is accessible as the rabbis aim to reach the masses.

By building institutions of Talmud Torah, the rabbinic period produces creative literature regarding the teaching of Talmud Torah. This time and focus fuels the development of the many avenues of learning that might provide accessibility for students who have distinct learning styles. Throughout Talmud, the rabbis present different methods of teaching and learning. Later, in his 12th century legal code, The Mishneh Torah, Maimonides devotes an entire section to the laws reagrding the study of Torah: Hilchot Talmud Torah. There, Maimonides develops the rabbis' methods and solidifies their approaches in his framework of Torah study.

I begin this examination of methods in teaching, with the issue of the entrance age for a child's schooling in Talmud Torah.

> Elementary schools were exceedingly widely spread, perhaps practically universal...The

[5]Safrai, "Education and the Study of Torah," p. 950.
[6]Alon, Gedaliah, *The Jews in Their Land in the Talmudic Age*, vol. 2, translated by Gershon Levi, Jerusalem, The Magnes Press, The Hebrew University, 1984, p. 482-3.

> widespread existence of elementary schools proved in itself insufficient to guarantee an education to every boy. To insure this, a law was passed requiring every community to establish one or more elementary schools and making attendance compulsory for boys over seven years.[7]

Here, it seems that much of the purpose for an entrance age is to bring people into the schooling system. The entrance age serves as a means of outreach to students and families. They are not supposed to take education lightly, entering in a whimsical way; rather, they are encouraged to make the commitment early in life.

Offering a different regulation, the Rule of the Congregation from Qumran requires students to begin their study of Torah at the age of ten.

> The Rule of the Congregation, from Qumran...prescribes study of Scripture until age ten, and then, according to his age they shall instruct him in the laws of the covenant...for ten years, until age twenty.[8]

Although this community's entrance age is later than that of rabbinic history and text, the function is similar. The regulated age encourages students to enter and remain in school.

The study of the rabbis' approaches in teaching begins in Bava Batra 21a-21b. There, we saw the dominant voice regulating students' entrance age for school. That text suggests the age of six or seven, which displays a small amount of flexibility by providing a range, narrow as it may be. Maimonides builds on this suggestion for the time one enters formal study in Mishneh Torah, Hilchot Talmud Torah 1:6:

> When is one's father obligated to teach him Torah? From the time he begins to speak, teach him Torah: "Moses commanded us, 'Hear, Israel'." Then later, teach him little by little, verse by verse, until he turns six or seven--everyone according to his ability. Then take him to a teacher of children.

Where the Bava Batra passage presents two different age ranges for the beginning of study, Maimonides avoids the conflict. He chooses to teach the dominant range, but is flexibile enough to maintain the range rather than fixing one age: students begin at the

[7]Swift, p. 92.
[8]Marcus, Ivan G., *Rituals of Childhood: Jewish Acculturation in Medieval Europe*, New Haven: Yale University Press, 1996, p. 43.

age of six or seven. Maimonides' concerns teach us to consider each student as an individual. Parents have an opportunity to teach their children before sending them to a teacher for instruction. However, the instruction does not exist to overwhelm or intimidate. The parents must be cognizant of their child's abilities and readiness to learn. The specification, according to ability, appreciates that different children have different abilities. Maimonides' instruction to teach little by little opens the door for those who learn slowly. The amount of information transmitted is not the issue. Instead, the quality of learning, as well as the quality of the learning experience, is emphasized.

Maimonides goes on to specify what qualifies a child to be ready for study in Mishneh Torah, Hilchot Talmud Torah 2:2:

> Send the children to study at the age of six or seven, according to the strength of the child and children, as well as physical development.

Maimonides revisits the question of when to send one's child to school. Maintaining the flexibility of an age range, here, he emphasizes the issue of the child's strength. What kind of strength does Maimonides suggest a child display by the time s/he studies? The requirement of strength he could be referring to the child's physical strength. The child needs to be healthy enough to endure a day of study. As well, Maimonides may be requiring mental strength, for instance, the ability to read. In this case, students would need to be intellectually ready to enter school.

The second kind of strength is physical development. Since Maimonides is adding this regulation, it must be different than the qualification of physical strength. Not only must the child be healthy enough to begin school, but also, at an appropriate point in physical development. The student learns in a community and must feel comfortable with his/her peers. If his/her development has not yet brought him/her to such a place, the student may wait to enter school. With both possibilities, Maimonides displays flexibility and teaches compassion. The entrance age is not the only element that qualifies one for school. Not every child at the age of six or seven will be ready for

school, possibily due to some of the reasons that Maimonides offers. Every student shall begin learning when it is the right time for him/her as an individual.

Once in school, different kinds of students share a classroom experience. Yet, the text does not expect that they share the same level and kind of knowledge, understanding, and intelligence. A basic concept is that "individual differences among pupils must be recognized; tests reveal differences in knowledge and convictions."[9] There seems to be an appreciation that different types of students learn in different ways. Some students learn at a slow pace, some with repetition. Some students better comprehend legal texts, others, midrashic texts. Some students can advocate for their own needs and ask questions, others need someone to advocate for them. Some students learn best when utilizing aural skills, others, visual skills. Some students learn best individually, some in groups or aided by the attention of an instructor. The many options presented for learning create alternative paths for students to find their best means for studying Torah.

Kedushin 30a explains one way to deal with a student who has trouble with a certain area of learning:

> Rava said to R. Natan bar Ami, "While your hand is still over the neck of your son, [from the age of] sixteen to twenty-two. Some say of him, from sixteen to twenty-four. As is disputed regarding the condition in Torah: educate a youth according his way. [As for] Rabbi Yehuda and Rabbi Nehemia: One says from sixteen to twenty-two and the [other] one says from eighteen to twenty-four. To what extent is a person obligated to teach his child Torah? Rabbi Yehuda said that Shmuel said, "Use the example of Zebulon ben Dan who was taught Torah, Mishnah, Halakhah, and Aggadah by his grandfather." They challenged this: "[One must] teach him Torah but [one is not required to] teach him Mishnah."

At the time when a maturing child is approaching the point of independence, parents are to maximize the lessons they teach their son. In the last moments of influence over a child, while parents still have a hand over their child's neck, they should be sure to have left the child with everything he might need to know. The age of maturation is flexible,

[9]Maller, p. 1235.

and so the Talmud provides different opinions. Some children are ready to leave their parents' wings at the age of sixteen while others will continue to depend on their parents at the age of twenty-four. Children develop sound judgement and independence at varying rates.

