Training Halakhic Jurists by Guided and Distance Learning in the First Half of the 20th Century [[1]](#footnote-1) – The Method of Rabbi Kalfon Moshe Hakohen of Jerba

Ronel Atia

**Introduction**

Many Jewish communities in the diaspora took active measures to develop a future generation of rabbinic jurists and halakhic authorities. Rabbis were traditionally trained within study halls (*batei midrash*) and their instruction was based on their physical presence and active or passive participation in their teachers’ discussions.[[2]](#footnote-2) This situation changed however, especially within the Jewish communities in Eastern Europe, with the rise of the Enlightenment at the beginning of the nineteenth century. In this period, institutions for the training of rabbis were established by government bodies, who had mandated the reform of the rabbinate as a precondition for the emancipation of the Jews, together with Jewish intellectuals (*maskilim*) who saw no need for Torah scholars proficient in the Talmud and Jewish law. These institutions were intended to develop a contemporary rabbinic leadership in whose eyes the ideal rabbi integrated knowledge of Jewish sources with a broad general and scientific education. To implement these goals, institutions for the training of rabbinical leadership appeared in Europe in the form of rabbinical training seminaries characterized by a combination of traditional Torah study alongside academic Judaic studies and even general academic studies.

Rabbinical training institutions also opened in North Africa, but only from the middle of the twentieth century. These institutions were founded in response to the promulgation of French legislation, in several protectorates in North Africa, requiring rabbis to be conversant in French and graduate from a rabbinical seminary recognized by the government. An example of this trend is the establishment of the rabbinical school in Algeria in the 1940s.[[3]](#footnote-3) The founders of this institution aspired to train rabbis and community leaders with a command of the French language and a broad general education, including secular subjects, such as mathematics, foreign languages, philosophy and the physical sciences, in the belief that these rabbis, as leaders of the Jewish communities of Algeria, would understand the needs of the current generation and be able to address them. Although all the seminaries, both in Europe and North Africa, aspired to regulate rabbinical leadership training and adapt it to changing historical circumstances and the inroads of modernity, they differed from each other in accordance with their differing ideological and value-based perceptions of the image of the rabbi and his role within the Jewish community.[[4]](#footnote-4)

Like their colleagues in Algeria, the leaders of the Jewish community in Jerba, from the beginning of the twentieth century, took upon themselves the task of creating a rabbinic leadership, including rabbis, *hazanim* (cantors) and *dayanim* (religious court judges), for the Jewish communities of Tunisia and its environs. However, in contrast to the model presented above, the Jewish community of Jerba wanted the leadership of the religious sphere within the Jewish community to remain in the hands of a *posek* (one who renders halakhic decisions) with expert knowledge of halakhic literature. To ensure the continuation of appropriate rabbinical training and to counter the inroads of modernity into Tunisia, which had dealt a desperate blow to the existing traditional educational system, Rabbi Kalfon Moshe Hakohen (1874-1950) found a new and original way of training rabbis, based upon a unique teaching method.[[5]](#footnote-5) Rabbi Kalfon’s system was grounded upon a training process that was intensive and structured, yet also efficient and brief. This process was innovative both in comparison to the existing educational system and because of the learning strategies it employed. The innovation of Rabbi Kalfon lay in the foundation of a training method that rendered superfluous the student’s dependence upon the teacher as the director of the learning process. Rabbi Kalfon succeeded in increasing the number of students and maintaining a high caliber of rabbis and *dayanim*, without requiring them to be in one place for specific hours of instruction.

This article will examine the rabbinical leadership training process conducted by Rabbi Kalfon in his community. After presenting the historical background to the penetration of modernity into Tunisia, I will delineate this unique program of study for the training of *poskim* and other rabbinic authorities.

**The Historical Background**

During the period of French rule (1881-1956), in which Tunisia was a protectorate of France, the French established an infrastructure that contributed to the economic development of the area and introduced into Tunisia elements of modern Western culture. As a result, changes began to develop in the traditional lifestyle of the Tunisian Jews, changes that were expressed, among other ways, in dress, in speech, in the acquisition of general education, as well as within the educational system.[[6]](#footnote-6)

The changes within the educational system in Tunisia occurred gradually. Initially, French culture penetrated mainly into northern Tunisia and the capital city, Tunis. This process was reflected in the establishment of several modern communal and state-run schools in Tunis under the aegis of the French and Italian governments.[[7]](#footnote-7) Various parties subsequently attempted to change the curriculum of the *talmudei Torah* (traditional elementary schools) in Tunis’ diverse communities. One such attempt was made by the *maskil* Avraham Castro, the principal of a *talmud Torah* in Tunis, who integrated modern content into the school’s curriculum.[[8]](#footnote-8) The major turning point occurred in 1878, upon the opening of the first *Alliance* (*Alliance israélite universelle*) school in Tunis, with the encouragement and support of the community leaders and rabbis.[[9]](#footnote-9) Over a thousand students enrolled in the school; most came from within the network of *talmudei Torah* that had been functioning in the city for many years.

