LEHRHAUS

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Lo Alman Yisrael: Reflections on the Legacy of Yaakov Elman

The Lehrhaus Editors

Professor Yaakov Elman, the Herbert S. and Naomi Denenberg Chair in Talmudic Studies at the Yeshiva University's Bernard Revel Graduate School, passed away on July 29, 2018, after a unique and storied career in Jewish Studies.

His passing spurred two events hosted at Yeshiva University's Jerusalem and Manhattan campuses to mark his *sheloshim* (thirty days to his passing). *The Lehrhaus* has decided to publish several of these talks, which can be read below.

Despite the fact that Dr.. Yaakov Elman is no longer with us, still **לא אלמן ישראל** (Jer. 51:5), Israel has not been widowed completely. Dr. Elman's memory lives on through his teachings, his family, and his students.

Yaakov Elman z"l: Breadth, Creativity, and Commitment

David Berger

Prof. Yaakov Elman was a remarkable combination of complexity and single-mindedness. Yaakov was a traditional *talmid hakham* and simultaneously an outstanding practitioner of academic study of Talmud at Yeshiva University and Harvard, honored as a Fellow of the American Academy of Jewish Research, while continuing to see Rav Hutner as his mentor and inspiration.

He was deeply concerned, even pessimistic, about the state of contemporary Judaism and hoped against hope that his own brilliant and wide-ranging work would contribute to its rejuvenation as a home of sophistication, breadth, and enduring commitment. His path-breaking demonstration of the interaction on the part of the *Amoraim* with their cultural environment, the Maharal's engagement with Renaissance ideas, and the hasidic dimension of Rav Hutner's thought were all part of an integrated, focused quest for this rejuvenated Judaism.

His fierce commitment extended to his students, as he worked to place them in academic positions, and as he commented on drafts of doctoral dissertations even in the last months and weeks of his illness. His heroic, awe-inspiring battles against his physical tribulations can be addressed far better by people closer to him than I.

I will add one additional observation: I have often said that the most daunting question posed to professors is, "What are you working on?" It is because of this question that full professors with tenure are impelled to continue to write. In Yaakov's case, the question could hardly ever be posed. After a perfunctory hello, one would immediately be told, with effervescent, infectious, almost childlike enthusiasm, of the new insights that he had uncovered in the past week.

Hazal tell us that we should approach *mitzvot* in a way that would make them seem new every day. When Yaakov spoke of his research, this injunction was superfluous. No renewal was necessary. Everything actually *was* new. No one I have met can be characterized as a *ma'ayan ha-mitgabber* more fittingly than Yaakov Elman.

David Berger is Ruth and I. Lewis Gordon Professor of Jewish History and Dean at the Bernard Revel Graduate School of Yeshiva University. For many years he was Broeklundian Professor of History at Brooklyn College and the Graduate Center of the City University of New York. He was also co-chair

of the Academic Advisory Committee of the National Foundation for Jewish Culture and has served as a member of the Academic Committee of the Rothschild Foundation Europe and of the Executive Committee of the American Academy for Jewish Research, where he is a Fellow. He serves on the Council of the World Union of Jewish Studies and the editorial board of Tradition. *From 1998 to 2000, he was President of the Association for Jewish Studies.*

Professor Yaakov Elman: A Talmud Scholar of Singular Depth and Scope

Shana Strauch Schick

It is hard to be reconciled to the fact that it has been a month since the passing of Professor Yaakov Elman. I find myself with a profound sadness and loss, yet at the same time gratitude, to count myself among the small group of Yaakov Elman's doctoral students, with the distinct privilege of benefiting from his mentorship, and now the difficult task of trying to do justice to his memory—as a brilliant scholar, a selfless and ever supportive advisor, and one of the kindest, most sincere people I have ever known.

When I first met Professor Elman, he was in the hospital after a terrible car crash that left him partially paralyzed from the neck down. But this brush with death and devastating injury did not seem to faze him. From his bed he delivered an impromptu lecture on the Iranian practice of temporary marriage, which illuminated the peculiar stories of the Babylonian *amoraim*, Rav and Rav Nahman, marrying for one day—a topic he would touch on in several articles. His excitement over an insight, into a deeply perplexing *sugya*, allowed him to push past the physical pain and uncertainty over his health, something he continued to do over the subsequent fifteen years.

His sincere love of pursuing and spreading knowledge was manifest in many other ways. He not only appreciated good scholarship; he enthusiastically promoted the work of others. There are many whose scholarship I first encountered through Professor Elman's excitement about sharing their work. In his writing and in person he was open and respectful to scholars from all disciplines and walks of life, Jew and gentile, male and female; and he extended this respect to his students as well. It was almost comical how much time he would spend photocopying articles to distribute in class, so that he could give his students the most up-to-date material instead of sending them to the library in search of it.

His dedication to, and respect for, his students came through in every aspect of his career at Yeshiva University. Not content to teach required courses and pursue his own work, he set about to revive a Talmud department that had long been in a state of decline. His classes at the Bernard Revel Graduate School became a beacon to students who, like himself, brought a love of learning from the *beit midrash* but felt drawn toward critical approaches. Having revitalized the department, he set about to secure the necessary institutional resources to take on and support doctoral students, personally arranging for students to do additional coursework at Columbia, NYU, and Harvard, and always ensuring that we had the necessary funding to complete PhDs.

As an advisor he went above and beyond. He was ever supportive, always available, insightful, with the right amount of criticism during the dissertation process. And this continued

throughout the years that followed. Even when he was once again confined to a hospital bed, he continued to be a devoted mentor; he still read our works, offered his insights and critiques, sent articles he thought would be of interest, and was there to help in any way he could—irrespective of the current state of his health. His devotion and pride in our work was like that of a father. I will always be grateful to him and try to live up to the standard he set for us.

He was an individual in the truest sense of the word; his varied career was an extension of an insatiable intellectual curiosity that took him from the B*eis midrash* to college, a stint in weather forecasting, to Assyriology and of course academic Talmud study. In this realm he brought together diverse strands of scholarship to build an approach that I can best describe as holistic. For him, the Bavli, read carefully, yields a vivid picture of overlapping intellectual and cultural moments, populated by commanding legal minds, creative religious thinkers, and more than a few colorful or even roguish personalities. Rav Yosef, Rav Nahman, and of course Rava, whom Professor Elman would often remind us is the most oft-cited sage in the Bavli. These were not abstract names or literary constructs, but people who lived and died, and at some level struggled with the same problems that rabbinic Jews living within prosperous foreign cultures would face over the next 1500 years.

To understand the texts, the anonymous editors who constructed them, and the figures active within them, Professor Elman forged a unique path, drawing on studies as diverse as the orality of Scottish epic poetry, sociology of religion, legal theory, and the study of Middle Persian texts and cultures. As he often acknowledged, Professors Shaul Shaked and Isaiah Gafni had demonstrated the importance of the Middle Persian texts, and he completely devoted himself to advancing this as a central aspect of modern talmudic scholarship. Collaborating with scholars of ancient Iran, he mastered Pahlavi and sought to read Zoroastrian religious works with the same rigor that he would bring to a Talmudic *sugya*. As he would often quip, unlike the Talmud, the Middle Persian works had not benefited from over a thousand years of continuous study and commentary.