The passage also recognizes that the amount and choice of study will be different depending on the child. "Differences in ability were recognized both in teaching methods and in the planning of the curriculum."[10] This text presents an example of a student who is capable of learning Torah, Mishnah, Halakhah and Aggadah. However, not all students are expected to master such a vast amount of text. For students who learn at a slower pace, the text does not suggest that they survey the texts in an insubstantial way. Rather, it poses an example of an adjustment in the commandment to teach one's son the texts in their entirety. It is acceptable to focus only on Torah. In this way, one's learning can be at a high level of quality if not quantity. The curriculum can be catered to the learner. Because different genres of Jewish text can be characterized by different styles of expression, the curriculum is as important as are the teaching methods for students with particular styles of learning.

One way to adjust a curriculum for a student who may learn more slowly than a typical student is to reduce the material learned, as seen above. There, at the time when the teacher understands that student's challenge, the curricular goals are limited. This may be helpful both in the reality of covering material and the student's perspective of seeking a reasonable goal that does not work to overwhelm him/her.

Another method of adjustment is to teach material in an ongoing way. Here, a teacher teaches each lesson at a slow pace, but does not initially decide an end or limitation. For some students, the potential to continue learning may motivate. Julius Maller finds the existence of this slow and steady course in the tradition. He sees a trend

[10]Maller, 1248.

throughout Talmud Torah that understands the necessity for using gradual methods of imparting knowledge. Jewish text is to be taught little by little: first letters, then words then sentences. There need not be a hurry to complete the stages, line by line, precept by precept.[11] Whether or not the student actually covers the amount of material as his/her peers is less relevant. The possibility remains open, as there is no date to conclude the study.

The theme of a parent or teacher teaching a child according to the child's ability continues throughout text. The passage from Pesachim regarding one's ability to ask questions, that is presented in Chapter Two, is helpful here as well. This rabbinic material regarding Pesach emphasizes the concern for a child's level of ability, in its instructions for the seder. Pesachim 10:4 reads:

> They mixed [prepared and poured] him a second cup of wine. then here, the son asks his father, and if the son lacks understanding, his father teaches him [questions to ask]: "Why is this night different from all other nights? That on all other nights we eat leavened and unleavened bread; this night, only unleavened bread. On all other nights we eat many kinds of herbs; tonight, we eat bitter herbs. On all other nights we eat roasted, cooked, or boiled meat; tonight it is all roasted. On all other nights we dip once; tonight, we dip twice." The parent teaches according to the child's level of understanding.

Built into the the experiential learning of the Pesach seder is the understanding that children learn in different ways and comprehend on different levels. The passage addresses the fact that some children learn quickly and can present their knowledge on demand. Other children lack knowledge or they lack the ability to access that knowledge at the appropriate time and in the expected way. Parents attend to such children according to their individual abilities and needs.

The text does not only present two polar models, one for the child who knows exactly what to say at the seder, and another for the child who knows nothing to say. Instead, the passage affirms every child who falls anywhere in the range of perfectly clear

[11]Maller, p. 1237, 1239.

to altogether unclear about the seder discussion. For some children, parents will only need to provide the first word until their child can follow with the appropriate issues. For others, parents will recite part of the question until the child chimes in. And still for others, parents will teach all the questions and the child will simply repeat them.

Whether a child is able to engage in the issues by his/her own initiative, or whether a child must follow the formulaic questions, s/he can participate in the seder. During the Second Temple period and after the destruction of the Temple, public institutions and private family life are education-centered, placing emphasis on the education of children. The seder functions as an important model of the of the effort to encourage young people's interest and participation in study.[12] The framework of questions and answers ensures that the seder is an opportunity for teaching, learning, and discussion.

> Such discussion is another important method in the effort to teach for many kinds of learners. In the first century C.E. the oral Law was still studied in oral form...The teacher explained the halakhic item or the Midrash and encouraged the student to participate actively in asking questions and explaining them.[13]

This method could aid several types of learners. First, an oral conversation is helpful to an aural learner. Second, for a student who needs to repeat and develop ideas out loud, a discussion works well. Third, a student who easily is led off track or often misunderstands a point, will be helped if other students are aware of his/her understanding. Fourth, group work and discussion may motivate a student who is as interested in developing relationship and community, as s/he is in acquiring the information.

Acquiring information is, however, a siginificant element in the study of Torah. The sages present means to acquire such material and stress the importance of

[12]Safrai, "Education and the Study of Torah," p. 946.
[13]Safrai, "Education and the Study of Torah," p. 952-953.

memorization. Memorization can be an obstacle for some kinds of learners. Yet, the seriousness with which the sages treat the issue leads to creative approaches in aiding students' efforts.

> The difficulty of learning to read and write was further increased by the fact that in writing ancient Hebrew, vowel sounds were not indicated. Thus Yahweh was written YHWH. Consequently, a large element in reading consisted in reproducing from memory the vowel sounds.[14]

Here, we see that aural memorization is relied upon for learning. Vowels are not used until much later. An integrated "reading tradition" is probably fixed by the year 500 C.E. and possibly before 300. The signs used to mark the vowels sounds are probably developed between 500 and 700 C.E.[15] The future availability of texts with vowels make learning more or less difficult depending on the type of learner. For one with strong visual and reading skills, written vowels could have been helpful. That vocalization was learned aurally could present a problem for visual learners. Yet, for students who have trouble reading, especially due to challenges that are today identified as learning disabiltiies such as dyslexia, written vowels would only have functioned as an obstacle. Reading extra marks on a page and following the different directions (right to left, up to down) would increase the difficulty for such a student.

The memorization needs are dealt with in the rabbis' teaching methods. "Countless...exercises and constant repetitions were employed."[16] These different approaches would be helpful to different students. The view of some scholars regarding the Second Temple Period is that:

> Written vocalization was first practised by the teachers of young children as a teaching aid. In order to facilitate memorization, the teachers divided up long verses.[17]

[14]Swift, p. 97.
[15]Freedman, David Noel, ed., *The Anchor Bible Dictionary*, vol. 4, New York: Doubleday, 1992, p. 599.
[16]Swift, p. 98.
[17]Safrai, "Education and the Study of Torah," p. 950-951.