These modern educational frameworks eroded previously accepted traditional beliefs,[[10]](#footnote-10) especially among the youth. This severance from the traditional educational system severely reduced the number of school graduates proficient in Torah study and likely to become future rabbinic authorities. As a result, leaders of various communities in Tunisia, including the community of Tunis, turned to the rabbis of Jerba and asked them to serve as rabbis in their communities.[[11]](#footnote-11) By the middle of the twentieth century, Jerba had become the leading center of Torah study in all of Tunisia.

Thus, the situation in southern Tunisia, especially the island of Jerba, differed entirely from that in northern Tunisia, especially the capital city of Tunis. Several attempts by the *Alliance*, from the end of the nineteenth century, to establish a modern school in Jerba met with fierce opposition from community leaders. In his writings, Rabbi Kalfon unequivocally forbade the enrollment of children in *Alliance* schools:

It is incumbent upon a person to be concerned for his children and offspring lest they be educated in the values of the other nations who deviate from Torah and mitzvot…One should take care that his children do not become assimilated among the other nations and his descendants become non-observant, Heaven forbid, or members of other religions, because it would have been better for such a person to have had no children than to have children such as those. If one sees that the education in the school leads to assimilation, Heaven forbid, and especially if the officials or the teachers are devious and pose as religious Jews, while concealing a sword ready to destroy Torah and mitzvot, in my opinion, it is forbidden to even set foot in such a place. They are like places of idolatry and heresy of which we have been warned not to approach their thresholds lest they lead us astray with their perverse opinions.[[12]](#footnote-12)

Rabbi Kalfon’s fierce opposition to the infiltration of foreign educators, such as the *Alliance,* attests to his desire to preserve the traditional educational content that was predominate in the Jewish community in the past.[[13]](#footnote-13) In addition to his desire to preserve the traditional character of the Jewish community of Jerba, Rabbi Kalfon was compelled to find a way to train the next generation of rabbis and *poskim,* both for his community, for neighboring communities in Tunisia, and even communities outside its borders. To this end, Rabbi Kalfon developed a program for the training of *poskim* who would simultaneously fill other tasks, such as *mohel* [circumciser], *shochet* [ritual slaughterer] and community rabbi. His goal was to train scholars who would be qualified to determine the halakha autonomously by relying upon a selection of existing halakhic sources while at the same time possessing independent creative capabilities.

Rabbi Kalfon’s recognition of the need for this type of training program was expressed in writing as early as 1906. In a letter addressed to Moshe Zaken Mazuz, the head of the Beit Din of Jerba and its environs, Rabbi Kalfon emphasized the need to “to give scholars a halakhic query to examine in order to accustom them to the study of the law and its application”.[[14]](#footnote-14) In the following decades, this subject occupied a central place in his educational outlook.

**The Training Program for *Poskim***

Prior to Rabbi Kalfon’s initiative, only a small group of Torah students studied the works of the *poskim.* Most Torah scholars in Jerba limited their studies to Gemara, according to the traditional and accepted method that confined itself to training a student to achieve the level of a *meayen* [analyst], a student capable of understanding talmudic reasoning, bound by a definite set of rules, though different from “human reasoning”.[[15]](#footnote-15) Because Rabbi Kalfon’s goal was to train a new generation of scholars who would be able to assume rabbinic functions in Jerba and its environs, he decided to add a further educational component to the training of halakhic jurists. In his words:

To complete one’s Torah study it is not sufficient to analyze the Gemara alone, without studying judicial process. If the student has no knowledge of judicial methods, and is unable to clarify all uncertainties, he will have difficulty later on rending halakhic decisions, even in the simplest matters, because he will not know how to find the law within the halakhic literature and from there resolve his own uncertainties… I have seen that here they study the Talmud almost exclusively, and do not study law and judicial process at all. Even one who is an outstanding analyst devotes all his years to Talmud for the sake of fulfilling the commandment to study Torah…Therefore, because of our many sins, Torah and halakhic rulings are diminished and many cities and villages yearn for a rabbi and righteous judge but cannot find one… A student who lacks knowledge of judicial methods has merely earned the reward for Torah study.[[16]](#footnote-16)

The program founded and directed by Rabbi Kalfon was intended therefore to attain a higher level of expertise – the extensive study of halakhic decision making as an integral component of Torah learning. He was not satisfied with producing graduates proficient in Gemara, but instead aspired to the realization of an ideal graduate proficient both in the study of halakha and in the methods of halakhic ruling and able to serve as a rabbi and *posek* for Jewish communities. According to Rabbi Kalfon, a suitable *posek* is qualified and competent to clarify any halakhic uncertainty and resolve it according to the relevant sources. Nonetheless, it is important to point out that before commencing the study of halakha, the student had to be capable of in-depth Gemara study, as I will explain in the next section.