Professor Elman's holistic approach was devoted to showing how the Bavli could be read critically as a source of intellectual and cultural history. He simultaneously accepted the serious challenges inherent in analyzing a vast compendium, compiled and redacted over the course of hundreds of years, while rejecting the idea that this compels us toward extreme skepticism. He had utmost respect for the work and skill that had gone into creating, transmitting, and interpreting the Talmudic corpus over two millennia, so he was confident that by using the tools of modern critical Talmud study it was possible to trace developments across generations, expose differences between regions and schools of thought, and even between the approaches of individual sages to law and communal policy. This is exemplified by his sustained interest in Rava. Through Professor Elman's work, we now have a picture of Rava that is neither a legendary hero of aggadic lore, nor a supposed kernel of truth derived from those tales, but a

fleshed-out, cosmopolitan thinker and revolutionary jurist whose influence can be detected throughout the redacted layers of the Bavli.

One of the last articles he worked on, which I am now in the process of editing, reflects the scope of his interests as well as his ability to integrate different areas of scholarship. Drawing from recent studies as well as his own research, he points to parallel developments in Qumran, early Rabbinic, and Zoroastrian law, demonstrating that each system evinces a move toward greater abstraction and conceptualization, including quantification, analogical reasoning, and second-order interpretation. As always, he constructs a broad picture that might not otherwise have come into focus. Going over some of his last writings brings home how much more he could have done and how much we will not get to see.

Professor Elman wrote extensively about the final *sugya* of *Mo'ed Katan*, which reflects the Babylonian Rabbis' concern with theodicy, the seeming arbitrariness of life, and their fear of death, topics that he, unfortunately, perhaps understood better than most. But it is the concluding words of the *masekhet* (29a) that suit him best. For someone who never stopped studying, writing, and expanding his horizons; someone who, to our great benefit, even in the most difficult times, did not rest, the teaching of R. Hiyya Bar Ashi in the name of Rav is most fitting:

> Rav Hiyya bar Ashi said that Rav said: Torah scholars have no rest, even in the World to Come, as it is stated: "They go from strength to strength, they will appear before God in Zion" (Psalms 84:8).

May his memory be a blessing and an inspiration to us all.

Shana Strauch Schick is a research fellow at The Center for Interdisciplinary Research of the Cairo Genizah at Haifa University. In 2011, she became the first woman to be awarded a PhD in Talmudic Literature from Bernard Revel Graduate School at Yeshiva University, where she studied under Professor Yaakov Elman. Her articles have appeared in Zion, Jewish Law Association Studies, Jewish Cultural Studies, and elsewhere, and she is completing her book Intention in the Babylonian Talmud: A Study in the Development of Rabbinic Jurisprudence. In addition to academic research, she completed and spent several additional years learning in the Graduate Program in Advanced Talmud at Yeshiva University. She teaches in learning institutions and midrashot in both Israel and abroad.

A Tribute to Yaakov Elman

Mahnaz Moazami

Having had the good fortune to work closely with Professor Yaakov Elman over many years, it is an honor for me as well as a consolation to share my thoughts on this occasion [of thirty days to his passing].

It is difficult for me to imagine Yeshiva University, as an institution, without Yaakov Elman's presence. Yaakov's incredible vitality and indomitable spirit throughout his long struggle against illness gave us the hope that this day would not come so soon.

But, as hard as it is, we must not forget to celebrate Yaakov's extraordinarily rich and productive life. The courage he showed in fighting physical adversities was also very much present in other aspects of his life. He was never afraid to explore his inner convictions and to express them convincingly. It was this mixture of profound original thought and vast erudition that enabled him to reshape discourses that gave life and impetus to the newly fledged academic discipline of Irano-Talmudica.

For the last fifteen years Professor Elman had devoted himself to studying the interaction between Rabbinic and Iranian cultures and religions. His endeavors have transformed both disciplines. His writings have demonstrated that our understanding of the Babylonian Talmud's laws, rituals, and beliefs can be deepened by a study of similar material in Sasanian Zoroastrianism.

To sit in a class of his was always an adventure. He was a colorful man with many brilliant and sometimes quite far-reaching, but always stimulating, observations on history, religion, peoples, and places. The range of his command of the sources–historical, political, economic, social, and cultural– and his deep immersion in religious history and languages of the period was simply extraordinary. His critical sensibilities and insights were stunning.

Intelligent, sensitive, formidably informed, Yaakov Elman brought to students and peers alike lucid assessments of the interactions of Sasanian Iranian and Babylonian Jewry. He opened up a new field using the literature and culture of the Persian rulers of Babylonia to shed light on the Babylonian Talmud, the history of rabbinic Judaism, and Middle Persian studies as well as the study of religions in late antiquity.

The world has lost a brilliant mind, his family a dear husband, father, and grandfather, Yeshiva a valuable professor. His scholarly contributions and our memories of a remarkable personality will remain with us.

But I dearly miss his radiant presence.

Mahnaz Moazami is an Associate Research Scholar at Columbia University. She studied History of Religion at the Sorbonne University (France) where she earned her DEA and PhD degrees in a joint program in Comparative Anthropology of Religions (Africa, America, Mediterranean, Far East).

Reflections From A Student

Meira Wolkenfeld

It's an honor to speak in memory of my teacher Dr. Yaakov Elman. I'm going to talk a little bit about some of his recent scholarship, but mostly, I hope to speak to the experience of being his student. We've heard about his wide-ranging and far-reaching accomplishments, from his work on the transmission of the Tosefta, to texts of the Dead Sea Scrolls, to so many aspects of the intellectual history of the Bavli. Yet, as a teacher, despite his mastery, breadth of knowledge, and intellectual stature, he always related to his students with an innate egalitarianism, with his infectious eagerness for ideas and his love of learning with and from anyone. He always came to class with an idea that he was excited about, and he genuinely wanted to hear what you thought.

If you were ever in his class, you know that the Babylonian Talmud has approximately 1.86 million words. He, of course, knew all of them. He was famous for founding the field of Irano-Talmudica, which by definition entails mastery of two separate fields. Recently, he worked even more broadly, for example, in a paper which he always referred to as "the 200-page monster," he was writing a history of legal thinking from ancient Mesopotamia through at least Sasanian Babylonia, an undertaking of unparalleled breadth. And yet, he wanted your opinion.

Personally, I became Dr. Elman's doctoral student in part because of the very first paper I wrote for him. I wasn't planning to go into the field of Talmud at the time, but he liked my paper and encouraged me to pursue further advanced study. My paper was actually about a paper he was working on and had shared with the class, which was about digestion. He had noticed that at a certain point, rabbis in the Babylonian Talmud as well as their near-contemporary Zoroastrian *dastwars,* had both independently started thinking about digestion in a more complicated way. Where earlier conversations focused on the ingestion of food, discussions from the fifth century began to relate to digestion as a more complex biological process which transforms the nature of the food. In my paper, I wrote about a *gemara* that he hadn't discussed, and considered whether it also reflected this transformative understanding of digestion. Frankly, the point I made was trivial. But for Dr. Elman, if you could help him think about something he was thinking about, in even the smallest way, he was thrilled.

If you were ever in his class, you know that if you anticipated what he was going to say, he was ecstatic, but if you made a point that he didn't anticipate - and usually, he was thinking at least five steps ahead of anyone else, so that was a real rarity - but if you did manage it, that gave him real joy.

A little over a year ago, I took my qualifying exam, which is an oral exam about a specific reading list. It's administered by a panel. As my advisor, Dr. Elman started the proceedings. The first thing he said was, "I have no doubt that Meira knows everything, so I'm not going to ask you about something from your reading list, but instead I have a question about your project." Firstly, this shows his *hesed*. I was nervous, and the first thing he did was set me at ease. It also shows how supportive he was. I was very prepared for the exam, but I'm not certain if quite that level of unshakable confidence was necessarily warranted. But that's how he was as an advisor. He was always behind you 150%. I'm sure others in the room have had the experience of sending him a paper late at night - say at 11:30 you make some final changes to a draft - and you knew that if you could stay up for another one or two hours, you'd have a response in your inbox with his comments on your paper, certainly by morning. That's how dedicated he was (and also how prone to working in the middle of the night). And I felt that he asked me that question during my exam because he, of course, knew all of the information on the reading list and so what he really wanted to hear about, what excited him, was what I would do.