The breaking down of verses serves to aide students who learn bit by bit. In the case of a student who is challenged by memorization, learning little by little may be less overwhelming.

Repetition aloud is offered as an approach for memorization. In Eruvim 53b-54a, Beruriah teaches:

> If what you study is ordered in the 248 parts of your body it is certain. If not, it is not certain. R. Eliezer ben Jacob had a disciple who merely whispered the words while studying. After three years, he forgot his learning.

The material studied must reach all parts of the body, reverberating throughout one's self. Beruriah's teaching addresses the need to repeat lessons outloud. With this approach, one is encouraged both to repeat and to process ideas by speaking them.

> Individual and group study of the Bible, repetition of the passages, etc. were often done by chanting them aloud. There is a frequent expression "chirping of the children."[18]

Here, students are utilizing oral and aural skills, which seem to be some of the most valuable skills for a Torah education. Options include group work and individual work for students with different study preferences.

Repetition for the sake of learning is so valued that it was a method used on the sabbath. In Mishneh Torah, Hilchot Talmud Torah 2:2 Maimonides explains:

> But on the sabbath, don't learn new material; rather, repeat [the material already covered] once. The children shall not neglect [the repetition assignment], even for the building of the Temple.

Repetition is used as a learning tool here. The standard that the building of the Temple is to be put aside for the Shabbat repetition learning emphasizes its importance. "Lessons took place on all the days of the week including the Sabbath when they would, however, read no new material, but repeat earlier lessons." Repetition, particularly on a daily basis, helps material to sink in. The fact that this is a Shabbat assignment emphasizes the

[18]Safrai, "Education and the Study of Torah," p. 953.

holiness in all learning--even straightforward repetition for the sake of memorization. The study never stops.[19]

Several of the above elements of Talmud Torah depend upon preciseness in teaching. Due to the oral tradition of vocalization, the teacher's memory and accuracy is required in order for the student to learn. "Absolute accuracy was imperative owing to the fact that many Hebrew characters are almost identical."[20] There is no other way to discover the material than to rely on the teacher's transmission. Also, with any effort to teach at a student's own pace, the constant is that one can rely on accuracy and know that all student's are receiving the correct information, even if at different paces. And for a student who has trouble in comprehension, preciseness and clarity are key.

The emphasis on oral learning and group work is helpful for the student who learns best in the output of material. However, much of Talmud Torah revolves around the input of of material as well.

> Writing was a professional skill acquired separately. Yet the abilitity to write was fairly widespread...The ability to write was less widespread than that of reading which everyone posessed.[21]

One explanation of the fact that reading is more widespread than is writing, comes from the reality that exists in the Greek and Roman as well as the Jewish worlds. Training in writing requires resources that are not readily available in antiquity. The pottery shards that are used are cumbersome,[22] and convenient writing materials such as papyrus are expensive.[23]

In the case of Talmud Torah, there is a cooperation between the elements of Torah Education. The overall goals involve material that one learns and takes in through

[19]Safrai, "Education and the Study of Torah," p. 954.
[20]Swift, p. 98.
[21]Safrai, "Education and the Study of Torah," p. 952.
[22]Harris, William V., *Ancient Literacy*, Cambridge: Harvard University Press, 1989, p. 15.
[23]Harris, p. 94.

reading. Talmud Torah does not work towards the objective of writing. However, within the pursuit of reading, there are opportunities for expression, such as the methods of outloud and group study presented above.

As important as the specific teaching approaches are the structures in the educational institution. Teaching methods depend on teachers who fulfill quantity as well as quality. Students, particularly students who have obstacles in learning, require the attention and aid of instructors. Just as the Bava Batra passage discusses the student-teacher ratio, Maimonides includes this issue in Hilchot Talmud Torah 2:5:

> Twenty-five children learn with one teacher. [If the number of students] exceeds twenty-five, [and reaches the number] forty, appoint for him one assistant teacher. [If the number of students] exceeds forty, appint two teachers of children.

Concerned that students receive the attention they need, Maimonides solidifies the ratio regulation from Bava Batra. Such specific numbers insist that satisfactory ratios are not to be taken lightly. Even in a place in which the resources are lacking or teachers are difficult to find, the requirements are clear. If the ratio is not possible for a certain community, the passage ensures that it is still important, and so it encourages that at least, the community continue to attempt to fill the teaching positions.

Those living in different times and realities do not necessarily give this attention to the student-teacher ratio.

> The small size of the Jewish communities in medieval Germany, and northern France may be the single most important factor in explaining the hiring of melammedim, not by the town or the city, as was the practice in Talmudic times, but by individual residents. When the Talmud discusses the hiring of elementary-level teachers (Bava Batra 21a), the determinant for how many teachers a city must hire was the number of students in that city. Up to twenty-five students required the hiring of one teacher. A survey of Ashkenazic halakhic code-commentaries...shows a complete lack of interest in this part of the sugya...Rambam, on the other hand, does note class size and the number of teachers required based on Talmudic formulation.[24]

[24]Kanarfogel, Ephraim, *Jewish Education and Society in the High Middle Ages*, Detroit: Wayne State University Press, 1991, p. 24.

Here, the concern for satisfactory attention given to students in the classroom is varied. It appears that the significance of the student-teacher ratio is directly related to the sociological and demographic realities of the time. The attention given to personnel may speak of the needs and realistsic capabilities of the community from which a text is written.

The structural and philosophical issues of the classroom extend beyond the issue of ratio and attention for the student. Talmudic text includes an approach that keeps a student--almost any student--in the classroom. The contemporary educational concept mentioned in Chapter Three, inclusion, is not only found in Bava Batra. Before looking at additional such texts, a review of the approach of inclusion as it relates to them will be helpful.

Inclusion aims to keep different kinds of students in the same classroom. The curricular and social modification that this demands requires multiple types of instructors and often creates a personnel challenge. The philosophy of the inclusion approach is that students learn from others who are at different levels. The very experience of sharing a classroom with those who learn differently exposes a student to diversity of the mind and broadens his/her horizons.[25]

Inclusion may be most clearly understood in contrast to what is called the tracking system. In the tracking system, different types of students receive education that is tailored to their own learning. However, tracks are separated from one another. This creates relatively homogeneous classrooms regarding the issue of learning styles and differences. Classrooms in a tracking system are also more easily staffed, as only one type of instructor is needed for each class. Students in a tracking system will experience a curriculum and methods that are specialized for them. The amount of time they spend in school may be specialized as well. And the approach tends to separate different kinds

[25]Hunt and Marshall, p. 27.

of students, not only in their study experiences, but also in their community and social opportunities.

