Jewish Education in the Writings of Rabbi Haim David Halevy

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Rabbi Haim David Halevy (1924–1998) was one of the great rabbinic luminaries of his era. A prolific author and teacher, he was a gifted halakhic scholar, a devotee of Kabbalah, and a creative thinker who applied Torah wisdom to the dilemmas of modern times. From 1972 until his death, he served as the Sephardic Chief Rabbi of Tel Aviv.

Influenced by the profound and compassionate teachings of his mentor Rabbi Benzion Uziel, Rabbi Halevi—like Rabbi Uziel—represented the best in the Sephardic tradition of the Judeo-Spanish Sephardim. His monumental knowledge and keen insight were widely recognized. He won many prizes for his intellectual achievements, and in 1997 he was awarded the Israel Prize by the State of Israel in appreciation of his significant contributions to Torah scholarship.

One of Rabbi Halevy’s foremost concerns was education of youth in the ways of Torah. He emphatically believed that schools had the religious obligation to teach students honestly and correctly, and to inculcate proper religious behavior. He emphasized that parents bore the primary obligation of education, and schools were created to assist parents. Rabbi Halevy supported secular study, and advocated teaching Torah, including the Oral Law, to girls as well as boys. Rabbi Halevy struck a fine balance between reaching out to people from less observant homes while still preserving the integrity of the religious community. He

addressed some delicate educational issues, such as opening the mail of a student suspected of misconduct, reading the diary of a student, and administering corporal punishment in class.

Schools Must Teach Everything Properly

Rabbi Halevy was emphatic and consistent in his argument that schools should always teach halakha fully and correctly, since the imprint made during childhood education was powerful.

He received a question from a school that accepted many students from less observant homes. The teachers wanted to know if they may omit teaching certain halakhot that they knew would not be observed by the majority of students. They invoked the rabbinic principle, “It is better that they act in error, than to violate the law willingly.” Rabbi Halevy explained that this rule applies only to those who publicly violated a halakha, and who likely would continue to violate it even if they were instructed properly. When educating children, though, it is the responsibility of every school to teach Judaism correctly and fully. Students need to have a clear and thorough knowledge of halakha, whether or not they come from observant homes (Asei Lekha Rav 1:75).

A school should not allow prayers requiring a minyan in younger classes where no minyan was present. It is inappropriate to do anything in school not in accordance with halakha, even for educational purposes. Rabbi Halevy recommended bringing a minyan of post-bar mitzvah students or adults to the class so that younger children could learn to pray properly with a minyan (Asei Lekha Rav 3:7).

One educator reported that due to students’ talking during the repetition of the amidah in morning prayers, he decided that the amidah should be read once aloud with kedushah (Asei Lekha Rav 4:13). The repetition would thus be omitted. Rabbi Halevy disagreed with this decision. The halakha does not permit routinely skipping the repetition of the amidah in the morning services. It is allowed, though not preferred, to omit the repetition during the afternoon prayer. Rabbi Halevy ruled that students should recite the morning amidah properly with repetition:

It is your obligation to educate the students to pay attention to the blessings of the hazzan and to respond “amen” as per the law; if you do not educate them now to fulfill the halakha according to its letter and spirit, when will they learn, and who will teach them?

As for the students talking during the repetition, a famous rabbi should be invited to address students on the importance of not talking during prayers.

In another instance, a school wanted to teach young children to count the omer with a
blessing. Yet, the blessing is recited only when counting the omer at night. Was it acceptable to let the students recite that blessing in the morning, for the purposes of education? Rabbi Halevy ruled negatively. Since the impressions from childhood education are lasting, students might grow up thinking that it was appropriate to count the omer with a blessing in the morning. Rabbi Halevy noted further that the primary obligation of Jewish education falls on the father, and not the school. Therefore, he should take his children to evening services all year long, and during the omer period they would be able to count with a blessing (Asei Lekha Rav 6:38).