Now I don't remember exactly the content of the question; as I said, it had to do with my project, but it also had to do with a paper he'd written that was published just this past December in the Bulletin of the Asia Institute. I thought I'd talk about that paper for a minute, because it's some of his most recent work and really shows his creativity and it's a subject that he was still thinking about. The paper takes as its starting point close readings of passages in two particularly intricate and legalistic Middle Persian texts, but these close readings lead to broad reflections on trends in late antique intellectual culture. The Pahlavi Videvdad, PV, is a fifth century middle Persian translation and running commentary on the Zoroastrian sacred text of the Avesta. The Zand ī Fragard ī Jud-Dēw-Dād, ZFJ, dates slightly later, to the sixth century, and is organized as responsa on the legal sections of PV. It's a text that did not receive much scholarly interest before Dr. Elman and which he was particularly enthusiastic about studying and translating alongside Dr. Mahnaz Moazami.

Because ZFJ is slightly later than PV, going from PV to ZFJ, one can trace the development of certain types of legal thought. For example, Dr. Elman noted increasing instances of omnisignificant interpretation, where superfluous words, usually poetic repetitions, are interpreted in order to derive legal information from a scriptural source. He also noted an increasing interest in quantification, like in trying to determine just how much of a forbidden substance one would need to eat to be liable. He noted that these texts are scholastic and scripturally oriented, and develop abstract legal concepts. These qualities are, of course, even more characteristic of rabbinic literature. And so Dr. Elman was excited about them, not only for what they could reveal about the background of the Bavli, but also for thinking about what motivated the development of similar, but actually much earlier, rabbinic legal thinking.

This ability to read a complicated text very closely, with attention to detail and a narrow lens, while simultaneously thinking extraordinarily broadly and flexibly about general structures of the way people think and why they think that way, characterizes so much of his work. This interest in the way people think or thought is a thread that ties together his work in so many different realms, from the halakhic tendencies of specific *amoraim*, like Rava, to broad cross-cultural thought patterns.

When I first heard the news last month, there were a few lines of *gemara* that kept running through my head. They're from the very end of Tractate *Sotah*. The mishnah there explains that when different rabbis died, different qualities ceased to exist. For example, the mishnah states, " משמת רבי בטלה ענוה ויראת חטא, when Rabbi [Yehuda HaNasi] died, humility and fear of sin were nullified." I can hear Dr. Elman reciting the words of the *gemara* here. I learned them from him. It says, " אמר ליה רב יוסף לתנא לא תיתני ענוה דאיכא אנא, Rav Yosef said to the reciter of the mishnah, 'Don't teach that there is no more humility in the world, afterall, I'm still here!'" I thought of these words, because no one experienced more joy in the wit and humanity of the rabbis than Dr. Elman. And I thought of these words because I think that we are all experiencing that feeling of bereft that the mishnah evokes, that there is a special quality missing from the world, a special glint, a way of thinking, that was uniquely his.

The mishnah encapsulates the death of each rabbi with just one or two traits, but we are much too close to this loss to do that. It's felt from too many perspectives. I know that my own loss and sadness pales in comparison to the loss of the family, to the loss to scholarship, to talmudic studies and Iranian studies and intellectual history. But what I hoped to convey was my personal loss, the loss of a teacher and advisor of immense humility, uncanny insight and creativity, and tremendous devotion.

Meira is a doctoral student in Talmud at the Bernard Revel Graduate School of Jewish Studies. She has taught at Nyack College, Congregation Shearith Israel, and Congregation Keter Torah. She studied in the Graduate Program for Advanced Talmudic Studies (GPATS) at Stern College, holds an MA in Talmud from Revel, and a BA in Ancient Near Eastern studies from UCLA.

Yaakov Elman and the History of Halakha

Shlomo Zuckier

Others have offered portraits of Prof. Yaakov Elman the loving father, the scholar with a diligent work ethic even in the face of adversity, the generous mentor, and the *frumme yid* from Brooklyn open and willing to engage with anyone who shared his interests.

As someone whose entrée into the field of rabbinics came from studying with Dr. Elman, I wanted to take a slightly different angle, and to focus on some remarkable aspects of Dr. Elman's scholarship, which reflect not only his prodigious intellect and intensive work, but his broader *hashkafah* as well.

Many have reflected on the fact that Dr. Elman, despite primarily being known as a Talmudist, wrote on every era in Jewish history – from Assyriology and its relation to Tanach, to multiple reflections on Dead Sea Scroll Halakha, to studies on Mishnah, Tosefta, Midrash Halakha, Yerushalmi, and Bavli, to articles on the Ramban and Meiri among the Rishonim, to considerations of Maharal, Rav Tzadok, the GRA, and, most recently, of Rav Yitzchok Hutner, his mentor, among the *Acharonim*.

The ability to span different time periods and fields, especially in today's era of academic specialization, is truly unique and a reminder of what great scholars can achieve.

This capacity to write on such a broad span of fields stemmed not only from Dr. Elman's vast *bekius*, his eidetic memory, and his constant learning, but primarily from his insistence to study – and be *mehaddesh* in – all areas of Torah, all of Jewish tradition, and not focus on a particular area of interest to the exclusion of other traditional Jewish texts.

But in recognizing his great *bekius*, we should not lose sight of his *iyyun*, not just the *fact* that he published his analyses at a steady clip but the *nature* of his analysis as well. Properly appreciating Dr. Elman's mode of analysis will provide a window into not only his scholarship, but the nature of his view of the interaction between Torah and general culture.

Generally speaking, someone with a vast knowledge of the Talmud could have a relatively easy time producing scholarship – you take theories that have been previously propounded, and use your knowledge to either bolster those claims with additional examples or to refute them. Needless to say, this was not Dr. Elman's *derekh*.

Instead of using his wealth of knowledge to further *old* theories, Dr. Elman was proactive in creating *new* areas of research. Most famous is his contribution to Irano-Talmudica, where he pointed to multiple connections in law and legal methodology between the Bavli and

Middle Persian texts, as part of the broader cultural interaction between the rabbis of the Bavli and their Persian neighbors. But he also developed and expanded the rabbinic hermeneutical method of omnisignificance and its application in the medieval and modern periods. Furthermore, he applied genuinely new perspectives to his studies on Rav Tzadok and Rav Hutner.

This insistence on bringing new categories and new ideas to the field is more than a testament to Dr. Elman's abilities, although it is certainly that. It also reflects certain key themes in the thought of Rav Hutner and Rav Tzadok that Dr. Elman has emphasized in his writing.

First, novelty and creativity were central to Dr. Elman's work. He not only participated in the field of rabbinic literature; he moved the field, in Herculean manner. He convinced an entire generation of scholars to reassess the state of the Bavli in its cultural context, convincing many to retrain in Middle Persian and Sasanian history. This singularly initiated, innovative impression he made on the field through his intellectual creativity relates to several core aspects of the human psyche that Dr. Elman saw in Rav Hutner's work. As he wrote, in an as-yet unpublished article ("*Pahad Yitzhak* and its Sources: An Opening Inquiry"):

> The seven hallmarks of the Hutnerian system as they relate to the human psyche [are] individualism, autonomy, authenticity, innovation, self-fashioning and intellectual judgment and creativity.