If we were to imagine what a Talmud Torah school in a tracking system might look like, we might see students separated and learning different material in different ways. Above textual examples present this option in terms of curricular material. One could focus on Midrash rather than Halakhah. But the tracking system might also be more likely to send children home to work for their household. Without the value of inclusion, it might not be important to be sure that a student remains in a classroom with his/her peers. A child could miss both community and learning opportunity.

In the Bava Batra passage we saw a leaning towards inclusion with the child who is causing trouble and is to remain in the classroom in case he can pick up material from his peers. The rabbis may not use terms such as adaptation and modification, however, their approach allows for such methods. A student who is to focus more on midrash than on halakhah may do so in an environment with a range of levels of students. Such a push towards inclusion exists elsewhere as well. Ta'anit 7-8a explains:

> Resh Lakish said: If you see a student who finds his studies to be as difficult as iron to him, it is because he has not reviewed his learning in an organized manner, as it is said, "And he has not whetted the surface." What is his remedy? He should increase sitting, as it said, "Then soldiers must make a greater effort." But it is better to prepare with wisdom--all the more so, had his learning been organized in the first place.

This text adds to Bava Batra with respect to inclusion. It offers study skills regarding review and organization, and then it takes the lesson further. All such efforts for learning should be pursued with other students.

> Resh Lakish explains the latter part of the verse as providing the solution to the problem posed by the first part. If a student has this problem, he should increase the time he spends sitting and listening to other students who have a clearer grasp of the material.[26]

Students having trouble learning may improve simply with exposure to students with a

[26]Steinsaltz, Adin, *The Talmud: Ta'anit*, New York: Random House, 1989, Ta'anit 7b-8a.

better understanding. As a part of the class, they benefit. I would add that the presence of such students teaches as well. When students who have trouble are present, others understand that some people find learning a challenge. This adds to the experience of the advanced student, as it has the potential to teach tolerance and patience. Rashi comments of Ta'anit 8a:

> He should increase sitting. That to make sense of his learning, he sits with other yeshiva students. As it is said of students, "soldiers," they are the soldiers of Torah.

For these soldiers of Torah, Rashi explains that Resh Lakish's advice to the student who finds his studies as hard as iron is that he should spend a great deal of time with the other students in the yeshiva and review with them the material that he has not fully mastered on his own.[27] This guidance encourages cooperative learning for all the different kinds of students and levels of intelligence. Students share responsibility for one another's success in Talmud Torah. Rashi clarifies the use of the term "soldier" here. He suggests that the metaphor works because students are the ultimate soldiers. Recognizing the difficulty and value of their task, Rashi offers honor and respect to those who study Torah.

With this example of a student with such obstacles in learning that his/her studies are as hard as iron, inclusion is encouraged. Such students as the one presented in the passage are not just experiencing a slight lack of clarity. These students are experiencing tremendous difficulty. Yet, the sages do not suggest they give up, be sent home, or even that they just separate themselves from the group and attempt easier material. Instead the instuctor is to keep these challenged students in the classroom and other students are to work as their aides. The model of inclusion is the working classroom structure here.

Even with the tremendous value they place on learning, the sages show concern for those who cannot achieve the highest or most typical level of understanding.

[27]Steinsaltz, Ta'anit 7b-8a.

"Learning styles, and learning disabilties, were of great importance in the sages' culture."[28] Although they do not employ terms such as "learning disabilities," the rabbis recognize that there are different ways to learn and different levels of understanding. As such, they create alternatives in Talmud Torah that open the door to all kinds of learners. Some of their approaches, such as inclusion, are cutting edge by contemporary standards.

In the context of the ancient world, the sages provide impressive education opportunities for different kinds of learners. Because the rabbis' values differ from those of the surrounding culture, their approach to education does as well. The availability of Greek and Roman education are different from that of the rabbis in two major ways.

In Greek culture, especially in Spartan Greek culture, an emphasis is placed on physical education and training for the use of weapons.[29] "A Greek man's worth was his participation in the army."[30] Later, Roman education would follow with the inclusion of weapons training in education.[31] The emphasis on the physical is one great difference between Jewish education and that of the Ancient world.

> The Greeks had sought in vain to induce the Jews to include in their course of study physical culture, the golden classics of Greece and Greek science.[32]

The ancient concern for the physical and for the military create a world in which students excel due to their physical abilities as much as their intellectual abilities. Therefore, learning disabilities have less of an impact on the education system.

The second reason why the educational ideals differ is that the purpose for education differs. The purpose of Talmud Torah in the Jewish tradition is to learn the values by which one lives in Jewish life. As discussed in Chapter One, the process of

[28]Abrams, p. 148.
[29]Adkins, Lesley, Adkins, Roy A., *Handbook to Life in Ancient Greece*, Facts On File, Inc., 1997, p. 253.
[30]Edwards, Martha L., "Deaf and Dumb in Ancient Greece," in *The Disabilities Studies Reader*, New York: Routledge, 1997, p. 33.
[31]Adkins, Lesley, Adkins, Roy A., *Handbook to Life in Ancient Rome*, Facts On File, Inc., 1994, p. 211.
[32]Swift, p. 99.

learning is central in Judaism and must be made available for everyone, at least, ideally. It is therefore sensible that the rabbis present teaching methods that work to include all kinds of learners. Ideals is the ancient world, too, place great value on education. Yet, it is a different value. For them, the objective is the search for truth.[33] Truth is the standard to determine appropriate education methods; the standard is not inclusive participation. The pursuit of truth need not involve every member of society. In fact, the ancient education system does not even attempt to do so. The ideal of ancient education is that it is designed for the upper classes.[34] Other Ancient educational culture does not seek to be as widespread as the Jewish community seeks to be; therefore, the effort to include all kinds of learners is less relevant for the Greeks.