Parents' Obligation to Educate Their Children

Although schools bear responsibility to educate children, in fact parents have the foremost obligation in the educational process. Rabbi Halevy assiduously followed this principle in ruling on some difficult issues of educational policy.

A woman reported that her husband did not make an effort to provide religious education to their children (Asei Lekha Rav 1:41). Did this responsibility now devolve on her? Rabbi Halevy criticized the husband's negligence. He then cited the Talmud (Nazir 29a) that indicates that a mother is not technically obligated to provide religious instruction to her children. However, Rashi included both parents in the obligation. Rabbi Halevy pointed out that many posekim have ruled that in cases where the father was not alive, the mother became obligated. In the case at hand, the husband was effectively non-existent. Even if the mother were technically exempt from this commandment, it obviously was a meritorious deed that she should perform.

A religious man had three observant sons, and one who no longer was observant (Asei Lekha Rav 1:64). He wanted to write the non-observant son out of his will. Rabbi Halevy cited the Shulhan Arukh (Hoshen Mishpat 282), that even if a son wrongs his father directly, he still should inherit with the other children. Rabbi Halevy proceeded to offer further reasons why the father should follow the halakha, rather than writing his non-observant son out of his will: (1) the non-observant son may yet repent one day, but most likely would not do so if he were cut out of the will; (2) that son, if disinherited, will deeply resent his siblings, causing permanent rifts in the family. Although Rabbi Halevy was saddened that

the fourth son was non-observant, he tried to preserve family unity and to keep the door to repentance open.

During a lengthy teachers' strike in Israel, many rabbis ruled that teachers were not allowed to disrupt their teaching of Torah to children. Rabbi Halevy considered the issue from a different perspective (Asei Lekha Rav 3:23; 5:23). Rabbi Halevy noted that the primary obligation for religious instruction devolves on the parents of the child, not the school (Kiddushin 29a; cf. Rambam Hil. Talmud Torah 1:1). He contended that all workers, including teachers, have the right to strike for better compensation. The parents must then fulfill their own primary obligation to teach their children Torah. It was unfair to accuse teachers of the sin of disrupting Torah study when the parents in fact bore the full responsibility for this sin by not paying the teachers adequately.
Rabbi Halevy noted, however, that the striking Torah teachers may not picket and prevent other willing teachers from entering the school. In this regard, the unique problem of bittul Torah created halakhic distinctions between a strike of Torah teachers and all other labor strikes. In a later responsum, he added that unless striking teachers had stipulated that they would not return to class unless they were paid for the lost time, they were not entitled to compensation for the period of the strike (Asei Lekha Rav 5:23).

Studying Secular Subjects

Rabbi Halevy, who quoted secular scholars and thinkers on occasion in his writings, recognized the value of secular study. A student asked if he may study on Shabbat for an upcoming secular examination. Rabbi Halevy wrote that Rambam prohibited such study on Shabbat, whereas Ramban and Rashba permitted it. In the Shulhan Arukh, Rabbi Yosef Karo first cited Rambam's opinion, and only then referred to the permissive opinion with the preface "some say." From this formulation, Rabbi Halevy concluded that, in general, one should not engage in secular study on Shabbat. However, with the pressure of a forthcoming test, a student may become overly worried and not enjoy Shabbat properly. Presumably, the Shulhan Arukh included the permissive ruling in order to allow leeway in such pressured situations. Therefore, Rabbi Halevy permitted the student to study for the examination on Shabbat (Asei Lekha Rav 1:36).

In a later responsum, Rabbi Halevy followed up on this decision with an explanation of why studying for a test was not considered preparation from Shabbat to a weekday, something generally prohibited. The forbidden variety of preparation was when one derived no benefit on Shabbat itself (e.g., setting a table for a meal that will take place on Saturday night). In the instance of

studying, however, the knowledge gained on Shabbat was beneficial (Asei Lekha Rav 4:31).