Each and every one of these is manifest in Dr. Elman's work, and, of course, in his personality.

Furthermore, this idea of not just participating in a field, but building new categories for it, may also serve as a statement on what it means to study history from the perspective of the *Beis Midrash*. Rather than turning Talmud knowledge into raw material, grist for the mill of proving or disproving various historical theories – the easy path for the *baki* – for Dr. Elman, the Talmud is a living, generative text, forming the basis of new theories, and shaping the academy rather than being shaped *by* it. Instead of simply being acted upon, the Torah sources take an active role in defining what Jewish history – and even world history – looks like.

Taking this point a step further, in the historical interaction between Torah and general culture, it is *not* the case that Torah submissively takes in whatever the outside world has to offer. Rather, the interaction goes in both directions, for the mutual benefit of both parties. This is seen in the context of Irano-Talmudica, where Dr. Elman did as much in his scholarly capacity to make Persian legal and ritual texts Talmudic as he did to make the Talmud Persian. In a similar vein, Dr. Elman's insights from his study of the canonical Talmud,

Ramban, Malbim, and Netziv regarding omnisignificance were redeployed regarding the Reform commentator Benno Jacob and even the *Zand ī Fragard ī Jud-Dēw-Dād*, clearly outside the *Beis Midrash*. The Talmud not only can activate scholarship; it is also a driving force in history.

Even cases of apparent influence by secular culture on rabbinic texts can be understood as stemming from the divine will. Two of Rav Tzadok's grand themes, that the halakhic process and nature of Torah study develop over time through *siyata de-shemaya*, and of *zeh le-umas zeh*, that there are parallel developments in the Torah and secular world, frame Dr. Elman's understanding of the interaction between Torah and broader culture.

From this perspective, history, divinely guided, consists of a series of encounters between Torah and the outside culture. Broader trends do not run roughshod over the Jews; the Jews themselves have major contributions to make in return. And the interchange and interaction is all directed by a higher power, as the unfolding of history allows for ongoing revelation among the Jews, always in the spirit of the times.

This *hashkafah*, laid out in Dr. Elman's "Rav Tzadok Ha-Kohen on the History of Halakha," was not theoretical; Dr. Elman lived it through his scholarship. The uniquely creative approach, uncovering previously unknown connections between Jewish and general philosophy throughout history – this is, in a sense, the revelation of God's hand – and even God's Torah – throughout history. For Rav Tzadok, history, properly studied, can also give insights into God's ways – in every generation and for each part of Torah.

As Rav Tzadok taught, every *dor* has its Torah and its interpreters, those who reveal *hiddushim*. Our generation has just lost such a *mehaddesh*. But his contributions live on. As Rav Tzadok writes (*Resisei Laylah*, #13), and Dr. Elman was fond of quoting:

> Whenever anyone understands any matter clearly, the light of that Gate [of knowledge] becomes open to the world and is open to all, for this is the principle that God established for all the generations, even though they continually decline in ability. For once these lights are made available to every generation by the great ones among the sages of Israel, they are not sealed up; they remain open forever, and become fixed laws for all Israel. Therefore, even though later generations are inferior [to earlier ones], they nevertheless maintain their awareness [of knowledge], as dwarfs [on the shoulders of] giants . . . and they themselves continue the process of this opening of new Gates. Even though they themselves are greatly inferior [in comparison to their forebears, their insights] are more profound, for they have already passed through the Gates opened for the earlier generations.

May we merit to learn from, internalize, and build upon Dr. Elman's Torah.

Yehi Zikhro Barukh.

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Shlomo is an alumnus of Yeshivat Har Etzion and Yeshiva University (BA, MA, Semicha), as well as of the Wexner, Tikvah, and Kupietzky Kodshim Fellowships. He has lectured and taught widely across North America, and is excited to share Torah and Jewish scholarship on a broad range of issues. Shlomo serves on the Editorial Committee of Tradition*, is co-editor of* Torah and Western Thought: Intellectual Portraits of Orthodoxy and Modernity*, and is editing the forthcoming* Contemporary Forms and Uses of Hasidut.

Life, Children, and Sustenance: Personal Reflections on the Legacy of a Torah Scholar

Richard Hidary

I first met Dr. Elman when I walked into his classroom as an undergraduate at Yeshiva University taking his Revel Graduate School course, Introduction to Amoraic Literature. I remember being mesmerized at how he seemed to know each of the *Amoraim* almost first hand – when and where they lived, what they taught, what they wore and ate, what was their personality, halakhic approach, *hashkafah*, whether today they would be considered *Haredi* or Modern Orthodox. He brought the world of the Talmud to life for me in a way that I had never experienced before. Dr. Elman continued to be a mentor and guide for me ever since.

Several years ago he encouraged me to study Middle Persian in order to understand the background of the Talmud Bavli. "After all, how difficult can it be," he told me with a wry smile, "there are only eleven letters in their alphabet." So during a sabbatical, I joined the course of Dr. Mahnaz Moazami at Yeshiva University. It turns out that each of those eleven letters can have between three and six different sounds. There is no way to know what sound it makes unless you know the whole word; but you don't know the word until you sound it out! At least I understood Dr. Elman's wry smile, and could better appreciate the herculean effort he made mid-career to become one of world experts in Sasanian literature.

In the meantime I continued with my research relating to the Greco-Roman rhetorical backdrop of both the Talmud Yerushalmi and Bavli. The next year, I presented a paper at AJS on the topic and Dr. Elman, as usual, sat right in front. Dr. Elman was passionate about Persian studies; for him, pursuing Greco-Roman connections to the Bavli was the closest thing to blasphemy. Yet after I nervously asked for his feedback after the paper, he graciously and enthusiastically approved of my direction and findings. That meant the world to me.

I have made sure to pass every major research idea I've had by Dr. Elman. I would present the idea, he would fold his arms and look up for fifteen seconds of long silence as he scanned his mental database of all of the Talmud, commentaries, and every journal article current and past. More often than not, thankfully, I received a positive verdict along with a dozen *sugyot* and further references that were essential to the research. He wasn't just a specialist in one field, but a master of so many areas, making his insights uniquely valuable.

Two years ago, I sent Dr. Elman a manuscript of my book asking for his comments. At the same time, he asked me whether one of our colleagues, who was being judged for tenure, had received a reply. I told him that, indeed, our colleague did just receive tenure. He wrote back this email (all punctuation and caps in the original): "You made my night!!! I am SO happy!

As much as I was happy seeing your book! That was the joy of the day!" I can just hear his enthusiastic voice through his words. He was always encouraging and personally excited by the accomplishments of his younger colleagues.

In addition to everything I have learned from Dr. Elman personally, he also had a profound impact on my synagogue and my community. Dr. Elman lived only a few blocks from me and he taught in our community synagogues on many occasions, including a memorable series of classes in my parents' home.

His connection with my synagogue and my Rabbi, Hakham Moshe Shamah, actually began quite serendipitously back in days of Rabinowitz bookstore over forty years ago. The story involves Rabbi Solomon Sassoon, who was the teacher of Rabbi Shamah, as well as my then future father-in-law, Ronnie Benun. Rabbi Sassoon had been developing some complex theories that he revealed only to very advanced students, sometimes only after years of study with him. One day, my father-in-law drove Rabbi Sassoon to the Rabinowitz bookstore, Rabbi Sassoon went in and returned to the car after fifteen minutes. He reported that he had just met a most impressive individual and told him all of his theories right there on the spot between the isles. My father-in-law was even more flabbergasted when he found out that the gentleman was "just" the bookstore clerk, and yet was able to comprehend in a few minutes what other took years to appreciate. Dr. Elman was simply the kind of person with whom you recognized his genius and sincerity within a minute of conversation.
Several years later Rabbi Shamah decided to publish his Torah commentary with Ktav Publishing and began to work closely with Dr. Elman. Dr. Elman made time for weekly meetings for over a year to carefully read and comment on Rabbi Shamah's book, above and beyond his responsibility as the general editor. He agreed to devote this time because, as he said, "This is a commentary that I want to be available for my children." When I went to visit Dr. Elman in his home last year he said that Rabbi Shamah's book, *Recalling the Covenant* was "the most significant Orthodox biblical commentary in our generation." That approbation means so much to Rabbi Shamah and his congregants and students. Although Dr. Elman never wanted to be a *shul rav*, he did have a significant impact at least on my synagogue.