The rabbis create a vision for Jewish education and the study of Torah. So much a part of Jewish life, Torah is made available for as many people as possible. Through the institutionalization of study and the entrance age, the rabbis seek to make Jewish learning widespread. With teaching methods that extend far beyond simply sitting and reading meterial, they create avenues of learning for all different kinds of students. And with an institutional structure that involves inclusion, the rabbis offer possibilities of cooperative learning and sharing among classmates in the pursuit of Talmud Torah.

[33]Cary, M., and Haarhoff, T. J., *Life and Thought in the Greek and Roman World*, Westport: Greenwood Press, Publishers, 1985, p. 288.
[34]Cary & Haarhoff, p. 287.

Chapter Five: Accesibility in Atmosphere of Talmud Torah

The rabbis' strategies for including students who find learning especially difficult are enhanced by their approach to the atmosphere in which one studies Torah. The element of community is central in the experience of Talmud Torah in Jewish tradition. This communal aspect of learning is a key reason why the experience needs to be available and widespread. I would suggest that for students who have trouble learning, the atmosphere is especially important. For students deal with the kinds of challenges I have discussed in this thesis, the experience of study can be a paricularly vulnerable time. This vulnerablity can be addressed by promoting a learning space filled with respect. "Environment is an important factor in the educative process."[1] Without attention to the emotional needs and comfort of the students, learning challenges can be compounded with fear or paralyzing intimidation. A supportive learning environment can be helpful in putting a student at ease.

An appropriate study atmosphere includes respect for the instructor as well as for the students.

> The greatest reward...of the teachers of every rank was the love, gratitude, esteem and veneration in which they were held by the community. In public and in private they were treated with a marked and particular respect, and no man in a Jewish community occupied a more esteemed or a more enviable position. Moral character, knowledge of the Law and pious observance of all its ordinances, were undoubtedly the qualities most sought for in a teacher.[2]

This honor for the teacher does not diminish the respect that is to be shown for students. Both teacher and student are to be treated with respect. Perhaps the moral requirement for teachers helps to ensure that they not only know the material, but will be sensitive to the mutual respect that should exist in the classroom. Here, the aspect of relationship

[1]Maller, p. 1235.
[2]Swift, p. 96.

among instructors and students is honored.

One aspect of the student-teacher relationship is supervision. The teacher occupies a constant role in a student's learning experience. The teacher's direct involvement involves attendance and close observing: "Without this attendance and observing, one's education was bound to be deficient." The quality of a student's learning depends on close supervision, which in the best of circumstances, leads to mentorship. The development of such a mentoring relationship is a strategy in helping students, especially students who have trouble learning.[3]

The student-teacher relationship and the classroom atmosphere rely on the respect and support provided to the student. In my opinion, this single element can create or destroy a learning experience. The rabbis present numerous examples and images that encourage such support in study. Mishnah Avot 4:12 teaches:

> Rabbi Elazar ben Shammua said, "Let the respect for your student be as precious to you as for yourself; [let the] respect [for] your peer, [be] as for your teacher; and [let the respect] for your teacher, [be as] that for the heavens.

Through transitive logic, the element of respect for one's student is elevated to the level of respect one is to have for the heavens.

> In suggesting methods of study, the Sages cautioned the people to respect the dignity of the student; they urged the teacher to inspire and guide rather than coerce.[4]

The call for inspiration and guidance is a specific approach to instruction. The tradition does not promote shame or fear as a tactic for motivation. Instead, the teacher creates a positive learning environment.

The intolerance for the use of shame as a pedagogical method is solidified by Maimonides in his Mishneh Torah, Hilchot Talmud Torah 4:4:

> If the rabbi teaches and a student does not understand, [the rabbi] shall not show him

[3]Goldin, p. 190.
[4]Maller, 1249.

> anger and become agitated; rather, return and repeat the lesson, even many times, until he understands the depth of the law. And indeed, the student shall not say, "I understand," if he does not understand; rather, he shall turn back and ask, even if it requires many times. If his rabbi is angry and agitated at him, he shall say to him, "Rabbi, this is Torah, and I need to study it even if my knowledge is limited!"

A student is not to be made to feel embarassed for his lack of understanding. A teacher's anger is unacceptable and a student's self-esteem must be protected. Maimonides is clear that the student is to admit when he has trouble comprehending the lesson. So important is the requirement for thorough and patient teaching, that the student must protest if this is not occuring. The student expresses the problem to the teacher and protects his learning experience. Even in a case when a student is quite needy in the learning process, he is entitled to that attention. That entitlement for respect and patience is so clear that he is permitted to advocate for it.

These required approaches to instruction preclude certain personality types for teachers. Mishnah Avot 4:12 also teaches: "An impatient man cannot teach. Let the honor of your disciple be as dear to you as your own." The respect that must be granted to students comes with a patient teacher.

> The sages emphasized that correct pedagogical methods require respect for the personality of the pupil, guiding him to knowledge rather than forcing him. The attitude of the teacher to the pupil must be sympathetic and considerate.[5]

Just as the rabbis offer variegated teaching styles that appreciate different styles of learning, so too, they recognize that different personality types must be recognized in their teaching in the classroom.

The respect for students extends to the realm of consequences for students who displease the instructor:

> The strap was permitted and was an accepted means of enforcing discipline...excessive punishment was frowned upon...It was considered ideal for a teacher to conquer the hearts of his pupils not by external disciplinary measures, but by friendly treatment and efficient teaching. Many early and late sayings extol the virtues of the teacher who in his guidance

[5]Maller, p. 1241.

and support shows understanding for his pupils' problems and difficulties.[6]

The text attempts to describe an atmosphere where a student will not experience the type of fear that could paralyze him. There is a great deal of concern for the student's comfort. I would connect issues of atmosphere and vulnerability with disability. I suggest that constant fear could be especially detrimental to the learning of a student with disabilities, who experiences vulnerability in a study setting.
Instead of promoting anxiety-provoking consequences, the tradition emphasizes the use of guidance and support.

The sages particularly emphasize the type of student who benefits from the supportive classroom environment. In Ta'anit 8a they write:

> Rava says: If you see a student who finds his studies to be as hard for him as iron, it is because his teacher does not show him a friendly face, as it is said, "And he has not whetted the surface." What is his remedy? He should bring before him many peers, as it is said, "Then soldiers must make a great effort, but it is advantageous to prepare with wisdom." All the more so if his deeds were properly prepared before the teacher from the beginning.