Elsewhere, he addressed a high school student who did not wish to study for his comprehensive examinations (bagruyot) at all, since he believed this preparation would distract him from Torah study (Asei Lekha Rav 4:46). Rabbi Halevy began by praising the student: “I am exceedingly pleased by the nature of your question, which attests to the love of Torah in your heart. May God bless you, and may you merit becoming a great sage and a God-fearing Jew who will be a source of pride to your family and all of Israel!”

Rabbi Halevy then advised the student that since he had already reached this level of education, he should complete his degree by studying for the examinations. Rabbi Halevy added that there is great value in secular study, both for the education itself and for earning a living later on. He suggested that if the student genuinely was bothered by losing this time from Torah study, he should make a careful accounting of the time spent preparing for the exams, and make up this time with additional Torah study after the examinations.

Torah Education for Girls and Women

In his ruling prohibiting the teaching of Oral Law to girls, Rambam stated that a majority of them were incapable of understanding the concepts involved (Hil. Talmud Torah 1:13). Rabbi Halevy noted, though, that the success of women in so many academic fields militated against the premise of Rambam’s ruling. Already in the eighteenth century, Rabbi Hayyim Yosef David Azulai listed historical instances of learned women who gave halakhic rulings. Rabbi Halevy demonstrated that within Rambam’s own formulation, one could find permissibility for contemporary women to study Talmud. A woman who demonstrated a willingness and capacity to study the Oral Law was not part of the “incapable majority” described by Rambam. Rabbi Halevy concluded that very young girls should not study Talmud. Once they reached high school and showed motivation, they could be taught Talmud (Asei Lekha Rav 2:52). It is noteworthy that Rabbi Halevy did not argue that Rambam’s ruling was no longer applicable. He worked within the existing textual framework to reach a novel conclusion.

Rabbi Halevy’s commitment to that earlier source became more pronounced in a later discussion, where he responded to members of a religious kibbutz that had begun teaching Talmud to girls (Mayim Hayyim 2:89). The leaders of the kibbutz had complained that in light of the change in women’s status, rabbis should have

addressed the issue of females studying Talmud. Rabbi Halevy responded that (1) he did address the matter in Asei Lekha Rav 2:52; and (2) his response had nothing to do with the current change in the social status of women. He had quoted Rabbi Azulai, who lived in the eighteenth century, to support his permissive ruling. “From here, we see that rabbis in all generations, including before there were changes in the social status of women, never rebuked women who studied Torah.” Rabbi Halevy criticized the kibbutz leaders for suggesting that halakhot may be eliminated on the basis of social change.
In the final analysis, Rabbi Halevy reached the same decision as the kibbutz leaders, permitting and encouraging women to study the Oral Law. However, they arrived at their conclusions from different starting points. Rabbi Halevy represented faithfulness to the precedents of the past, whereas the kibbutz had hoped to bypass the system as a result of a new social reality. At the end of his responsum, Rabbi Halevy exhorted the members of the kibbutz:

Our rabbis were great of spirit and deep of mind; would that we could even understand their words…. They were not only great in Torah and wisdom, but also in their holiness. Therefore, it is appropriate for a person to relate to their words with all respect due to them.

Rabbi Halevy demonstrated the same consistent balance between faithfulness to Rambam’s ruling and finding permissibility for women to study the Oral Law in his book, Mekor Hayyim Livnot Yisrael (pp. 205–208). In discussing the halakhic exemption for women to study Torah, Rabbi Halevy quoted Rambam’s ruling in full, that a father should not teach his daughters the Oral Law. In the footnote, he cited his responsum (which was subsequently published in Asei Lekha Rav 2:52) that explained the permissibility of women studying Oral Law within Rambam’s formulation. By citing Rambam’s restrictive ruling in the body of the text, and his own permissive responsum in a footnote, Rabbi Halevy presented a fine balance for his educational program: Anyone motivated enough to read his lengthy footnote was indeed qualified to study the Oral Law! One just reading his book with the rulings in the body of the text probably would not have sufficient motivation to study halakha from its roots, including its talmudic underpinnings.