I asked Dr. Elman earlier this year to contribute an article to a *festschrift* in honor of Rabbi Shamah. He agreed immediately and began telling me about the topic. When I visited him this past March, however, he was barely awake and only able to express a few sentences, which he used to apologize that he didn't have the article ready yet. Here he was fighting for his life, and it was this obligation that was on his mind. When I visited him again three weeks later, he had made a significant recovery. He was sitting in a chair while his hospital bed was piled with books. He began to dictate to me the article that he had all worded out in his head. I interrupted that I wouldn't be able to get all the information down and that there was no rush, he could send it in a few months. Sadly, we won't have the benefit of that article

and of so much more scholarship that never ceased to flow from his endless spring of knowledge and curiosity.

On that same visit, he expressed his deep gratitude to Dr. Richard White, who took care of Dr. Elman like a brother. He then recounted the academic achievements of his grandchildren: one got honor roll, another was valedictorian, and another got an A on a paper. After an impressive list, he paused and said in a more serious tone, how he got so much joy from studying Torah with his son-in-law and all of his family, and that his greatest pride comes from their attachment to *frumkeit*. That each of his children and grandchildren were devoted to Torah and *mitzvot*, and possessed *yirat shamayim* was far more important to him than everything.

I would like to conclude with an analysis of a *sugya* that Dr. Elman loved to teach from Bavli *Moed Katan* 28a:

> אמר רבא: חיי, בני ומזוני, לא בזכותא תליא מילתא, אלא במזלא תליא מילתא. דהא רבה ורב חסדא תרוייהו רבנן צדיקי הוו, מר מצלי ואתי מיטרא, ומר מצלי ואתי מיטרא. רב חסדא חיה תשעין ותרתין שנין - רבה חיה ארבעין, בי רב חסדא - שיתין הלולי, בי רבה - שיתין תיכלי. בי רב חסדא - סמידא לכלבי ולא מתבעי, בי רבה - נהמא דשערי לאינשי, ולא משתכח.

> Rava said: [Length of] life, children, and sustenance depend not on merit but rather on *mazal*. For take Rabbah and R. Hisda as examples. Both were absolutely righteous rabbis, for each master prayed for rain and rain came. Yet, R. Hisda lived to the age of 92; Rabbah only lived to age 40. In R. Hisda's house there were 60 marriage feasts, in Rabbah's there were 60 bereavements. At R. Hisda's house there were purest wheat bread for dogs and it went to waste. At Rabbah's house there was barley bread for humans and even that could not be found.

One reason Dr. Elman taught this often was because of its similarity with the view expressed in a 9th century CE Persian text, the *Dadestan I Denig*:

> The sages have said that there are some things through allotment and some things through deeds. They have judged as follows: being born, wife, child, authority, and property are through allotment. Priesthood, warriorhood, husbandry, righteousness, and wickedness are through deeds.

A second reason this was important to Dr. Elman is because it confirmed a theory he had published years earlier showing that the Yerushalmi tended to express a conservative, measure-for-measure view regarding theology. The Bavli, in contrast, more often ventured

into alternate views that some suffering was not the result of sin. Perhaps, he surmised, the Bavli's openness to conceding that suffering can sometimes be undeserved, a result of unlucky *mazal*, derived from its Persian setting. More significantly, however, he had a personal affinity to Rava's view because, as he once wrote, it is "based on our experience of the world."

Perhaps, then, we can apply this teaching back to Dr. Elman himself. Regarding his children, בני, he could not be more proud of the successes of his children and grandchildren in all ways, thanks of course to his devoted wife Bryna.

Regarding sustenance, מזוני, Dr. Elman was very rich in at least two senses. He was שמח בחלקו, happy with what he had; pursuit of material gain was not even a meaningful category for him. Instead, he was rich in that which he valued most in his professional life, the Torah and scholarship that he attained, published prolifically and taught to his many students.

Regarding length of life, חיי, we wish that he could have lived to 92, like Rav Hisda and beyond. There was so much more that he could have contributed to the world. If it were based on merit, surely that would have been the case. But that was not his allotment, nor God's will. Instead, the responsibility is left to each us to fill the gap in whatever small way we can by continuing to study his works, teach them to our students, and follow his example in his *middot*, his kindness, his enthusiasm, his humility, and his *yirat shamayim*.

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Back to School: A Path to Sustainability

Chavie N. Kahn

September is nearly upon us. As the school year begins anew, the "tuition crisis" is front and center. Shabbat table talk is dominated once again by exasperated adults bemoaning the economic burden of day school tuition. Over the course of those conversation, some may refer to the September 2016 massive Google public spreadsheet sharing JDS tuitions, and others to the September 2017 blog posting "I can 'do Jewish' on just $40,000 a year." Some parents have even felt compelled to educate their children in other venues.

Why is day school so expensive? I am grateful to my colleague Rabbi Rafi Eis for surveying the various cost factors that impact JDS tuition, and his *Lehrhaus* piece provides a starting point for the discussion of what we can do to effect change on the ground. Broadly speaking, the overarching challenge to the educational ecosystem, which it shares with the independent school landscape, is the fundamental fragility of the JDS business model. Costs have risen steadily over the last decade. This upturn is largely related to increased compensation costs due to the uptick in total educator and administrative compensation and benefits. What is more, given heightened academic expectations and regulatory requirements, there are more adults in the school building today relative to the number of students than ever before. Our senior administrative leadership is asked to achieve the near impossible: maintain excellent faculties, administrative staff, and facilities and oversee a spectrum of extracurricular programming, while at the same time deliver a flat budget. Heads of School often are forced to fundraise for "special projects" such as needed capital improvements, all while financial aid as a percentage of the annual budget has continued to increase year after year since 2008. To be sustainable, the JDS ecosystem requires a rejiggering.

And while some might suggest abandoning the JDS model, I very much agree with Eis' premise that day school education is invaluable, and is the premier immersive environment for ensuring connectivity to the Jewish community and to Jewish values for the next generation. While other immersive experiences such as Birthright trips, overnight summer camps, and youth programming also play a critical role in enhancing the connectivity of Jewish youth, research underscores that day schools and yeshiva educations provide the strongest incubators for continued attachment to the Jewish community and preparing the next generation of Jewish leaders.

We return, then, to the seemingly interminable question of how to proceed. We may begin with the assertion that many of the classical proposed solutions simply do not suffice. For example, to the extent that Eis notes that one tactic for an "affordable" JDS tuition might be to go "back in time" to a "parochial education," this tactic is not viable for many communities. Too many in our community will not settle for anything less than an academically excellent

education. The lightning speed of technological advances also increases the pressure on school leadership to respond to pressure on the academic excellence front. Far from going back in time, the JDS system must keep apace by effectively utilizing social media, hosting attractive websites, and disseminating regular digital newsletter updates.