The image of a teacher who does not show a friendly face is a negative one. The student's difficulties are intensified due to a teacher who brings an attitude of discouragement and inaccessibility to the classroom. Steinsaltz understands that this teacher who does not show a friendly face to a student shows a "bad face." He explains that this bad face means that the tacerfails to encourage the student.[7] The teacher's discouragement is the key problem in Rava's story about a student's challenge in learning.

The suggestion to remedy the situation is unclear. Who is the subject of the third sentence? Who brings peers into this classroom to try to improve the situation? According to Rashi's commentary on Ta'anit 8a, the student is to bring his peers: "Bring a number of peers before him: before them, that he shall make a good face." The

[6]Safrai, "Education and the Study of Torah," p. 955.
[7]Steinsaltz, Adin, *The Talmud: Ta'anit*, vol. 8, New York: Random House, 1989, p. 92.

student's peers' encouragement is reflected in the student's attitude, reflected in his good face. When the subject "he" is understood to be the student, then the student brings peers into the setting. In this case, the student's friends could help to encourage and tutor him. Such peers could create a supportive enough community so that his studies are no longer as hard as iron. If the subject "he" is understood to mean the teacher, then the teacher brings his collegues into the situation. Here, other teachers could review and guide his art of teaching while providing encouragement and help to the student in trouble. With either reading, the message of the importance of support and encouragement remains.

Also unclear in the passage is the figurative meaning of the soldiers. The soldiers may represent the students who are putting forth great effort and preparation into their learning. Alternatively, the soldiers could serve as a metaphor for the instructors who bring great effort and preparation into their teaching. Who does the text hold responsible for the quality of learning? Perhaps there is truth to be found in both readings, as the pursuit of Talmud Torah needs to be a partnership between teacher and student.

The first problem, regarding the subject who brings his peers into the situation, is explained by Rashi's interpretation of this passage: "Bring a number of peers before him; before them, that he shall make a good face." Rashi addresses our first problem: Whose peers are brought into the situation? When the student's peers become involved, he can then make a good face. Perhaps it is the student here, who now makes a good face. The gathering of his peers works to provide encouragement. Such support counteracts the teacher's discouragement, and brings the challenged student hope.

The impact of an encouraging student community cannot be overestimated. Maimonides explains the kind of respect that must exist among students. In Mishneh Torah, Hilchot Talmud Torah 4:5 he writes:

> The student shall not feel shame from his fellow students who learn it [the lesson] the first or second time, when he learns it only after several times. If he feels shamed from this, one would find that he would go to school and would not learn a thing. Therefore, the early sages said, "The one who feels shame cannot learn and the harsh one cannot teach."

Maimonides is clear. Students, especially those who learn at a slower pace, must not be shamed. The curriculum must be individualized and respected. Students' learning depends on a nurturing, patient atmosphere that helps to build self esteem. In this passage, Maimonides emphasizes the responsibility held by the cooperative student community. Classmates share accountability for one's pride in his own progress. A supportive community of peers aides one's capacity to feel comfortable with his own pace and ability. Regardless of how slow of a pace such a student needs, or how much material he acquires, a different primary goal of Talmud Torah exists: the experience of a community.

The learning community is created by both teachers and students. In their interaction, they build a supportive group that encourages respect and success. The general attitudes taught by the text are key strategies for the formation of such a community. So too, the concrete approaches to the physical learning environment contribute to the quality of the group dynamic. Key among these approaches is the physical layout of the space in which Talmud Torah occurs. In Mishneh Torah, Hilchot Talmud Torah 4:2 Maimonides writes:

> How does one teach? The teacher sits at the head and the students gather around in front of him like a crown, in order that they all see the rabbi and hear his words. The rabbi does not sit on the chair with his students on the ground; rather, either all are on the ground or all are on the chairs. In earlier times, the rabbi would sit and the students would stand. But before the destruction of the Second Temple all would be teaching who would be sitting.

Maimonides presents two different traditions for the set-up of the classroom environment. The first, and more emphasized model he explains promotes community among students and faculty. Students all sit in close proximinity to the instructor, so they can see and hear him. Not only must they receive the full lesson by hearing it; but they also must see the teacher. Whether or not this closeness is technically required for the student to obtain the material, it is important in the effort to utilize this as a time to build bridges between teachers and students. This seating plan provides more mutuality than

hierarchy, emphasizing the potential relationships that can develop in the classroom.

The second, but older model, places only the teacher on a seat, affording him the most honor. The set-up is somewhat practical as it ensures that students can see the instructor. However, if they are standing they are likely less physically comfortable.

There is a question as to whether such seating models originate from pedigogical philosophy or from necessity due to a lack of resources: Moshe Aberbach writes of this issue regarding the earlier time period. He relies on the assumption that there are schools. Whether the learning settings are based in schools or in disciple circles as Goodblatt suggests,[8] the realty of seating format is relevant. Aberbach writes of the of the earlier time period:

> Schools and colleges in ancient Palestine and Babylonia were generally poorly equiped and frequently almost devoid of furniture. Students would often sit on the bare floor or on stones, which sometimes had a deleterious effect on their health. Masters, too, occasionally sat on stones, and during times of economic stress they might even have to bring some seat-substitute from home. Thus, R. Judah bar Ilai...used to carry a jug on his shoulders to the House of Study, where he would use it as a seat. R. Simeon ben Yohai, R. Judah's contemporary, would bring a basket for the same purpose... Students generally sat on the floor.[9]

Perhaps the approach that suggests the teacher and students either all sit on chairs or all sit on the floor, responds to a situation in which there are no chairs available, and it is typical for them all to sit on the floor anyway. It is possible that this earlier approach simply aims to ensure that an instructor has a chair. Perhaps this approach does not depend on the students' not having seats, but a shortage of furniture leaves them with no chairs. Still, they are to stand rather than sit on the floor, so there must be some honor that is being granted to the teacher.

Even if practical reality forces certain seating arrangements more than does ideology, still, the consequence is the same.

[8]Goodblatt's theory of disciple circles is presented in Chapter Three.
[9]Aberbach, Moshe, "Educational Institutions and Problems in the Talmudic Age," Hebrew Union Annual, vol. XXXVII, 1966, pp. 5-6.