 **Talmudic Analysis – A Basic Prerequisite for the Study of Halakhic Judicial Process**

As we have seen, in the opinion of Rabbi Kalfon, induction into the process of studying halakhic judicial process was conditioned upon a prerequisite – attaining the level of a “*lomed talmudi iyuni*” a “talmudic analyst”: “A Torah scholar who realizes that he has truly perfected his Talmudic analysis …can set a time for the study of judicial methods.”[[17]](#footnote-17) Talmudic analysis is the foundation of the study of the halakha and its judicial process because in order to render decisions, the *posek* must be familiar with the Talmudic discussions upon which the halakha is based and must acquire the learning skills that he will utilize in the art of halakhic decision making. In the words of Rabbi Kalfon:

Therefore a Torah scholar who realizes that he has truly perfected his Talmudic analysis, the most blatant sign of which is that he frequently anticipates the questions and solutions of the medieval scholars, the Tosafists,[[18]](#footnote-18) Rashba,[[19]](#footnote-19) Ritba,[[20]](#footnote-20) Ran,[[21]](#footnote-21) and the other commentators, may their memories be a blessing, Maharsha,[[22]](#footnote-22) and Mashakh,[[23]](#footnote-23) and others …then he may set a time for the study of judicial methods.[[24]](#footnote-24)

From these words we learn of the conditions that the student must fulfill before he can begin the study of judicial process*.* The first of these is the perfection of his “talmudic analysis”, the development of an analytical ability similar to that of the well-known talmudic commentators, reflected in his ability to identify from within the Talmudic text itself the questions and the solutions of the commentators, even before reading them. The list of commentators mentioned by Rabbi Kalfon attests to the image of the ideal *posek* in his eyes – a student who has acquired analytical and academic abilities of the highest level. Only after reaching a very high level in Torah study could one be capable of reasoning on the same lines as the commentators mentioned by Rabbi Kalfon.

In addition to the analytical ability and the extensive knowledge of the theoretical issues upon which the study of judicial method is based, the suitable candidate must acquire special learning skills that will serve him in halakhic rulings.

**The Founding of the Method for the Study of Judicial Process**

As we have seen, Rabbi Kalfon aspired to increase the number of rabbis and *poskim,* especially given the current dearth of *morei horaah* [halakhic decision makers], *dayanim* and teachers capable of training a significant cadre of future rabbinic scholars. The innovation of Rabbi Kalfon’s solution was the development of a well-organized learning strategy for training *poskim* capable of independent, in depth and systematic study. He described this development in his work, *Etz Hayim*:

I was asked by one who spreads Torah knowledge among the people of Israel, a God-fearing man, anxious to fulfill the word of God, to express my opinion to him in writing about the current scarcity in this region of *morei horaah* able to judge and to render decisions … and the need in certain holy communities for someone to serve and function in a public office in a judicial capacity. All, or at least most, students evade judicial roles claiming that they lack experience and the congregation of the Lord is left like a flock without a shepherd or is forced to make do with a simple public servant, for our many sins. He therefore requests and demands to know the correct path for one to take to bring his students to this exalted goal, on a satisfactory level, without taking an excessively long time. Also, how should one who has not found himself a teacher proceed on his own until he is capable of rendering decisions.[[25]](#footnote-25)

In this passage, Rabbi Kalfon expanded upon the causes of the dearth of *morei horaah* and *poskim*. In his opinion, one reason for this shortage was the method of study used until this time. Rabbi Kalfon pointed to three factors:

1. **A scarcity of teachers** of judicial process and halakha. The decrease in the number of current *poskim* proportionally lowered the number of future jurists that could be trained.

2. **Time constraints**. Due to the need to work and earn a living, many students were unable to devote the time necessary to the study of judicial process*,* as they had been able to do in the past.[[26]](#footnote-26)

3. **The Educational Status Quo** – “Most students attain only Talmudic analysis”. In other words, the shortage of Torah scholars trained as *poskim* derived from characteristics inherent to Torah study in the Jewish communities in Tunis and Jerba. Most students concentrated on talmudic analysis rather than serious study of halakha.

In the opinion of Rabbi Kalfon, the adoption of a new learning method was the primary means to enable the training of *poskim* of a high standard in a short amount of time. He suggested two learning methods: the first, under the supervision of a teacher and the second, self-learning. It is important to note that these educational methods were formulated after an extensive search over several years, as attested by Rabbi Kalfon in his own words:

However, since for several years I have also tried to understand and to know the meaning of this matter and I wandered the four corners to find a method and a correct system for this and God helped me to succeed in finding a clear and sure path, after many trials and investigations. Therefore, I have taken the liberty of presenting to you here my position, not as the product of wisdom or insight, but as the product of trial and investigation.[[27]](#footnote-27)

**Study under the Supervision of a Jurist**

The first learning method was based upon independent study under the supervision of a halakhic authority. Rabbi Kalfon began by explaining from whence he derived the inspiration for this method:

