APPROPRIATING KOHLBERG FOR TRADITIONAL JEWISH HIGH SCHOOLS

by

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Submitted in partial fulfillment of the
Requirements for the Degree of Doctor of Education in
Teachers College, Columbia University

2004
I would like to thank my dissertation committee for their guidance during this project. Professor John Kuentzel, my advisor and dissertation sponsor, provided vital comments and suggestions from the earliest stages of my proposal through the final draft of the dissertation. Dr. Kuentzel’s insight and expertise in practical theology were especially helpful in my attempt to formulate a traditional Jewish philosophy which would serve as a foundation for my appropriation process. Professor Carol Ingall, who served as the second reader for both my proposal and my dissertation, was a teacher and guide par excellence. Dr. Ingall gave graciously of her time to meet with me and to carefully read draft after draft of my work, always challenging me to further develop and sharpen my ideas. Her constructive critiques shaped everything from the finer points of sentence structure to the focus and goals of the project as a whole, and I am most grateful for her support and encouragement. Professor Mary Boys, chairperson of the dissertation committee, conducted the oral defense in an efficient and professional manner while at the same time ensuring that I felt comfortable and that I could share my open and honest thoughts with the committee. Professor Suniya Luthar, the final member of the committee, raised important questions in a friendly yet stimulating way; I appreciated the fresh, new perspective that she was able to offer.

My research centered on curricula written by Norman Amsel, Earl Schwartz, and Morris Sosevsky. Were it not for the foundations laid by these three authors, I would not have been able to pursue this project. I thank each author for granting me permission to quote from his work and for investing time discussing his work with me.
My studies at Teachers College have been supported by my selection as a Wexner Graduate Fellow. The Wexner fellows serve as a support network as well as a community of scholars ready to discuss and debate important issues; my participation in this community has had a powerful influence on my thought about Jewish education and on my personal development as an educator and as a leader. In particular, I would like to thank the Wexner foundation’s leadership, Larry Moses, Rabbi Elka Abrahamson and Cindy Chazan, from whose kind and wise guidance I continue to benefit, and Leslie and Abigail Wexner, whose vision and generosity make this unique community possible.

The journey to this degree began many years ago, when my parents enrolled me in a Jewish day school. From those first years, they have shown care and interest in my education as a person and as a Jew. They encouraged every project I undertook and every dream I pursued, and they continue to be a source of guidance and support.

Finally, my wife, Kally, is the one person who devoted more time and effort to this project than I. She offered vital input and suggestions as I attempted to formulate my ideas, and was a careful second reader on my initial drafts. Perhaps more important, she provided the emotional support and the day-to-day encouragement that allowed me to continue and ultimately to complete this work.

B.K.
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Chapter I
INTRODUCTION AND OVERVIEW

From the earliest days of the United States, moral education in the form of character education was a central mission of the public school. Relying on discipline, morally uplifting literature, and the teacher's good example, character educators sought to train children to be loyal and upright citizens of the new Republic. *The McGuffey Reader* was a centerpiece of this approach and a basic text in early twentieth century classrooms. More than just an aid in reading instruction, this reader was filled with “tales of heroism and virtue” designed to instill in children “the virtues of patriotism, hard work, honesty, thriftiness, altruism, and courage.”

By the third decade of the twentieth century, however, the widespread support for character education as the primary mode of moral education began to falter. Beginning in 1928, Hartshorne and May published an influential series of psychological studies of children, which suggested that character education was largely ineffective. Children’s moral decisions such as whether to lie, cheat or steal appeared to be based on situational risk factors rather than on an integrated character and values. These same years saw the rise of progressive education, which advocated “ethical flexibility and a sure sense of the relativity of values” in place of the rigid codes of character education. John Dewey, a leader of the progressive movement, equated morality with “social intelligence.” In this

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3 McClellan, *Moral Education in America*, 56.
view of morality, flexibility was necessary to keep pace with the rapid change of modern society, and to enable the individual to “contribute to the creation of a more humane and democratic society,” the ultimate goal of progressive education.4

The modernization of society, however, did not lead to an increased focus on education for ethical flexibility as the progressives had predicted. Instead, with the 1940s and 50s came a new focus on academic subjects and technical skills as the key to success. The role of the school as a forum for children’s moral development was replaced by the role of the schools as preparatory schools for either college or career; their success was no longer defined in terms of ethical conduct but rather in terms of students’ academic and professional accomplishments. In this educational climate, the whole enterprise of moral education seemed to be in danger of extinction.5

This danger was compounded in the 1960s as society turned its focus further away from the collective to the individual and his or her personal freedom. In the era of social revolution, the civil rights movement, the Vietnam War, and rebellion against government and institutional authority Americans were no longer interested in character education programs which stressed discipline and loyalty.6 Moral education could no longer be defined simply as training children to be obedient, loyal, and therefore good, citizens. Defying the trend of the past three decades, and in response to the complex cultural realities of the 1960s, new approaches to moral education began to emerge. These approaches, along with the classic character education approach, helped to revive moral education in America and have largely colored current conceptions of the field.