> This necessity of sitting on the floor during lectures, which was presumably due to lack of furniture, came to be considered a virtue per se, so that even senior disciples were not supposed to sit on a couch, chair or bench, even if such a seating accomodation was available, but were to squat on the ground in trembling, awe and dread. Not everybody agreed with this extreme view, which was strongly contested by the third-century Amora, R. Abbahu, who maintained that a master must not sit on a couch while his pupil was seated on the ground. They should either both sit on the ground or both on a couch, and there must be no distinction, even as the Almighty had made no distinction between Himself and Moses when He had told him, "Stand then here by Me" (Deuteronomy 5:28).[10]

Both views are present in the tradition. There are thinkers who promote awe and dread as motivating factors for learning. Or perhaps, they are less concerned about such fear functioning as a pedagogical method, than as a means to afford the teacher (and here, the writier) a higher level of superiority. Some streams of thought encourage a more hierarchical seating arrangement, others, a more mutualistic one. The diversity in tradition provides options. A study of the range of perspectives, as different as they are, reveals concern for respect for both teachers and students.

Another model provides an additional mutualistic image.

> Seating arrangements at schools and colleges were, it seems, modelled on those customary at the Sanhedrin of Javneh, where members were seated in semicircular rows--like a half of a circular threshing floor, so that they might all see one another...it was considered of special importance for students to be able to see their master.[11]

This is not to say that there is not hierarchy among teachers and students, and certainly in relation to the Sanhedrin. Rather, this is to say that such hierarchy is not emphasized, and that the learning is motivated more by relationship than by distance. The model creates an atmosphere in which students see their teacher and see one another. The learning is integrated with the experience of connecting with other people.

This approach is reflected in Eruvin 13b:

> Rebbe said: The reason that I am sharper than my peers is that I saw R. Meir from behind; and if I had looked on from in front of him, I would be even sharper, as it is written, "And

[10]Aberbach, p. 115.
[11]Aberbach, p. 116-7.

> your eyes shall look to your teacher."

One learns from the mere presence of a scholar. Studying in the very same room as a teacher brings one to greater understanding. Even better than this is to sit in front of rather than behind the teacher. One's ability to see the teacher enhances the experience of Talmud Torah. The relationship between the instructor and the pupil has a direct impact on the success of the study experience.

We are left with a vision in which teachers and students sit on the same level, and sit close to one another. The hierarchical gap is lessened; this may help to put a nervous or challenged student at ease. The result of this situation is a supportive, beneficial one.

The text and tradition's approach to the atmosphere of Talmud Torah creates a setting of relationship and of community. An unknown source states: "Who so enters the synagogue and listens to the words of Torah, even though he understand them not--he will be granted his reward."[12] The community ties are to be stengthened not by the maximum acquiring of material, but by the experience of studying Torah together. There is no minimum understanding required for inclusion. Instead, teachers and students alike are to reach out to students who find obstacles in their learning, and all are to build respect and relationship in community. All are to participate in this Jewish community in a way that supports their individual needs.

Interestingly, the pedagogical methods that work to form a classroom community have connotations for religious community as well. The community created in Talmud Torah also serves as a building block in one's relationship with God. Jews relate to God in community, and a study group could be one's most meaningful community. Study that reaches deep levels of meaning may function as direct worship to God.

> From the time of the Second Temple, stress is placed on study of Torah as a means of relating the individual and the community to their God. One studies of course to acquire knowledge but it is a religious experience at the same time, a commandment unto itself, a

[12]Alon, p. 484.

part of public worship of God.[13]

The experience of Talmud Torah relates individuals to one another and to God. For this complete experience, the respect and sanctity of the learning community are sacred.

[13]Safrai, "Elementary Education in the Talmudic Period," p. 159.

Conclusion

The conclusions of this thesis rely on the original question with which I begin: What is the definition, significance and purpose of Talmud Torah. The outcome of this question informs the rest of my study. I find that our texts teach a purpose of Talmud Torah that extends far beyond the acquisition of facts.

> The study of Torah, however, was not only done to learn proper conduct and action; it was also an act of worship, which brought the student closer to God. The study of Torah was a holy duty, the fulfillment of which became a religious experience. It was cultivated in public worship in the synagogue (in the readings from the Torah on the sabbath, Mondays, Thursdays, and during the festivals), and in the Temple, at all public meetings and in individual group study...Even the initial learning of the letters of the alphabet was understood as a religious act, as was children's further study.[1]

The purposes include the development of character and the religious and community experiences involved in Torah study—such experiences that are a part of Jewish life and must be shared by all Jews. To limit study to the scholarly or the elite would limit experiences of neshama training as well. "Torah study was not confined to the legal experts and the priests, but became a general community matter."[2] My understanding of the rabbis' view is that such neshama training and communal experiences of Talmud Torah are integral for Jewish life and are not dependent on a high level of one's learning. The experience is intended to be widespread. Therefore, the rabbis aim to include non-scholars, students of low levels of intelligence and students with disabilities in the experience of Talmud Torah.

For the development of a contemporary understanding of the purpose of Talmud Torah, I would suggest an approach of total inclusion. By this I mean that the experience of Talmud Torah must extend to Jews with disabilities, to women and also to non-Jews who are interested in learning about Judaism or who are part of a Jewish community.

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[1] Safrai, "Education and the Study of Torah," p. 945.

My examination of biblical and rabbinic understandings of wholeness and disability results in the conflict of interests between precise law and the pursuit of human dignity. The rabbis work to create a balance of these compelling interests. The rabbis confirm strict categories that aim to preserve the accurate practice of Judaism. Yet I also find evidence of the rabbis' attempt to be flexible within these categories. In this way, they allow for varying degrees of participation for people with disabilities. Their efforts to open the door to people with disabilities, to invite their participation, to affirm their covenantal status and to afford them human dignity are present.

The rabbinic notions of Talmud Torah and disability intersect in my third, fourth and fifth chapters. In my search for educational ideals that offer possibilities to students at different levels of learning, I find a mix. I acknowledge the rabbis' efforts in making education widespread and in offering approaches to teaching; but their intention is probably not focused on the aim of recruiting students who are challenged in learning. Yet, they leave the door open for such students, as some elements in the variety of teaching methods are helpful for different styles and levels of learning. The aspect of the rabbis' educational ideals that best speaks to the challenges for students with obstacles in learning, is their move towards inclusion. With a respect for community and familiarity, the sages promote the philosophy of inclusion for students who experience curricular and behavioral challenges. They recognize the value of students of different levels learning together and from one another. With such inclusion, they allow for the widest range of levels—not only scholars and the elite. As I look into these texts with contemporary sensibilities, I understand their variety, flexibility and inclusion, as an invitation to us, to build on such values and accessibility.

