

# The Tuition Challenge: A Discussion Guide

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Torah study plays a prominent role in the holiday of Shavuot. It is a holiday where many people make a concerted effort to study Torah with their children. While the effort to study Torah with our children on Shavuot and throughout the year is commendable, in most cases, it does not supplant the need to send a child to a Jewish day school in order to receive a formal Jewish education.

Day school education can be financially draining for a family. Many families simply cannot afford to pay the tuition fee. Day schools do offer scholarships for those in need, but the scholarship funds require significant fundraising efforts in order for the school to meet its financial obligations. Raising scholarship funds has become increasingly difficult in the last few years, given the current economic situation. As such, many schools are faced with the challenge of finding a way to make tuition affordable while remaining financially stable.

The "tuition challenge" compels us to find alternative means of funding day school education. At present, in many schools, the collective parent body cannot afford to pay for the capital and operating expenses of the school. Any solution to this challenge will involve reducing expenses, increasing revenue or a combination thereof. In this study guide, we will present Torah sources relating to the various options available for schools and communities. We hope that these sources help in facilitating a meaningful discussion about a topic that weighs heavily on the minds of many of us in the Jewish community.

## The Institution of Yehoshua ben Gamla

*Rav Yehuda has told us in the name of Rav: Nevertheless, the name of that man is to be blessed, his name is Yehoshua ben Gamla, for but for him the Torah would have been forgotten from Israel. For at first if a child had a father, his father taught him, and if he had no father he did not learn at all. By what [verse of the Scripture] did they guide themselves? — By the verse (Devarim 11:19), "And you shall teach them to your children," laying the emphasis on the word 'you' (i.e. this should be performed personally). They then made an ordinance that teachers of children should be appointed in Jerusalem. By what verse did they guide themselves? — By the verse (Michah 4:2), "For from*

אמר רב יהודה אמר רב ברם  
זכור אותו האיש לטוב ויהושע  
בן גמלא שמו שאלמלא הוא  
נשתכח תורה מישראל  
שבתחלה מי שיש לו אב מלמדו  
תורה מי שאין לו אב לא היה  
למד תורה מאי דרוש ולמדתם  
אותם ולמדתם אתם התקינו  
שיהו מושיבין מלמדי תינוקות  
בירושלים מאי דרוש כי מציון  
תצא תורה ועדיין מי שיש לו

*Zion shall the Torah go forth." Even so, however, if a child had a father, the father would take him up to Jerusalem and have him taught there, and if not, he would not go up to learn there. They therefore ordained that teachers should be appointed in each province, and that boys should enter school at the age of sixteen or seventeen. [They did so] and if the teacher punished them they used to rebel and leave the school. Eventually, Yehoshua b. Gamla came and ordained that teachers of young children should be appointed in each district and each town and children should enter school at the age of six or seven.*

**Baba Batra 21a (Translation adapted from Soncino Talmud)**

אב היה מעלו ומלמדו מי שאין לו אב לא היה עולה ולמד התקינו שיהו מושיבין בכל פלך ופלך ומכניסין אותן כבן ט"ז כבן י"ז ומי שהיה רבו כועס עליו מבעיט בו ויצא עד שבא יהושע בן גמלא ותיקן שיהו מושיבין מלמדי תינוקות בכל מדינה ומדינה ובכל עיר ועיר ומכניסין אותן כבן שש כבן שבע.

**בבא בתרא כא.**

Accessibility to Jewish education came in stages. Initially, Jewish education was only accessible to those who were willing to travel and was only accessible to teenagers. Yehoshua ben Gamla's institution provided local accessibility to all children from the age of six and up.