As for other suggested strategies noted by Eis, while the integration of technology into education may be a net positive from an educational perspective, the jury is still out on its impact on the bottom line. Numerous schools jumped on the "blended learning bandwagon," which promised to save schools money and keep costs down, and indeed many of these schools do feature a lower-cost tuition sticker price. The cost savings achieved by schools featuring blended learning, however, do not come solely from that learning model, but are also a result of cutting costs in other areas, such as administrative and educational staff (including on-site mental health professionals and nurses) and sophisticated extra-curricular programming (such as night *seder*, advanced tech programming, and varsity sports teams). Additionally, the blended learning model may not be cheaper in the long run. The most important aspect of innovative education is having not physical space, hardware, or software but educators who are trained and knowledgeable enough to teach advanced learning methods, such as problem solving and computational thinking. Adding administrative costs, I have seen schools that started with "every sixth grader gets an Ipad" five years ago, which now are hiring chief technology officers to manage the ever-increasing pressure to ramp up educational technology integration.

Government funding as a vehicle to meaningfully reduce tuition, another oft-proposed solution, may be unrealistic at this time. While several states have adopted initiatives that offer tax credits for contributions to scholarship funds for non-public schools, other states such as New York have not adopted such legislation. Leaving the church-state argument aside, targeted government funding is helping non-public schools in important areas such as security and, in New York, Mandated Services Reimbursement dollars. In the current climate, government funding to significantly reduce a family's tuition bill remains largely aspirational. Similarly, whole community or "*kehillah*" dues present a plethora of challenges, and to date have not succeeded in significantly reducing tuition bills.

Certainly, various local interventions have impacted tuition in smaller North American communities. For example, in some communities, communal endowment funds have been effective in providing reduced tuition prices for middle income families. Other successful interventions include freezing tuition and school mergers accompanied by tuition cuts.

These successes notwithstanding, we need a systemic response to this national communal challenge. While day school funding is currently hyper-local, the future of our community depends on moving away from the "I donate to my school" model. Cross-denominational funding initiatives leverage more dollars to secure broader and deeper results. In the

endowment arena, matching incentive programs which leverage funds from large donors increase total dollars flowing back to schools. Communities with a defined number of schools can start with a regional perspective, bringing together local funders to build the future of our joint communities. Of course, any collective regional funding initiative comes with inherent challenges, including the recruitment of initial stage funders, second stage funding, implementing a governance model in which philanthropic leaders can discuss and exchange ideas, metrics to track progress, and the scaffolding to distribute the funds on an equitable basis. Yet we can - and must - do it if we want to ensure the Jewish future for our children, grandchildren, and beyond.

What else can we do to impact the high cost of day school tuition? The most viable solution is evidenced by New York University's recent unexpected announcement of free tuition for all current and future medical students, "regardless of need or merit." NYU said that the rationale for the impressive initiative was the recognition of "a moral imperative that must be addressed" given the crippling debt burdening today's medical school graduates. Yet a closer examination of NYU's strategic initiative also reveals lessons that can be fruitfully applied to day school tuition.

How did NYU do it? In one word: *endowment*. NYU is planning to raise $600 million to endow the affordability initiative, and has already raised more than $450 million towards its goal. To the extent that NYU's goal is to encourage more students to enter primary care, there is some pushback on whether this is the best means to achieve that goal. And while NYU's initiative is expensive and a mere aspiration for many graduate schools, let alone undergraduate programs, we can nonetheless identify three critical takeaways for JDS:

1. Cultivate and steward donors: Day schools need to cultivate and steward donors, not only for annual fundraising and capital projects, but also for potential planned gifts (bequests) and endowment gifts. Some donors, largely current parents and recent alumni families, want to give to schools to support today's educational agenda, and don't necessarily have the funds to make large donations. But other donors can take the long view and donate an endowment gift that is positioned to benefit schools in perpetuity. $100 million of NYU's endowment was contributed by an existing donor, Kenneth Langone, founder of Home Depot, who had previously named the medical school. Reading between the lines, NYU leadership has worked hard to keep Mr. Langone close to the medical school and maintained a strong relationship with the family.

2. Create and build endowment funds: While it is true that endowment fundraising can be the toughest dollars to raise, once a school community sees the endowment dollars directly impacting the budget's bottom line, the school is better positioned to raise even more endowment dollars. In my role as senior professional spearheading

UJA-Federation of New York's Day School Challenge Fund initiative, which is on track to raise $100 million in endowment dollars for twenty-one participating day schools and *yeshivot* by the end of calendar year 2018, I advise school leadership that each day that a school does not have an endowment fund is a day less that the dollars can grow and ultimately flow back to the school. While there are certainly schools that, for various reasons, are not positioned to raise endowment dollars, there are other schools in which leadership can prioritize endowment fundraising. Often, multi-generational families and alumni are interested in the long-term financial health of the school.

3. Strengthen the professional and lay leader partnership: A successful endowment campaign has many common elements, including a strong partnership between a school's professional and lay leadership. Day schools have much to learn in the arena of enhancing and leveraging the professional/lay partnership to raise endowment dollars. Day school boards are learning that a skilled and dedicated development director (one who is not tasked with numerous additional job functions such as marketing, admissions, and communications) nets a positive ROI (return on investment).

Many universities and independent schools have long understood that endowments are a critical feature of a business model that helps ensure the sustainability of an academic institution. Beyond the potential to lower tuition, endowment funds at day schools ensure a third stream of revenue in addition to tuition and annual fundraising. They also allow schools to better weather difficult economic times.

What is more, beyond the dollars that flow back to schools from their endowment funds on an annual basis, endowment funds offer value in other ways. Donors tend to invest in schools with endowment funds, which convey the messages of financial viability, long-term vision, and stability. We can educate school leadership as to the importance of endowment fundraising: what it means, how to do it, and what success looks like. To use a sports analogy, in whitewater rafting, the paddlers on each side of the raft not only need to look at the current immediately in front of them, but also to read the current ahead to adequately prepare a tactical response to upcoming rocks or churning water. Schools with endowment funds, planned giving opportunities, and strategic plans convey that they seek to tackle not only the challenges of today but also those of tomorrow.

Some challenge the viability of the endowment solution, arguing that raising endowment dollars might cannibalize annual fundraising dollars. Others say that their communities don't have the donors with sufficient resources to give endowment gifts. At least in many cases, these responses remind me of the year we were gearing up for a day school's annual dinner, and we pushed for the board to

offer a $100K donation in that year's fundraising. "No one has given at that level," we were told. "The top donation to date has been $50K!" We added the $100K level, engaged in a messaging strategy communicating the increased needs of the school, sat in a number of donors' living rooms, and received a $100K gift the following year. Endowments are built over time, and are based on relationships that are cultivated over years. It's hard work, and well worth the effort in the long term.

There is no magic bullet to "solve" the affordability crisis. But since it is our collective responsibility to ensure that we transmit our tradition and values from generation to generation (*Mishneh Torah, Laws of Torah Study*, Ch. 1), we must strategize, plan, and attract new investors to the day school system, all with the objective of yielding sustainable day schools and *yeshivot* for years to come. We cannot simply focus on this year and next year's budget; we need to play the long game. The long-term sustainability of day schools and *yeshivot* should be on the communal agenda as a key component of a solution to a core communal challenge. And the best players are playing the endowment game.

Chavie N. Kahn is Director of Day School Initiatives at UJA-Federation of New York and leads UJA's Day School Challenge Fund to help day schools and yeshivas build endowments. Her expertise includes providing strategic campaign consulting for senior school and lay leadership of day schools in campaign management and capacity building, and working with foundations and philanthropists to develop and implement long range strategic objectives. Chavie is a former litigator at Fried, Frank, Harris, Shriver & Jacobson and was in-house litigator at Prudential Securities. She served on a day school board for more than a decade. Chavie and her husband are proud parents of three day school alumni.