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[2] Safrai, "Education and the Study of Torah," p. 946.

The aspect of community that is highlighted in the fifth chapter ties this work together. In my first chapter, I begin to discuss the value of community as a result and purpose of Talmud Torah. I aim to come full circle in my fifth chapter, where I present the aspect of community as the key to one's success in Talmud Torah. Specifically I am addressing the situation of the student with disabilities, for whom learning is a vulnerable time. Yet I suggest that the element of community is key to anyone's experience of Talmud Torah, as it is key to the experience of Jewish life.

In the broader picture of Jewish life, the rabbis seem to aim for as much inclusion as is possible within their framework. They seek to maneuver within the system so that they may reach out to people and create a widespread community of learners. In this way, they distinguish themselves from other cultures. Although other cultures greatly value education, their aim is different. For some ancient cultures, a focus on physical education may exclude those with physical disabilities; Jewish culture of this time does not share such a focus. For Greek and Roman societies, education need not be a widespread experience for the masses. Instead, it can be a pursuit of truth to be engaged in by the elite. Jewish tradition's emphasis on the process of learning and its expectation that it results in righteous deeds precludes such exclusivity.

In their definitions of roles for people with disabilities, the rabbis uphold the system of Jewish law and tradition with integrity. Often, the law presents the ideal of perfection. Perfect physical wholeness is required of the priest; perfect intellectual wholeness is expected of the scholar. Yet the rabbis understand that human beings are not perfect. Indeed, they extend their understanding to those whose imperfections are quite obvious to their sensibilities—people with disabilities. They find space within their

system for such people to participate in the ritual and learning life of the community. In this way, they afford them dignity. Still, restrictions exist so that they may preserve Jewish law. I suggest that fluidity exists within the greater rigidity.

Tradition's precepts regarding people's opportunity to actively participate are important to their Jewish identity. Yet, also significant is the rabbis' general attitude towards people with disabilities. Ultimately, the rabbis' perception, even with the restrictions they legislate, is that people with disabilities share in the covenant.

This notion that people with disabilities are partners in the covenant speaks to the contemporary ear. I suggest that we prioritize this value of inclusion even more than we do the letter of the law. Thus, this value of shared covenant provides us with a basis with which to open more doors. Such an approach can be utilized in partnership with serious study of the text. As well, we are free to veto those texts that contradict with our values of inclusion and dignity.

The conclusions I come to from my own study of the text are not polar. I do not suggest that rabbinic text is more inclusive than exclusive in such areas of Talmud Torah and disability. On the contrary, I find frustration in narrow categories and sometimes only small amounts of reconciliation with the text in its efforts to work within those categories. This is true of my understanding of our texts in general.

Yet, texts that my community and I choose to veto regarding practice still provide meaning if not direct instruction. I seek indirect teaching and guidance from them. My Reform Jewish methodology is to take these seeds of wisdom and engage with my community so that we may understand and often integrate the rabbis' views with our own contemporary values. In this way, I believe the Reform approach, as I understand it, uses

the rabbis' explorations as a model of change and development. In the case of this thesis, I hope that I have drawn meaning from the texts in relation to Talmud Torah, disability, community and dignity.

Constructing a Contemporary Understanding of Disability

Grappling with the texts in this thesis leaves me with the desire to begin to formulate an understanding of disability for today. As an aside, I would like to share some thoughts on the construction of a contemporary understanding of disability.

The development of the issue of disability has changed, perhaps more in perspective than in actuality. Some contemporary approaches attempt to improve the lives and dignity of people with disabilities by increasing compassion for them. For instance, in his study, Tzvi Marx investigates the degree of dignity of the "handicapped" that is protected: "The way in which a society treats its weakest members is a measure of its moral and ethical character."[3] Like much of modern society, Marx's intentions are to increase compassion. However, in doing so, he identifies people with disabilities as weak. Similarly, Jerry Lewis' telethon work for Muscular Dystrophy has enjoyed success in raising awareness and funds. Yet, Lewis has been criticized for identifying people with disabilities as weak, and sometimes even helpless. The assumption with this approach is that society must help such people best adapt to a culture and system that already exists, and that was built for people other than them. The unrealistic required adaptation contributes to the image of weakness.

I find another approach more intriguing. This approach shows no pity for certain categories of people; rather, it sees all people as individuals deserving of a place in

society. In her novel, *The Poisonwood Bible*, Barbara Kingsolver creates a character who experiences disabilities throughout most of the story. Yet, towards the end, this young woman no longer experiences these disabilities. This character expresses her observations of how she is treated due to the transformation, and how people rejoice, treating her as though she were cured. In doing so, she captures the essence of a new perspective on disability. She writes of people's perspectives of people with disabilities:

> If you are whole, you will argue: Why wouldn't they rejoice? Don't the poor miserable buggers all want to be like me? Not necessarily, no. The arrogance of the able-bodied is staggering. Yes, maybe we'd like to be able to get places quickly, and carry things in both hands, but only because we have to keep up with the rest of you...We would rather just be like us, and have that be all right.[4]

The character expresses a desire not to be expected to modify herself so that she fits into the categories that society has established. Instead, her sentiment calls on the society at large to be responsible for adaptation—for categories to be re-shaped to include the voices and perspectives of all different kinds of people. This calls for a fluidity that challenges the rabbinic notion of category and system. It challenges the rabbinic approach to literature, where only a narrow group's voices are recorded. Yet, this character's view also intersects with rabbinic literature. Although the rabbis include a limited number of authors, they do include multiple voices in the text. Most importantly, the value of basic human dignity expressed by this character is shared by the rabbis and by Jewish tradition. I would suggest that the integration of the ideas of dignity and diverse voices might help us to further develop our perspectives on disability and our efforts towards inclusion.

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[3] Marx, p. 2.
[4] Kingsolver, Barbara, *The Poisonwood Bible*, New York: HarperCollins Publishers, 1998, p. 493.

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