A craftsman who desires to teach his craft to an apprentice has two options:

a. The craftsman will work as usual and the pupil will stand before him and watch and observe, ask questions and inquire about everything he does not know, to understand how it works and what will happen. The craftsman himself will ask him questions and test his knowledge as to how one does one thing or another and will explain to him whatever he does not know. Training in this method is without doubt dragged out, slow, and very lengthy, and even afterwards, when the pupil has finished the course of his study, as soon as he picks up the tools to work, it is usually very difficult for him and he will fail in his attempts and efforts for a long time to come.

b. To teach the pupil one skill of the craft and then give him a task by which to practice this skill and then afterwards to teach another skill and again give him practical experience, until all aspects of the craft have been taught. This method will enable the pupil to achieve his goal quickly as well as prepare him well to do the work easily without error or obstacle.[[28]](#footnote-28)

In this passage Rabbi Kalfon presented his opinion regarding the correct way to train *poskim* by means of an analogy in which he distinguished between intellectual training and skill acquisition. His learning method was intended to create a brief but effectual process of learning halakha focused on the practical skills of rendering judgement. Rabbi Kalfon compared the study of judicial process to the study of a craft and presented two alternate methods:

1. Study through observation of the work of the craftsman and conversation with him. The disadvantage in this method is that the pupil is exposed only to the actions that the craftsman performs. He does not learn the principles of the trade and does not develop his own creative abilities or the capacity to confront new situations. Another disadvantage of this method is its considerable length.

2. A training program in which the craftsman teaches his apprentice part of his craft and then allows him to practice doing it himself, repeatedly, each time presenting new skills. Through training that is based on activity and on trial and error, the apprentice learns his trade very quickly. In addition, he learns the principles of the craft, and does not become set in the ways of the craftsman, but instead acquires new abilities and learns to grapple by himself with new situations.

As in the analogy, Rabbi Kalfon suggested a process for learning the skills of halakhic ruling based on guided self-instruction. Intensive study, analytical and hermeneutical capability, as well as the ability to write and to memorize extensive talmudic material, comprised the essential basis for the study of judicial process according to this method,[[29]](#footnote-29) and on this platform Rabbi Kalfon presented a program for advanced training in the skills needed by halakhic decision makers:

The Rabbi will keep a careful watch on his students to determine if they have attained the capacity for true and correct “*iyun talmudi*” [“talmudic analysis”] known as “Tunisian analysis” … When the rabbi sees that his students have truly acquired this ability, he will begin to teach them sections of the *Shulhan Arukh -- Orah Hayim and Yoreh Deah --* with the words of the Tur and Maran in the *Beit Yosef,* and sometimes also the roots of the issue and its source in the Talmud and the *poskim*, according to the subject matter and the time available, and will give precedence to those laws that are common and perennial.

Afterwards he will ask them to read in front of him the words of the *Shulhan Arukh* and to tell him from memory their source and their meaning. After that he will endeavor to present to them a query from the book of an important scholar and to also briefly list the sources in the book, according to the title and section of the book, and encourage them to examine the matter and to write down on paper in their own hand the wording of a responsum on the matter according to the knowledge they have gleaned from those sources and to individually submit to him what they have written. He will take each paper into his hands and ask each one what he has concluded in this matter and his reasons and proofs thereof. Each will answer him verbally according to his own opinion.

After that he will determine whether the written answer of each student corresponds to his verbal response. He will then compare their conclusions to the conclusions of the *posek* who wrote the responsum in the book. If they in fact arrived at his conclusions, well and good, and if not, he will examine how, and in what, and why they did not see eye to eye.

He will them teach them additional sections.

He will always choose to proceed in this manner and teach them the easier material first before progressing to the more difficult material and give practice assignments as explained above ... and when he sees that they have acquired the ability to render decisions, he will endeavor to teach them more difficult material.

After that he will try to give them only a question, without providing them with a list of sources and will then compare their answers with the words of the author of the responsum. He will then test them again with questions arriving daily, at first in theory and eventually in practice.[[30]](#footnote-30)

The following is a detailed explanation of the stages in the study of halakhic judicial process in Rabbi Kalfon’s program:

1. Study by means of research and guidance. In the first stages the teacher learns with his students the passages relevant to daily practice from the *Orah Hayim* and *Yoreh Deah* sections of the *Shulhan Arukh*, according to the development of the halakha – starting from the rulings of the *Shulhan Arukh*, followed by their sources in the *Beit Yosef*, the words of the Tur, and going back to the source of the discussion in the Gemara. It appears that the educational aim of this stage is to familiarize the students with the development of the halakha in the relevant source literature.

2. Next, the students are requested, on the basis of a halakhic ruling read to them and according to the relevant context, to identify by themselves the sources of the halakha under discussion. The aim of this process is for the student to learn to recognize by himself the books which he will be able to use to clarify halakhic rulings in the future.