Will Day School Be Affordable Again?

Rafi Eis

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Introduction

In the decade since the Great Recession brought the day school affordability crisis front and center, we are nowhere near solving it. While some schools froze tuition for a few years, only one school significantly lowered its tuition. Every other school increased its tuition. Will we be able to solve the affordability crisis?

This distressing topic however, can't undermine our primary principles. Oscar Wilde famously defined a cynic as 'a man who knows the price of everything and the value of nothing.' Similarly, when discussing the distressing topic of the high cost of Jewish day school, it becomes too easy to think that the whole Jewish day school endeavor costs too much. No matter the cost of Jewish day school, however, it is worth the price. No other institutional Jewish experience has anywhere near the same level of teaching, inspiring, and forming the next generation of committed Jews. Dr. Jack Wertheimer's exhaustive study proves it. These formative years require the unique environment of Jewish day school. Literally, Jewish day school is invaluable.

The Rise of Tuition

In 1995, the average annual K-12 Jewish day school tuition was $5,700, which would be $9,100 today when adjusted for inflation. But other than most yeshivish and Hasidic schools, which have kept pace with inflation, day schools have generally doubled or tripled tuition! Why has tuition grown far faster than inflation?

At the most basic level, we grossly underfunded Jewish day schools in 1995. At that time, New York and New Jersey spent $9,000 per public school student, which is 45% more than the $5,700 previously mentioned! This discrepancy in funding becomes more pronounced when we realize that Jewish day school provides a dual curriculum with at least a 20% longer day and sometimes 50% longer, depending on age level and school type. The Avi Chai report from the mid-1990s decries the woeful state of school financing and the report's primary medium-term goal is to infuse the day school system with additional funds. That has now been accomplished.

Already in the year 2000, Dr. Wertheimer writes about the substantial new investment in Jewish education and that it then cost $10,000 to educate a day school

student. To understand the current cost of Jewish day school, we need to put it in context. New York and New Jersey currently spend more than $18,000 per pupil in public school. With its dual curriculum program, a day school tuition in the New York metropolitan area which is in the mid-$20,000 range is proportional with the geographic K-12 education industry. We are using the data for the New York metropolitan area, which has the highest geographic concentration of schools, but fully understand that the affordability crisis applies to day school families nationally. The context of day school affordability must begin by comparing the local day school tuition with the state's public school cost per student.

The above history does not make day school affordable. Too often, however, people complain about the cost of day school without an appreciation of what their children are receiving. Solving the affordability crisis requires an understanding of school costs and revenues. Both of those likely need to change to make day school affordable again. To do this, we need to understand the reason for the increased costs.

#1: Schools are Better

Jewish day schools have gotten more expensive because they have also gotten a lot better. Schools offer much more individualized attention and opportunities through a wider range of course offerings, which means more teachers and smaller class sizes. An AP Calculus BC course or an advanced Talmud track, for example, only enroll a handful of academically elite students. Schools also provide more robust services for students with additional learning, organizational, or behavioral needs. To provide these opportunities and support, school personnel are now far more credentialed, with a much higher percentage having a Masters' degree or PhD. Previously, much of the learning support staff acted as tutors by filling in the gaps in student knowledge and skill; now they tend to be trained specialists who can also address the underlying language acquisition and organizational issues. Many schools also employ full time mental health professionals.

Beyond classroom learning, schools also place great value on informal education like *Shabbatonim*, clubs, contests like color war, and increased competitive sports with destination tournaments. Some schools also offer adult education programs to bring parents and children together in a holistic way. For the stage after high school, schools offer robust college guidance and Israel guidance departments. These courses, programs, and services require expert staff.

All these additions also require greater direction, organization, alignment, and oversight. Schools have therefore hired more administrators to ensure that the right courses are being offered, are being implemented properly, do not conflict with other

school offerings, and that the correct students are being properly serviced by these programs. Alongside increased individualized programs, parents also need personal guidance as to which programs and courses are best for their child. A basic principle of management is that the more an organization does, the more effort it must make to do it properly, including schools.

Twenty five years ago, Jewish schools fit into the parochial school model. As the overall day school community became wealthier and raised its expectations from schools, the schools instituted more robust programs—APs and course electives, informal education, clubs, sports teams, destination sports tournaments, college and Israel advising departments—and have entered the category of the independent school.

#2: Respectable Teacher Compensation

Growing up in the 1980s, my image of a Jewish day school teacher was of them driving around in a beat-up station wagon. Reports have their salaries in the $20,000 range with minimal benefits. That would be less than $35,000 in 2018. While we do not have public data about teachers' wages over the past three decades, anecdotally, teachers now live much more respectably. They live in the communities they serve and they drive new-ish minivans. Simply put, schools have gotten more expensive because instead of being paid on the low economic end, teachers are now paid a middle-class salary, competing with the market rate for excellent teachers in that area.

Accompanying the rise in teacher salary is the offering of health and retirement benefits to teachers, which schools anticipated would add about 5% to their budget. Pension costs are capped and matched to employee contribution. That has therefore stayed the same and probably makes up 2% of a school's budget. Health insurance premiums, on the other hand, correlate with our healthcare costs which have risen over 170% between 2000 and 2018! While we now know the increased cost of health insurance, schools did not anticipate this level of increase when they offered the benefit. This probably added an additional, unanticipated 10% to a school's budget. It should be noted, that the Affordable Care Act, as of 2016, mandates schools with over 50 full time employees to offer health insurance.

 # 3: Industry Trends

Jewish day schools are part of the education industry and are impacted by the trends of the industry. If we would adjust NY/NJ per student spending from 1995, NY/NJ spending should be around $14,400, yet it is over $18,000. The increased cost of

university has far outpaced inflation. Many of these costs stem from the additional staff and services described above, but it also includes improvements to physical plants and increasing technology expenditures. In other words, the cost of all education has greatly exceeded inflation.

#4: Stagnant US Salaries

While the costs of day school have been rising significantly, the salary of the average parent has not risen in parallel. While salaries rose in the 1990s, since 2000 they have either stagnated or risen modestly, aside from the top 1%. The median salary just rose above its level in 2000. School budgets in, say, 2003 assumed rising wages like in the 1990s, even though that was no longer the case. Even moderate tuition increases of 3% per year makes day school unaffordable if wages stay the same.

The expenditures enumerated above explain the major rise of school tuition, as staff salaries and benefits make up about 75-80% of a school's budget. With tuition being the primary and most stable revenue source of a school, schools collect these costs through tuition.

Where Do We Go From Here?

On the one hand, defining affordable day school can seem like a purely financial question about the relationship of family income, average family size, and the cost of day school. On the other hand, this can be hard to define since priority of values and other lifestyle choices—type of house and neighborhood, automobiles (number and vehicle type), travel, summer camp, and food all impact a family's perception of their economic needs. Each family will answer these questions differently, especially since the cost of day school has led to more people entering high earning careers, with their immense time commitment and stress. As an example, a person stated to me that day school should be affordable enough to allow for an annual family vacation.

As the median salary is basically at 2000 levels and the upper middle class salary is moderately higher, we will define affordable tuition at an average of around $14,000, since that is basically the per child expenditure in 2000 adjusted for inflation. To reiterate, this is currently less than New York and New Jersey's cost per student for a single curriculum education.