R. Tzvi Elimelech Shapira of Dinov (1783-1841) suggests that the institution transforms the way we approach Jewish education:

*Although one fulfills his biblical obligation by teaching Torah to his children, on a rabbinic level, one does not fulfill his obligation unless all of the children of the city are educated, both rich and poor. It would seem to me that after the institution [of Yehoshua ben Gamla], one does not even fulfill his biblical obligation unless all of the children of the city are educated as I will explain ... In our situation, since Yehoshua ben Gamla instituted a stringent feature to the quality of the mitzvah - to be involved in the education of all children of the city - one who educates only his own children, and is not concerned with the children of the poor, certainly violates the rabbinic enactment of Yehoshua ben Gamla, but additionally, does not fulfill his biblical obligation [to teach Torah to one's children].*

**Takanot Tamchin D'Oraita no. 3**

והנה הגם שיוצאין מן התורה י"ח המ"ע בלימוד תורה לבניו. עכ"ז מדרבנן אינם יוצאים י"ח המ"ע רק בלימוד תורה לכל בני העיר יחד עשיר ואביון. והנה נ"ל לפ"ז כי אחר התקנה מדאורייתא אינם יוצאים י"ח המ"ע רק בלימוד תורה לכל התינוקות שבעיר כאשר אבאר אי"ה הסכת ושמע ... בנידון דידן כיון שתיקן יהושע ב"ג חומרא באיכות המ"ע להשתדל בלימוד לכל ילדי בני העיר. א"כ המחזיק מלמד לבניו לבד. ואינו משתדל ואינו חושש לבני העניים. הנה הא ודאי עברו אדרבנן תקנות יב"ג. אבל נוסף לזה. גם המ"ע לא קיים ולא יצא י"ח.

**תקנות תמכין דאורייתא אות ג'**

According to R. Shapira, Yehoshua ben Gamla did not merely add an additional communal obligation. He added a whole new dimension to the obligation to teach Torah to one's children. Once the institution was enacted, one cannot fulfill one's own biblical obligation to teach one's own children until he has done his part to ensure that Torah education is accessible to all children.<sup>8</sup>

<sup>8</sup> See R. Meir Simcha of Dvinsk (1843-1926) *Ohr Samei'ach, Hilchot Talmud Torah 1:2*, who suggests that there is a biblical obligation on the community to educate its children. This obligation existed before Yehoshua ben Gamla's institution.

# The Obligation of the Parents

There are two questions that must be addressed in discussing the obligation of parents to pay for the education of their children. First, what is the extent of their obligation to ensure that their children receive a Jewish education? Second, what criteria should be used in determining what percentage of the school budget comes from tuition and what percentage comes from charitable donations?

Rambam (1138-1204) states that a father's obligation to teach his son Torah extends to hiring a teacher, if necessary<sup>9</sup>:

*One must hire a teacher to teach his son ... If the local custom is that teachers receive compensation, one must provide compensation. One is obligated to pay for a teacher until he reads the entire Written Torah.*

**Rambam, Hilchot Talmud Torah 1:3,7**

והייב לשכור מלמד לבנו ללמדו... היה מנהג המדינה ליקח מלמד התינוקות שכר נותן לו שכרו. והייב ללמדו בשכר עד שיקרא תורה שבכתב כולה.  
**רמב"ם הל' תלמוד תורה א:ג,ז**

According to Rambam, the requirement of parents to spend money for the education of their children only applies to educating them to read Tanach. However, R. Moshe Feinstein (1895-1986) notes that for practical reasons, the obligation extends far beyond that:<sup>10</sup>

*In our country (USA), there is a government requirement to educate them in their schools, and through the kindness of God to the Jewish people, there is an option to educate in schools that are under the auspices of God fearing individuals, such that if one does not send his daughter to be educated in the ways of Torah, faith and observance of mitzvot in a proper school such as Beit Ya'akov and the like, one is required to place her in a public school which, God forbid, has no Torah and no faith. Since one is required to ensure that his daughter is someone who believes in God and His Torah observes His mitzvot, even if it is necessary to spend money, it [i.e. education in a proper Jewish school] is a matter of obligation.*

**Igrot Moshe, Y.D. 2:113**

אבל במדינתנו כאן שמחוייבין מדינא דמלכותא ללמדם בבתי ספר שלהם ובחסדי השי"ת על ישראל איכא הרשות ללמדם בבתי ספר שתחת הנהלת ישראל כשרים ויראי ה' שנמצא שאם לא יתן בתו ללמוד בבי"ס כשר כהא דבית יעקב וכדומה להתחנך שם בדרך התורה והאמונה ושמירת המצוות הרי יהיה מוכרח ליתן אותה לבי"ס של המדינה שהוא ח"ו ללא תורה וללא אמונה, שזה מחוייב גם לראות שתהיה בתו כשרה להאמין בה' ובתורתו ולקיים כל מצותיו אף בהוצאת ממון, וממילא הוא דבר שבחובה.