3. The first two stages form the foundation for the principal stages of study. From this point on, study is based upon the supervised, analytical formulation of answers to questions and to halakhic issues taken from the relevant responsa literature. In this stage, the student receives from his teacher a halakhic question and a list of sources and is required to write the responsum himself. After this responsum has been completed, the teacher analyzes and assesses its quality on several levels:

a. Understanding the sources and their implications for the case under discussion.

b. Comparison between the conclusions formulated in the written responsum and the student’s understanding as expressed verbally.

c. Comparison between the student’s responsum and the responsum appearing in the literature from which the question was taken. If differences between these two responsa are discovered, an analysis of the student’s responsum is conducted to reveal the reasons for these differences.

4. The composition of responsa to halakhic questions and their evaluation. This stage is similar to the preceding stage, except that here the student receives the question without references and is required to discover for himself the sources necessary for the formulation of his responsum to the halakhic question under discussion.

5. A change in the sources from which the questions are taken. Until now the learning process was based upon questions and answers taken from the responsa literature. In the final stages of the learning process, the student is presented with questions based upon current problems brought to the attention of the rabbis and *poskim* by members of the community. The students are required to produce answers to the questions, with sources, and on this basis to issue actual halakhic rulings for the community. In this way the student is exposed to numerous halakhic questions addressed by rabbis and *dayanim* and to the halakhic discussions appearing in the responsa literature and other halakhic literature on the relevant topic.

**Self-Instruction in Judicial Process**

An analysis of the learning process proposed by Rabbi Kalfon reveals the critical role of the halakhic authority guiding the process. This aspect of the program was however a potential pitfall because of the afore-mentioned dearth of halakhic authorities in this period. In addition, the jurists active in this period were unfamiliar with this type of learning process. Rabbi Kalfon indeed addressed this problem at the end of his remarks:

Without doubt, even the rabbi who is teaching them, even if he is not a halakhic authority, if he proceeds in this way with them, will himself acquire the skills of ruling and judgement, even in his later years. If the student does not have a rabbi or a teacher, if he reflects upon himself, and understands and realizes that he has sufficiently mastered talmudic analysis, he can easily begin to try his hand at these exercises and examinations, one at a time, and in a little while he will become a halakhic authority for the Jewish people, without the assistance of any rabbi or teacher in this process.[[31]](#footnote-31)

Rabbi Kalfon, who saw great potential in this guided learning process, viewed it also as an opportunity for self-instruction both for rabbis not trained to study in this method, and for students interested in learning the judicial process independently, without a halakhic authority to guide them. Rabbi Kalfon thus adapted his program to self-instruction, for those students unable to find a rabbi to teach and guide them in the study of halakhic judicial procedure:

In that case he should set himself a time to learn the ways of judgement. He should begin by taking one of the well-known works of responsa such as *Beer Yehuda,[[32]](#footnote-32) Zera Emet,[[33]](#footnote-33) Hayim Shaal[[34]](#footnote-34)* and similar works. He should then jot down in his notebook the question as well as the references to the sources mentioned in the responsum in a cursory manner, “book “x”, section “a”, book “y” etc., without reading the body of the responsum. He should then endeavor by himself to clarify the matter based upon the references he has written down before him, to examine the sources of the topic in order to find an answer to the question and write down his conclusions. He should then compare his words with those of the responsum from which he took the question and the references. If he sees that they follow the same lines, well and good, if not, he should investigate further to discover the reason for the discrepancy. He should try this method with several responsa on *Orah Hayim*, *Yoreh Deah*, *Even Haezer*, and *Hoshen Mishpat*, until he considers himself qualified to answer the question without a list of source references. At that point he should write down in his notebook only the question and endeavor himself to exhaust the subject and probe the depths of the halakha and compare what he has concluded to the words of the *posek* in his responsum. He will then see -- if they are of the same opinion, well and good, if not, he should examine the explanation and reason for the discrepancy. Following these exercises, he should accustom himself to find a solution and answer to questions brought to his attention personally or that he has heard about from someone else. He should refer primarily to the *Shulhan Arukh*, the *Beit Yosef* and the *Keneset Hagedolah*, and afterwards to other *poskim* and in this way he will, for the most part, proceed safely with the help of God and His salvation.[[35]](#footnote-35)

The principles of the acquisition of judicial competence by means of self-instruction are similar to those of instruction under the supervision of a halakhic authority as described above. Here also the instruction is based upon learning from experience. The student chooses a question from the existing responsa literature. In the first stage, as in the supervised learning, the student is required to copy down the question and the sources of the responsum as they appear in the book. After examining the sources of the published responsum, the student writes his own responsum, according to his own opinion. Afterwards, he compares it to the published responsum and examines the reasons for any discrepancies between them. In the next stage, after the student has been exposed to halakhic issues from various spheres, according to this framework, he continues to write responsa to questions appearing in the responsa literature, but without checking first to see the sources upon which the authors of these books relied. The aim of this stage is for the student, who has already acquired sufficient halakhic proficiency, to gain practice locating sources on his own. In this way the student acquires independent, yet disciplined, judicial ability. The student reaches a decision independently yet checks himself by means of comparing his decision to that appearing in the work of a recognized *posek*.