A couple asked Rabbi Halevy if they needed to make significant financial sacrifices to keep their daughter in a religious high school. Rabbi Halevy responded that the greatest honor for parents is to support their children in Torah study. This principle applies to girls as well as boys, even though girls do not have the same technical obligation to study Torah as boys (Asei Lekha Rav 1:74).

Rabbi Halevy was asked whether a school could stop having afternoon prayers for girls in order to enable all the teachers to attend the boys' minyan. Rabbi Halevy responded that a school always must teach what is correct. Since women also are obligated to pray minhah, the teachers must give equal attention to the prayers of their female students (Asei Lekha Rav 6, short answer 9).

Rabbi Halevy did not permit mixed education, where boys and girls sat together in the same classes. He even forbade teaching in a co-educational religious school. It was better to teach in a purely secular school, where it was clear that the teacher did not support the religious values of the institution (Asei Lekha Rav 2:60). In an adult education setting, however, Rabbi Halevy ruled that men and women may attend the same classes if men were in one room, women in an adjacent room, and the teacher stood in the middle. Women also could participate in the group discussions (Asei Lekha Rav 4:56).

Separatism vs. Inclusiveness

A non-religious man sought a religiously observant woman in marriage (Asei Lekha Rav 1:62). He promised her that he would become observant for the sake of the marriage. Rabbi Halevy noted that as long as the man had not adopted a Torah lifestyle, he had the status of a sinner. Although he promised to be observant, the woman should not be so confident that he would succeed. On the contrary, he might influence her to become less observant. Non-observance often prevailed because it was less demanding.

Enormous tensions could plague the marriage. If the husband wanted to go out on a Friday night, the wife either would feel pressured to join him, or remain home alone while he went out. Rabbi Halevy therefore discouraged the marriage. He tried to protect the woman's religious observance, and pointed out how vastly different levels of religious commitment could be detrimental to a marriage.

A school's policy of requiring all parents to affirm that they were Shabbat-observant offended one parent. Rabbi Halevy, though, was sympathetic to this policy, even though it would exclude taking children from less observant homes. Religious students might go to the homes of less observant students and be influenced negatively. Moreover, the likelihood of the school influencing children from the less observant families was mitigated by the fact that their parents did not model observance at home. He concluded that it was preferable to send children to a school with an all-observant population (Asei Lekha Rav 6:60).

In another responsum, Rabbi Halevy ruled that a synagogue should conduct a bar mitzvah ceremony for a family known to violate Shabbat. However, food brought by car to the synagogue on Shabbat may not be eaten, since Jews may not derive benefit from another Jew's Shabbat violation (Asei Lekha Rav 3:16). In this decision, Rabbi Halevy again balanced outreach to the not fully observant with the necessity of remaining faithful to halakha.

Parents are obligated to seek the best possible religious education for their children. Therefore, if a distant school provides a better religious education than the local school, parents have the right to send their children there and need not feel obligated to support the local school (Asei Lekha Rav 4:52). However, one praying in a local minyan with less observant Jews should remain there if they would not have a minyan without him (Asei Lekha Rav 5:1–2).

These responsa are particularly telling as to Rabbi Halevy's educational philosophy. While he emphasized that one always should encourage the possibility of repentance, he realistically considered the religious hazards in these instances to be greater than the potential benefits. It was preferable to protect one's religious identity rather than attempting to bring others closer.

Difficult Questions in Educational Policy

An educator in a girl's high school expressed concern that a student may have been involved in a correspondence with a boy. The school's policy forbade such correspondence. The question was: May a school official open the student's mail to ascertain the facts of the case? Rabbi Halevy noted that Rabbeinu Gershom (eleventh century) instituted the prohibition of opening the mail of another. The only possibility justifying opening another person's mail was to prevent something sinful. Thus, it would be permissible to open the student's mail. That having been said, Rabbi Halevy strongly discouraged the opening of her letters. Rather, the girl's teachers should have a private discussion with her. If she did not appear forthright, then only her primary educator may open her mail, and may not discuss the matter with anyone else (Asei Lekha Rav 1:42).