**אגרות משה יו"ד ב:קיג**

<sup>9</sup> R. Avraham de Boton (c.1560-1605), *Lechem Mishneh, Hilchot Talmud Torah 1:3*, suggests that the requirement for a father to hire a teacher is part of Yehoshua ben Gamla's institution. R. Moshe Feinstein, *Igrot Moshe, Yoreh De'ah 2:110*, notes that there is a comment of Maharik (as cited by *Lechem Mishneh*) that indicates that a father has a biblical obligation to hire a teacher for his son if he cannot personally teach his son.

<sup>10</sup> R. Feinstein's responsa addresses whether there is a difference between the obligation to educate a son and the obligation to educate a daughter. R. Feinstein notes that there is no obligation to teach one's daughter Torah (see *Kiddushin 29b*) and therefore, from the perspective of the laws of Torah learning, Rambam's requirement to hire a teacher would not apply to one's daughter.

According to R. Feinstein, the obligation to pay for Jewish education is not merely a function of the mitzvah of learning Torah. Each parent has an obligation to ensure that his or her children are raised with the proper values and beliefs. In modern times, this can (generally) only be accomplished in a Jewish day school. R. Feinstein adds that the parents are obligated to spend money to ensure that their children receive a proper Jewish education.<sup>11</sup>

The question of what percentage of the budget should come from tuition is perhaps one of the most sensitive issues in this "tuition challenge" discussion. Here are a few questions that one might address when approaching this issue: Is a donor justified in claiming that he will only donate money if every effort is made to collect as much as possible from the parent body? Is a parent who pays full tuition justified in complaining to the school about a neighbor who receives tuition assistance but lives a more luxurious lifestyle? Is the school scholarship committee justified in scrutinizing the financial situation of scholarship applicants when the applicants complain that the process is overly intrusive?

R. Moshe Isserles (Rama, 1520-1572), in addressing the institution of Yehoshua ben Gamla states:

*In a place where the community hires a teacher for the children **and the parents of the children cannot afford to pay for their children** so that other members of the community must contribute, the money is collected based on wealth.*

**Rama, Choshen Mishpat 163:3**

במקום שבני העיר מושיבין ביניהם  
מלמד תינוקות, ואין אביהן של  
תינוקות יכול לשכור לבניהם, ויצטרכו  
הקהל ליתן השכר, גובין לפי ממון.  
רמ"א חו"מ קסג:ג.

According to Rama, the communal obligation to pay for education only applies when the parents cannot afford to pay for the education of their children.<sup>12</sup> Rama, however, does not provide guidelines for what the standards are for someone who cannot afford to educate his child. Do we follow the criteria for giving someone charity - which requires the recipient to

<sup>11</sup> R. Yosef Dov Soloveitchik (1903-1993), also asserts that the exemption from teaching one's daughter Torah does not exempt one from providing one's daughter with a proper Jewish education. It only exempts one from teaching her the theoretical portions of the Torah. R. Soloveitchik adds that the obligation to provide a proper Jewish education to one's children is not only a function of *chinuch* (training) and therefore, it applies even after the child becomes bar/bat mitzvah. [R. Soloveitchik developed this idea in a lecture that was originally given on Shevat 3, 5719 in Yiddish. The Yiddish notes were compiled by Dr. Hillel Zeidman and were translated to Hebrew by R. Shalom Carmy. The article appears in *Beit Yosef Sha'ul*, Vol. IV (1994).]