**Rabbi Kalfon‘s Image of the *Posek***

Rabbi Kalfon’s method for training halakhic jurists by means of individual work was innovative, creative and pioneering. Nonetheless, it is important to note that it was based upon the systematic and regulated study of halakhic judicial skills and was not suitable for students who had not previously acquired these skills in the context of analytical Talmud study. In effect, it can be said that Rabbi Kalfon endeavored to superimpose his image of the ideal graduate of the religious educational system onto the image of the *posek*. This image was composed of several characteristics:

1. The *posek* must be knowledgeable and very familiar with talmudic discussions, halakha and judicial process. He must know and even remember by heart many passages from the Talmud and the halakhic literature. In addition, he must have the ability to delve deeply into his study until he understands each passage according to its various commentators.

2. The qualified *posek* is required to pursue his studies on a regular basis. He is not dependent upon a teacher or rabbinic instructor in order to achieve the level of “*posek*” because his studies must be based on continuous individual study in accordance with both the various halakhic sources and questions arising from within the community, or from his friends or his teachers, in light of his familiarity with the various sources and their development in the course of proper judgement.

3. In the continuation of his remarks, Rabbi Kalfon urged *poskim* to moderation, expressed on several levels:[[36]](#footnote-36)

a. “He should strongly encourage them … to be moderate in judgment and in ruling” – Rabbi Kalfon urged the *posek* to moderation and to a thorough examination of the halakha before making a decision, even in a case in which it seems to him that he knows the halakha very well.

b. In cases in which the halakhic issue is not sufficiently clear to the *posek,* Rabbi Kalfon advised him to record his uncertainty in a notebook or notepad designated for this purpose and at his leisure to clarify it thoroughly while composing a detailed responsum including the relevant references to the halakhic literature*:* “And thus each should have a notebook and allocate within it pages in which to very succinctly record the doubts and questions that their eyes have seen and their ears have heard, according to the section numbers, so that they may set a time afterwards to clarify them, gradually, and in the other parts of the book they should record each of these questions with its resolution at length, according to the section numbers.”

c. Rabbi Kalfon recommended that after the *posek* has completed his halakhic inquiry he should show his halakhic question and the responsum that he has written to other *poskim* in order to clarify all sides of the issue and to thoroughly resolve the halakhic question, in a befitting manner: “He should encourage them to discuss the halakha face to face after the investigation and the conclusions, as well as exchange letters with each other, with him and with rabbinic authorities and those occupying the seats of judicial authority”.

**Conclusion**

Rabbi Kalfon’s unique program for the training of a future generation of rabbinic jurists illuminates his role as a leader who acted with great originality, for the public good of both his own community and other Jewish communities in Tunisia.

It can be argued that this was the product of his desire, and that of the other rabbis of Jerba, to create a large cadre of future rabbinic leaders for the Jewish communities of Tunisia and beyond, to safeguard against the penetration of modernity, to preserve the existing traditional educational frameworks within the community of Jerba, and to prevent there the changes taking place in other areas of Tunisia.

It is difficult to ascertain if Rabbi Kalfon was aware of the rabbinical training institutions in Europe. Although these institutions faced similar challenges regarding the issue of rabbinical training, Rabbi Kalfon addressed these issues in a unique and original manner. European establishment figures also attempted to influence the pre-existing traditional educational system in Jerba. In addition, Rabbi Kalfon confronted a shortage of rabbis and *poskim* both in neighboring communities within his country and outside its borders. His decision to establish a **teaching method** for the training of a new rabbinical cadre rather than an **educational institution** in the form of a rabbinical seminar enabled the student body to expand beyond the local community and to preserve the educational system and the traditional image of the rabbi and *posek*.

As to the success of the program, testimony can be found in in words of Rabbi Rafael Kadir Tzaban, who grew up in the Jerba community during this period:[[37]](#footnote-37)

All the cities of Tunisia into which the general enlightenment and the non-Jewish French culture had penetrated reached a state in which to our sorrow there was no one who could perform the sacred functions of rabbi and *moreh horaah* … The springs of Torah trickled and dried up and the doors of the yeshivot were locked and bolted … Where were our scholars? Where were the princes of the Torah, the elder pious ones who since time immemorial had been here in our city, a Jewish cultural center, Tunis, may God help it, all of whom were holy, learned in secret wisdom and in Talmud, preachers, scribes … it must be pointed out that in the last two generations the island of Jerba has become the only source of esteemed rabbis and rabbinical students capable of rendering judgement and giving halakhic instruction, standing guard for the sake of disseminating the Torah and training rabbis and religious functionaries for every district of Tunisia and the land of Israel.”[[38]](#footnote-38)