In a related responsum, Rabbi Halevy ruled that teachers must not read a student's diary, unless it could be verified that the child was violating religious conduct. The teacher also must make sure that this reading was done exclusively to correct the problem (Asei Lekha Rav 6, short answer 91).

Is lying permissible in an educational setting? For example, a father noticed that his children tended not to be punctual. He decided to switch the clocks ahead in

his house, so that the children would think it was later than it really was. Rabbi Halevy responded that willful deception is a serious prohibition. Although the primary categories of forbidden deception were for personal benefit—either in business, or to project a better self-image—Rambam prohibited all deception, even for a good purpose (Hil. De'ot 2:6). In the end, Rabbi Halevy ruled that one may use deception only to prevent someone from violating halakha. Therefore, it would be permitted to change the clocks in the house to encourage the children to come to synagogue services on time.

Similarly, a teacher deceitfully told his students that they would have daily tests for two weeks, simply to frighten his students to see how they acted under pressure. Rabbi Halevy ruled in one word: prohibited. Even with the best educational intentions it is forbidden to be deceitful in education (Asei Lekha Rav 4:62). Likewise, students are not allowed to cheat on examinations, and Rabbi Halevy adduced many reasons to support his point (Asei Lekha Rav 8:59).

May a teacher physically strike a student who was misbehaving? Rabbi Halevy quoted Rambam and Meiri, who allowed hitting a child lightly in order to promote education. One who struck a child with cruelty, however, should be punished in court and then excommunicated. Rabbi Halevy cited the original talmudic source (Baba Batra 21a), which permitted a light slap if a child were overly lazy. But there was no reference to hitting a child for misbehavior. Rabbi Halevy concluded that it was forbidden to strike a misbehaving child. One who disrupted class on an ongoing basis should be expelled rather than struck, since the primary obligation to educate fell on the parents (Asei Lekha Rav 1:76). Although traditional sources permitted striking a student under certain circumstances, Rabbi Halevy interpreted the sources so as to curtail the practice.

A student asked if he had the right to report students or teachers who were acting against halakha. Rabbi Halevy sternly discouraged this type of reporting, since one's motivations needed to be unusually pure. He quoted the Talmud (Pesahim 113b) that one seeing another person violate halakha must not report it, since one witness cannot do anything other than damage someone's reputation. Yet, he may be wary of the sinner. Meiri limited this rule to apply specifically to court testimony. However, he may inform a teacher, or warn others who might trust the sinner. The Hafetz Hayyim in turn restricted Meiri's permissive ruling to cases where five conditions were met: (1) the person reporting the sin must have witnessed the sin firsthand; (2) the sin must a be well-known prohibition, allowing the offender no excuse to say that he was unaware; (3) when reporting, no exaggeration is allowed; (4) this could be done only with the intent to keep

people distant from the sinner until he repented; (5) one may not report the sinner, and then act flatteringly to him. Rabbi Halevy concluded that since it was so rare for one to meet all of these criteria, it was preferable to try to speak to the person privately, without publicizing the matter (Asei Lekha Rav 1:71).

On a related subject, Rabbi Halevy was asked whether students may conduct group discussions about teachers' personalities (Asei Lekha Rav 1:72). Rabbi Halevy lamented that this question even was asked. Those who criticized the teachers were guilty of lashon hara, and those who defended the teachers still were guilty of secondary lashon hara, since they were defending them in the presence of those known to dislike them. Of course, one may debate ideas with teachers, or else truth cannot be clarified, but character evaluation is expressly prohibited. Rabbi Halevy concluded that if one needed actual protection from a teacher, then one may complain to the administration.

Given the significance of religious education, there is little wonder that Rabbi Halevy devoted so much attention to these matters. He was indeed an educator's educator, providing guidance to individuals and schools in order to promote a society that imparts proper Torah education to all its constituents.