The above factors apply to every day school with an affordability crisis. The impact of each factor will differ based on location and each community will define affordable tuition based on local income levels and cost of living. Housing costs and quality of life are different, as are competitive teacher salaries. A state's cost per student is easily

found online. If a day school's tuition is proportionate with the local public school's spending per student, then only the solutions below will make the day school affordable, not "cutting waste" or "lowering costs."

How do we get back to affordability while still compensating teachers in a respectable manner and without sacrificing attention to students with individual needs? It is easy to discuss these three issues in isolation, but any proposed solution will have to address them together.

Obviously, there are two ways to make day school more affordable: by reducing expenses and increasing non-tuition revenue.

Reducing Expenses

#1: Going Back in Time?

While it is critical to understand how we got here, the way down from high tuition is not necessarily to reverse our steps and become a parochial school again. Yeshivish and Hasidic schools have lower tuition because their costs are lower. They compensate their teachers poorly, have a high student-teacher ratio with fewer course options, and have much less individualized support. Their parochial school models stems from their communities expectations and quality of life. We cannot so easily mimic their low cost.

Schools, however, could instill more discipline in their budgeting process by incorporating Zero Based Budgeting, which assumes zero dollars in expenses and then each budget line item needs to be justified as if it were a new addition in each year. This prevents accepting the previous year's expenditures as a basis for the next year's budget, which leads to increased costs, by grandfathering in old costs.

#2: Paying off the Mortgage and Other Non-staff Efficiencies

In general, day schools have little waste, especially when looked at as a per student cost. Much effort has been expended to find efficiencies in Jewish day school: email instead of paying for postage, schools combining their purchasing power together, and running a capital campaign to pay off the school mortgage. These can lead to significant reductions in a school budget and lower tuition.

These efforts should be applauded, but only address the 20-25% of the schools budget that is not staff-related.

#3: Technology/Blended Learning

Blended learning, where classrooms combine teachers and virtual learning, can make school much more affordable, reducing costs by as much as 35%. On the technology side, much of a teacher's job—recording attendance, disseminating and assessing basic knowledge, for instance, can be automated. This, in turn, frees the teacher to support more students than before. The student-teacher ratio can be increased and schools can reduce the size of their faculty. Students will have less time with teachers, but the quality of the student-teacher interaction is higher and more individuated, especially as the teacher receives continuous data in real time. The school can do the same with less.

One important caveat is that the data collected and reported back to the teacher by the online program needs to be based on standards, like Common Core, against which the data can be compared and analyzed. Second, online programs mostly teach and test for content at the lower levels of Bloom's taxonomy, like memorization and description. Creativity and analysis are best taught by teachers.

Increasing Revenues

#1: Increasing Enrollment

It can seem very reasonable to assert that tuition will be reduced with more students filling empty seats. While it is true that many classes have empty seats, those seats are not easily filled. At least in the Orthodox community, day school attendance is about 90% of the available market, with the other 10% not attending due to specific circumstances. Some students need a level of special education that only public school offers, and some want the boutique academic programs of elite private schools. We should note that anecdotally it seems that there is significant enrollment at the less expensive, right wing schools that is not based on the espousal of a particular ideology but because they are simply cheaper. It will require significant resources to enroll these students in Modern Orthodox schools. In short, the pool from which Modern Orthodox schools can increase enrollment to significantly boost revenue is exceedingly small.

The Avi Chai report on the financing of Jewish day schools from 1997 emphasizes that larger schools do not save money per student. My experience as a school administrator during a period of 30% enrollment growth tells me as well that that remains true today. The programmatic additions to attract and accommodate those additional students often equal the tuition revenues they bring in. The empty seats

that need to be filled are in already existing classes; the creation of new classes and programs offsets the additional tuition revenues.

Further, a school increasing its enrollment by adding additional segments of the population, whether to the right or left, will impact school culture. Dramatic culture changes to attract other student populations can also lead to the loss of the base population.

#2: Endowments and Mega Funds

Endowments and Mega Funds can also lower tuition. The amount of revenue needed to make tuition affordable is quite high. For instance, if a 400-student school wants to lower tuition from $25,000 to $14,000 without reducing expenses, it would need an additional income of $4.4 million per annum. Suppose the school has an endowment of $20 million earning 4% interest per year. The interest would allow a reduction of only $2,000 per year, and if the principle is used to defray tuition, the endowment would be depleted within a decade. For this strategy to be effective, much larger endowments are needed, like the Generations Fund in Montreal, which has raised over $80 million dollars, and offers income based tuition subsidies for middle class families.

#3: Other Revenue Streams

Schools are generally large and well-equipped facilities that stand empty for much of each weekend, the holidays, and the summer. Renting out school facilities during these times are another potential, albeit most likely modest, revenue stream.

#4: Vouchers and Tax Credits

Vouchers and tax credits have the potential to completely change the dynamics of Jewish school financing and solve the affordability crisis. A full voucher that will pay for all General Studies salaries and costs, including classroom usage, could reduce tuition by over 60%! Getting a voucher system implemented involves numerous political steps and depends on a particular state's political climate. The amount of the voucher, who is eligible to be paid by the voucher, and who is entitled to receive the voucher will determine whether vouchers make a slight dent in the affordability crisis or solve it altogether.

The Orthodox Union has done incredible work in bringing millions of government dollars into Jewish day schools. The Great Recession first created a sustainability crisis, where many schools questioned their ability to stay open, and the OU helped

save the day by guiding schools to receive the maximum of existing funds and advocating to maintain and increase non-public school educational funds. Their efforts, however, have not made schools affordable for many families, mainly because their successes were in areas of security grants and STEM education, not in securing an Indiana model voucher system in those states with the largest Jewish communities.

#5: Whole Community Dues

A repeated suggestion is the establishment of a communal super organization to collect school revenues from all community members. Instead of schools collecting tuition as a user pay model, where the enrolled family pays tuition, all community members would pay annual dues to support the synagogue and schools. The impracticality of these models should be obvious at two levels. First, we have no ability to enforce payment from individuals and families who do not have school-enrolled children. Communities want to invite new members in, not create financial barriers to entry. Families that have already paid tuition will want to accumulate their wealth for other reasons. Second, the disbursement of communal funds will invariably lead to infighting, as schools cost different amounts and every school has immense fundraising pressure.

More fundamentally, American religious communities are structured to offer choice of school and of place of worship. We pay to the institution that validates and promotes the values that we believe are right for our family and society. Developing a community-based model will limit people's choice of school and synagogue, and it is precisely the American model of religious disestablishment and competitive marketplaces that has allowed our institutions to grow and thrive. Non-competitive communal institutions, like *eruvin*, *mikva'ot*, and *bikur holim* societies generally remain separate organizations that are not bound to particular schools and synagogues. Umbrella organizations, like Federations, have a broader, but looser community, whereas the community-based model outlined above would require a much tighter relationship between institutions. The most obvious way to share resources would be for synagogues and schools to share a building, as they both need a sanctuary and classrooms. Their main usage days do not conflict, and yet every community has its share of reasons as to why the synagogue and school do not share a property.

Results Matter

Communities and organizations have embarked on many well-meaning initiatives that have generated additional revenues for schools and created significant savings.

They have not made tuition affordable, let alone lower. Significant energy has been devoted to solutions of limited or no impact, like obtaining security and technology grants. We have outlined eight strategies above, and none of them should be ignored, even if their potential impact is limited. Every bit helps. Three of them—return to a 1990s parochial education, blended learning, and vouchers—have the potential to make tuition affordable again in the long term, and only the latter two can lower tuition while maintaining educational excellence. Therefore, though we should take a multi-pronged approach, our primary efforts should be geared to advocating for vouchers and to implementing excellent blended learning tools in all subjects.

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