1. I would like to thank Dr. Zvi Stampfer for reading this article and for his instructive comments. [↑](#footnote-ref-1)
2. Mordechai Breuer, *Ohalei torah – hayeshiva, tavnita vetoldoteyha* [The tents of Torah – the yeshiva, its structure and its history (suggested translation)] (Jerusalem: 2004), 3-28. [↑](#footnote-ref-2)
3. Shlomo Glicksberg, “Beit hasefer harabani be’aljir (1948-1961)” [The rabbinical school in Algiers (1948-1961)], *Pe’amim* 146 (2016), 195-226. [↑](#footnote-ref-3)
4. Asaf Yedidya (ed.), *Batei midrash nusah ashkenaz: zikhronot shel bogrei haseminarim lerabanim begermania ubeustria* [Ashkenazi batei midrash : memoirs of graduates of rabbinical seminaries in Germany and Austria (suggested translation)] (Jerusalem: 2000), 13-66. [↑](#footnote-ref-4)
5. In this article I will focus on an analysis of the training processes for *poskim* in light of historical changes experienced by the Jewish community of Jerba. For a detailed discussion of the training method, see Reuven Mamo, “Kavim manhim letahalikh hakhsharat morei horaa bemishnato hahinukhit shel harav moshe kalfon hakohen zatzal” [Outlines of the process of training *morei horaah* in the educational philosophy of Rabbi Moshe Kalfon (suggested translation)], *Hameir Learetz* 65 (2006), 459-469. [↑](#footnote-ref-5)
6. See: Haim Saadoun (ed.), *Tunisia* (Jerusalem: 1985). [↑](#footnote-ref-6)
7. On this subject see: Y. Haruvi, *Haelita hatornit shel hair tunis beaidan hamoderni 1873-1921*, [The elite Torah scholars of the city of Tunis in the modern period, 1873-1921], doctoral dissertation, Tel Aviv University (Tel Aviv: 2013), 223-135. [↑](#footnote-ref-7)
8. Shalom Falah, “Hatzofeh et pnei tunis”, [Observing the city of Tunis (suggested translation)], *Haasif* 6 (1894), 78-94; Yaron Tsur, *Tzarfat veyehudei tunisia: hamediniut hatzarfatit klapei yehudei hamedina upeilut haelitot bemaavar meshilton muslani atzmai leshilton coloniali, 1873-1888,* [France and the Jews of Tunisia], doctoral dissertation, Hebrew University (Jerusalem: 1988), 22. [↑](#footnote-ref-8)
9. For more on this subject see: Haruvi, n. 7 above, 60-65, and Yehuda Moriel, *Hahinukh hayehudi bejerba beaidan shel temurot: 1881-1956* [Jewish education in Jerba in an era of change (suggested translation)], M.A. dissertation, Hebrew University (Jerusalem: 1990), 8-12. [↑](#footnote-ref-9)
10. See: Falah, “Tzedek veshalom” [Justice and peace (suggested translation)] (Tunis: 1897), 79-80; A.A. Perel, “Hashkafa klalit al hayehudim beberberia” [A general overview of the Jews of Berberia (suggested translation)] *Hazefira* 7 (23/11/1887), 1. [↑](#footnote-ref-10)
11. Kalfon Moshe Hakohen, *Malkei tarshish: toldot rabanei tunisia vehibureihem* [The kings of Tarshish: the history of the rabbis of Tunisia and their works (suggested translation)] (Netivot: 1986), 42. [↑](#footnote-ref-11)
12. Kalfon Moshe Hakohen, *Torah vehayim* [Torah and life (suggested translation)] (Netivot: 1984), vol.1, chapter 8, section 2. [↑](#footnote-ref-12)
13. It is important to note that Rabbi Kalfon did not totally reject all modern phenomena. An expression of this can be seen in his great sympathy for the Zionist movement and in the changes that he introduced to the educational curriculum. There are those who perceive openness in his character and it may be said that he was not zealous for ancient traditions. It appears that he was capable of impressive selectivity regarding modern phenomena. See also: Yaron Naim, *Harav kalfon moshe hakohen me jerba bein shamranut lemoderna* [Rabbi Kalfon Moshe Hakohen from Jerba: between conservatism and modernity] doctoral dissertation, Bar Ilan University (Ramat Gan: 2009). [↑](#footnote-ref-13)
14. Kalfon Moshe Hakohen, *Sitrei moshe*, [The secrets of Moshe (suggested translation)] in *Zekhut Moshe* [The merit of Moshe (suggested translation)] (Netivot: 1993), 71. [↑](#footnote-ref-14)
15. For a definition of “*meayen*” see: Haim Z. Dimitrovski, “Beit midrasho shel rabbi yaakov berab betzefat” [Rabbi Yaakov Berab’s Academy in Safed], *Sefunot* 7 (1963), 78-81, 84, 86; Haim Bentov, “Shitat limud hatalmud beyeshivot saloniki veturkia” [Methods of study of Talmud in the yeshivot of Salonica and Turkey after the expulsion from Spain], *Sefunot* 13 (1971-1978), 5-102. [↑](#footnote-ref-15)