<sup>12</sup> Rama's comments are stated in a chapter in *Shulchan Aruch* dealing with communal ventures. The general rule is that each individual pays based on the degree to which he benefits. As such, one who has two children in a school of one-hundred children should pay two percent of the school's costs. However, because of Yehoshua ben Gamla's institution, the community is obligated to cover the tuition costs of those who cannot afford to pay. A similar idea is presented by Rama, *Orach Chaim* 53:23, regarding the costs of hiring a *shaliach tzibbur* (cantor). Rama rules that half of the salary should be split evenly among the congregants and the other half should be based on what each individual can afford.

liquidate his non-essential possessions<sup>13</sup> - or is there a different standard when it comes to education?

While Rama does not provide any clear guidelines on the matter, there is a comment of R. Shlomo Ephraim Luntchitz (1550-1619), Kli Yakar, Shemot 23:5, that is relevant to this discussion. The Gemara states the following about the mitzvah to help someone whose donkey is struggling with its load:

*If he [the owner of the animal] went, sat down and said [to the passer-by], 'Since the obligation rests upon you, if you desire to unload, unload:' he [the passer-by] is exempt, because it is said (Shemot 23:5), 'with him.'*

**Baba Metzia 32a (Soncino Translation)**

הלך וישב לו ואמר הואיל  
ועליך מצוה אם רצונך  
לפרוק פרוק פטור שנאמר  
עמו.  
בבא מציעא לב.

There is no mitzvah to help the donkey owner if he does not put in an effort to help himself. R. Luntchitz adds:

*This is a response to some impoverished individuals among our nation who demand communal support but don't want to perform any labor - even if it is within their means to perform labor or something else that can provide for their family - and they complain if they are not provided with all of their needs. [However, there is no requirement to support them] because God only commanded to help "with him." The poor person must do whatever is in his means, and if, nevertheless, he is not able to afford his expenses, then there is an obligation on every Jew to help him, support him and provide him with whatever he is lacking and then one must help, even one-hundred times.*

**K'li Yakar, Shemot 23:5**

ומכאן תשובה על מקצת עניים בני עמינו  
המטילים את עצמם על הציבור ואינן  
רוצים לעשות בשום מלאכה אף אם  
בידם לעשות באיזו מלאכה או איזה דבר  
אחר אשר בו יכולין להביא שבר רעבון  
ביתם, וקוראים תגר אם אין נותנים להם  
די מחסורם, כי דבר זה לא צוה ה' כי אם  
עזוב תעזוב עמו הקם תקים עמו כי העני  
יעשה כל אשר ימצא בכוחו לעשות ואם  
בכל זה לא תשיג ידו, אז חייב כל איש  
מישראל לסעודו ולחזקו וליתן לו די  
מחסורו אשר יחסר לו, ועזוב תעזוב  
אפילו עד מאה פעמים  
כלי יקר שמות כג:ה

While one cannot necessarily compare the allocation of scholarships to the allocation of charity, R. Luntchitz seems to extend the Gemara's idea regarding helping the donkey owner to all forms of assistance. There is no requirement to assist those who are not putting in the effort to assist themselves. As such, the school and its representatives have the right (and ergo the responsibility) to set up guidelines to ensure that scholarship money is only allocated to those who can't help themselves. It is also incumbent upon those applying for scholarship to accurately represent their financial situation so that the tuition committee can distribute its scholarship funds equitably.

<sup>13</sup> Shulchan Aruch, Yoreh De'ah no. 253, contains a detailed discussion of which assets must be liquidated before one is able to collect charity.