4 Ibid., 57-58.
5 Ibid.
6 Lickona, 9-10.
The first alternative to character education to hit classrooms in the sixties was Louis Raths’s “values clarification,” which focused on “freedom of choice in values” as the core principle of moral education. Proponents of this program were “not concerned with the content of people’s values but on the process of valuing.” They identified three stages in the process of “build[ing] one’s own value system:” (1) prizing values, (2) choosing specific values, and (3) acting on those values. Howard Kirschenbaum, a committed values clarification educator, pointed to studies that showed students to be “less apathetic, less flighty, less conforming as well as less over-dissenting…more critical in their thinking, and…more likely to follow through on decisions” as a result of values clarification. Nonetheless, a persistent critique of this approach from religious and neo-conservative quarters suggested that the values clarification method “didn’t clarify values, it clarified wants and desires,” and that it was a “form of moral relativism” with no sense of “right or wrong.”

Responding to similar cultural phenomena, a second approach developed which attempted to avoid the shortcomings of values clarification. This was the cognitive developmental approach, pioneered by Lawrence Kohlberg. Kohlberg’s approach was Kantian in terms of its philosophy and Piagetian in terms of its psychology. He posited that there were three levels of cognitive moral development (pre-conventional,
conventional and post-conventional), each of which was divided into two sub-stages. For Kohlberg, the highest stage (stage six) was one in which the individual made moral decisions “in accord with self-chosen ethical principles appealing to logical comprehensiveness, universality, and consistency;” primary among these were “universal principles of justice…reciprocity…and respect.”\footnote{Kohlberg, \textit{Philosophy of Moral Development}, 19.}

Moshe Blatt initiated the application of Kohlberg’s theory to the classroom. Blatt suggested that it would be possible to stimulate the development of children’s moral thought along Kohlberg’s trajectory by means of “guided peer discussions of moral conflicts.”\footnote{Noddings, 131.} Blatt achieved positive results in the initial trials of his dilemma-discussion method. Blatt, Kohlberg and others moved forward to implement the dilemma-discussion model in various school settings, with continued success in raising the stage of moral reasoning in students.

In response to teacher concerns, Kohlberg began to refocus dilemmas on content areas more directly related to day-to-day school life (with moral issues such as cheating, and classroom behavior taking center stage).\footnote{Kohlberg, “High School Democracy and Educating for a Just Society,” 38-9.} Ultimately, Kohlberg created the “Just Community” approach to moral education, in which decisions regarding school rules and policy are negotiated in democratic meetings of students and faculty. These democratic meetings provided consistent real-life dilemma-discussion opportunities. However, the Just Community approach was implemented in only a small number (3-5) of schools.

Kohlberg sought to insure that his approach would not be subject to the criticisms leveled at values clarification on the one hand or the attacks on character education on the
other. By adding more structure and direction than were present in values clarification, he attempted to avoid charges of relativism directed at that approach. By focusing on the form instead of the content of morality, Kohlberg aimed to avoid criticisms of indoctrination leveled at character education.

And yet Kohlberg’s theory certainly endured its share of attack and critique. These critiques included charges that Kohlberg’s data do not bear out his conclusions and that his stages are neither invariant nor universal as well as broader attacks against developmentalism and stage theory. Most notably, Carol Gilligan contended that Kohlberg’s theory evidenced sex-bias, ignoring women’s “different voice” and classifying them at lower stages than their male counterparts.

Despite the popularity of Gilligan’s arguments, Lawrence Walker has suggested that the data does not support her conclusions. Walker reviewed all studies using Kohlberg’s theory that examine sex differences in moral reasoning and concluded that “the moral reasoning of men and women is remarkably similar.” Walker later confirmed these conclusions in his own studies, in which he interviewed both men and women using Kohlberg’s techniques and found “no sex differences in stage of moral reasoning development.”

Whether one sides with Kohlberg or with his detractors, the sheer volume and intensity of dialogue that this theory has generated point to its significance within the field of moral education. Yet, the dialogue around theories of cognitive moral development which began in the early 1960s petered out shortly after Kohlberg’s death in

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16 Noddings, 153.


1987. The abrupt end of this dialogue left its development stunted. In the place of
cognitive-developmentalism, the recent tide of neo-conservatism ushered in a renewed
era of character education. Character educators of the 1990s, such as Thomas Lickona,
lumped Kohlbergian and values clarification approaches together and rejected both on the
grounds that they “didn’t see it as their role to teach or foster particular values.”

Shifting our focus to the field of traditional Jewish education, we find that here
too Kohlberg’s theories generated significant dialogue during his lifetime. In the sphere
of philosophy, Jewish scholars have argued for and against the inclusion of Kohlberg’s
theories in Jewish schools. In the classroom, Jewish educators have formulated
curricula directly or loosely based on Kohlberg’s approach. Even some educators who
found themselves at odds with Kohlberg’s moral theory have suggested that we reject his
underlying philosophical claims but utilize his methods, in part or in full.