16. Kalfon Moshe Hakohen, *Brit Kehuna* [Priestly covenant (suggested translation)], (Bnei Brak: 1990), section “Orah Hayim”, see under “limud”, 85-88. [↑](#footnote-ref-16)
17. Ibid, 87. [↑](#footnote-ref-17)
18. A group of talmudic scholars, most of whom students of Rashi or of his students, active in Germany and France, who in the course of the twelfth and thirteenth centuries wrote commentaries known as the “Tosafot” on the tractates of the Talmud and on Rashi’s commentary to the Babylonian Talmud. [↑](#footnote-ref-18)
19. Rabbi Shlomo Avraham ibn Aderet (1235-1310), one of the greatest Torah scholars in Spain in the Middle Ages. [↑](#footnote-ref-19)
20. Rabbi Yom Tov ben Avraham Ishbili (1250-1330), a student of Rashba, who wrote, among other works, commentaries to the Babylonian Talmud. [↑](#footnote-ref-20)
21. Rabbi Nissim ben Reuven Gerondi (1315-1370) was one of the most important commentators of the Talmud and the Rif (the commentary of Rabbi Itzhak Alfasi to the Talmud). [↑](#footnote-ref-21)
22. Rabbi Shemuel Eliezar Halevi Eidels (1555-1631), a scion of the Kalonymos family, was one of the most important commentators on the Talmud in the early modern period. [↑](#footnote-ref-22)
23. *Mishmerot Kehuna* is an erudite commentary on the Babylonian Talmud written by Rabbi Avraham Hakohen Yitzhaki (1789-1864), the head of the Beit Din and chief rabbi of Tunis. [↑](#footnote-ref-23)
24. Hakohen, *Brit Kehuna*, n. 16 above, 85. [↑](#footnote-ref-24)
25. Kalfon Moshe Hakohen, *Etz Hayim* (The Tree of Life) (Jerba: 1924), Introduction. [↑](#footnote-ref-25)
26. “Before, in past times, better than these, Torah students did not know the burden of earning a living or providing for the needs of the households because prices were low, and it was easy to find honest income. In addition, many officials and officers, laden with gold and silver, supported the students and provided for all their needs and wants in a grand, beneficent and efficient manner. The student did not stay within the yeshiva of his own rabbi but traveled near and far to discover insights on the Talmud and *poskim* and occasionally matters of judgement and law… However, in these days, because of our many sins, Torah students are lacking, as are their patrons and supporters and in most cases a student leaves the period of instruction with his teacher at a very low level of proficiency in Torah study. (Ibid) [↑](#footnote-ref-26)
27. Ibid [↑](#footnote-ref-27)
28. Ibid [↑](#footnote-ref-28)
29. As explained above, the prerequisite for acceptance into the program of halakhic training was the attainment of the level of “*hameayen hatalmudi*” (talmudic analyst) comprising “effortless and genuine understanding of every subject that is difficult and unclear, cognitive ability that utilizes memory to recite by heart with ease what has been heard or read without any impediment even if the subject is extensive and profound. (Hakohen, *Etz Hayim*, introduction, n. 25 above.) [↑](#footnote-ref-29)
30. Ibid [↑](#footnote-ref-30)
31. Ibid [↑](#footnote-ref-31)
32. Rabbi Yehuda Ayache, (Livorno: 1746). [↑](#footnote-ref-32)
33. Ishmael Hakohen of Modena, 1786. [↑](#footnote-ref-33)
34. Rabbi Hayim Yosef David Azulai (the Hida), *Sheelot uteshuvot Hayim Shaal*, [Responsa -He asked for life (suggested translation)],(Livorno:1792) [↑](#footnote-ref-34)
35. Hacohen, *Etz Hayim*, introduction, n. 25 above. [↑](#footnote-ref-35)
36. Ibid [↑](#footnote-ref-36)
37. Rabbi Rafael Kadir Tzaban (1910-1995) was a rabbi in the city of Jerba. After moving to Israel in 1957 he served as the rabbi of the city Netivot and a member of the Chief Rabbinate Council. He authored works on a variety of subjects : *Magid devarav leyakov* [Speaking his words to Jacob (suggested translation)] – on the Passover Hagadah, *Zera Yakov* [The seed of Jacob (suggested translation)] (in three volumes) – commentaries on the Talmud and on the *Shulhan* *Arukh*, *Nefesh Haya* [A living soul (suggested translation)] -- customs and laws in the *Shulhan Arukh* and *Shirei Nefesh* [Songs of the soul] – a supplement to *Nefesh Haya*. [↑](#footnote-ref-37)
38. Rafael Kadir Tzaban, *Nefesh Haya* [A living soul (suggested translation)] (Netivot: 1984), 10. [↑](#footnote-ref-38)