# The Obligations of the School

The school manages and distributes the incoming revenue and therefore, must take responsibility to spend the money properly. Yehoshua ben Gamla's institution accounted for the optimization of the school system:

*Raba further said: The number of pupils to be assigned to each teacher is twenty-five. If there are fifty, we appoint two teachers. If there are forty, we appoint an assistant, at the expense of the town.*

**Baba Batra 21a (Soncino Translation)**

אמר רבא סך מקרי דרדקי עשרין  
וחמשה ינוקי ואי איכא חמשיין מותבינן  
תרי ואי איכא ארבעין מוקמינן ריש  
דוכנא ומסייעין ליה ממתא.  
**בבא בתרא כא.**

Tosafot note that if the school system does not follow this structure, the school is not entitled to communal funds:

*However, less than that (twenty five students), the members of the community cannot force each other to hire a teacher.*

**Tosafot, Baba Batra 21a s.v. Sach**

אבל פחות מכאן אין בני העיר יכולין  
לכוף זה את זה להשכיר להם מלמד.  
**תוס' בבא בתרא כא. ד"ה סך**

It should be noted that Ramban (1194-1270), *Baba Batra 21a*, disagrees with Tosafot and maintains that if there are less than twenty five students, the community is nevertheless obligated to provide the funds necessary to hire a teacher. However, Ramban does agree that if there are enough students, and the school decides to hire more teachers than are necessary, there is no communal obligation to support the school for the additional expenses. R. Aharon Koidenover (c. 1614-1676), *Emumat Shmuel* no. 26, adds that the requirement to have twenty-five students in a classroom was only applicable in earlier times. Nowadays (in the 17<sup>th</sup> century), when children require more attention, we should not require such large classrooms. R. Koidenover's comments are cited in *Pitchei Teshuva, Yoreh De'ah* 246:8. R. Shneur Zalman of Lyadi (1745-1812), *Shulchan Aruch HaRav, Hilchot Talmud Torah, K.A. 1:3*, agrees with R. Koidenover that from an educational perspective, Yehoshua ben Gamla's classroom requirements are not applicable. Nevertheless, R. Shneur Zalman asserts that the community cannot be obligated to pay for a school system that is more expensive than the original institution.

The school system of today differs greatly from the school system set up by Yehoshua ben Gamla. There are many more expenses incurred by a school in order to meet the needs of modern education. R. Shmuel Wosner (b. 1911) discusses whether there is a communal obligation to pay for these expenses:

*In truth, I am not sure if we use the institution of R. Yehoshua ben Gamla to obligate members of the community to pay for all of the expenses that exist today because there are a number of issues such as building costs, food and transportation that were not included in his institution. Although one can argue that the institution is based on the needs of each generation, I see that R. Shneur Zalman did not follow this logic and concluded that even*

ובאמת אני מסופק אם אנחנו יכולים  
לחייב מתקנת ר"י בן גמלא גם בני  
הקהילה בכל ההוצאות של היום כי  
הרבה ענינים בבנינים והספקת מזון  
- הסעה וכדומה שבודאי לא היו  
נכללים בתקנתו, ואם כי י"ל  
שהתקנה חלה לפי המצב הצורך

*hiring a teacher for less than twenty five students is not included in the institution. If so, certainly, the items that I discussed are not included. Furthermore, one must investigate whether one can include the cost of building big buildings, as is practiced today, as part of the cost of educating a child and include it in the communal responsibility or whether money collected for the building should be categorized as a general donation for a mitzvah.*

**Shevet HaLevi 6:147**

שבכל דור ודור אבל רואה אני שהגאון הק' בעל שו"ע הרב בשו"ע ה' ת"ת בקו"א אות ג' לא כתב כן, ומצדד דאפילו השכרת מלמד אם רוצים לפחות מכ"ה ילדים אינו נכלל בכלל התקנה, ומכ"ש דברים שכתבתי וגם בנית בנין גדול כנהוג היום צ"ע בזה אם אפשר להטיל זה מצורף לשכר מלומדת, מטעם התקנה - או רק בדרך נדבת מצוה.  
**שבט הלוי ו:קמז**

## Conclusion

Yehoshua ben Gamla is praised and remembered for saving Jewish education in his time. He did so by creating a system where the community, the parents and the schools work together to ensure that all children are afforded the opportunity to receive a Jewish education. The current tuition challenge is complex and there are no simple solutions. Yet, we can learn from Yehoshua ben Gamla that we can ensure the continuity of Jewish education through the collaborative efforts of the community, the parents and the schools.