To illustrate Kohlberg’s impact on Jewish education, I will list the more
significant attempts to use his theories to create Jewish moral education curricula. In
1980, Morris Sosevsky composed a five-unit curricula that combined the study of
traditional Jewish texts on ethical issues such as filial obligation with dilemma-
discussions in Kohlberg’s model. In 1982, Dorothy Rubenstein built a Hebrew bible
study curricula on Kohlberg’s understanding of moral development, tailoring the

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19 Lickona, 12.

20 See, for example: Rosenzweig, “Toward Universal Justice: Some implications of Lawrence
Kohlberg’s research for Jewish education”; Wahrman, “Jewish Morality Versus Kohlberg’s Morality”;
Development.”

21 Examples include Schwartz, Moral Development, and Rubenstein, Teaching Morals and Ethics.

22 Examples include Amsel, Judaic Values Curriculum, and Sosevsky, Incorporating Moral Education.

23 Sosevsky, Incorporating Moral Education.
explanations of various biblical texts and commandments to the students’ Kohlbergian moral stage.\textsuperscript{24} Shortly thereafter, Earl Schwartz developed a curriculum for the Talmud Torah School in St. Paul, Minnesota, using Kohlberg’s model of dilemma-discussions as its centerpiece and supplementing these discussions with traditional source study.\textsuperscript{25} In 1984, Kaye, Rabinowitch and Towvim developed the “Why be Good?” curriculum in Boston. This curriculum, piloted in 10 schools, combined study of traditional and modern Jewish texts with dilemmas used to demonstrate the application of the law to modern scenarios.\textsuperscript{26} Most recently, in 1988 Norman Amsel authored a moral development curriculum which used film or television clips to trigger discussion of Jewish moral issues such as medical ethics, Jewish dietary laws, honesty etc.\textsuperscript{27} Although this curriculum does not include traditional Jewish sources, discussions are oriented to guide students to traditional Jewish perspectives on the issue at hand.

This dialogue on Kohlbergian methods was a shift from the classic approach to Jewish moral education. The classic approach has been identified by Barry Chazan as “primarily character education in the sense of education for the good (holy) life.”\textsuperscript{28} Traditional Jewish schools assumed that the core of what they provided for their students was religious—and therefore moral—education. The study of Jewish texts, such as Bible, Talmud and their commentaries as well as exhortative ethical and normative legal literature, which was the center of religious education in a traditional Jewish school and

\textsuperscript{24} Rubenstein, \textit{Teaching Morals and Ethics}.

\textsuperscript{25} Schwartz, \textit{Moral Development}.

\textsuperscript{26} Kaye, Rabinowitch, and Towvim, \textit{Why Be Good?}, presented and analyzed in Friedman, “New Approaches to Jewish Moral Education.”

\textsuperscript{27} Amsel, \textit{Judaic Values Curriculum}.

\textsuperscript{28} Chazan, “Jewish Education and Moral Development,” 304.
the teacher (rebbe) who served as a role model for his or her students were thought to provide the moral guidance necessary for young students. There was no need for discussion; students would learn by example or by osmosis. Following in this tradition, though more sensitive to pedagogic concerns such as the need for “analytic skills and moral decision-making skills,” Herman Axelrod published the first American Jewish curriculum explicitly targeting moral education, *In Their Footsteps*. Still primarily a character education manual, *In Their Footsteps* focused on the development of “character traits, such as humility, charity [and] kindness.”

The shift from this classic approach to a dialogue with cognitive-developmentalism, though significant, was not permanent. With Kohlberg’s death, the focus on his theories within Jewish education circles soon waned, as it had in education circles generally. The emphasis shifted back to the character education world described above, with dialogue on pro-social behavior, the use of hero stories, and other character education methods replacing dialogue on moral development.

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**Statement of the Problem**

I believe that Jewish educators have ended our dialogue with Kohlberg prematurely. This dialogue has yet to reach its full potential. In his heyday, Kohlberg penetrated the hearts of Jewish educators, inspiring passionate dialogue, the production of curricula and even the founding of schools on the basis of his theory. Yet there has been

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31 Examples of discussions and curricula have been noted above. One school founded on the basis of Kohlberg’s theory is the Shalhevet School located in Los Angeles, CA.
a lack of deep reflection by Jewish educators on the process of appropriating Kohlberg for the Jewish school.

The earliest articles on the topic argued for or against the compatibility of Kohlbergian philosophy with Jewish philosophical principles. These authors assumed that a compatible philosophy meant the acceptance of the cognitive-developmental approach, while an incompatible philosophy necessitated its rejection. Nowhere in these articles, however, do the authors discuss the possibility of adapting or modifying Kohlberg’s philosophy through an appropriation process rather than just accepting or rejecting it wholesale.

Educators who deemed Kohlberg’s philosophy compatible with that of traditional Judaism proposed curricula which ‘Judaized’ Kohlberg by creating moral dilemmas based on Kohlberg’s model and adding Jewish content. They neglected to examine how the addition of traditional Jewish material would impact the intended outcomes of the dilemma discussion; nor did they properly determine how the cognitive development Kohlberg sought might differ from that sought by Jewish educators.

Those who thought Kohlberg’s philosophy to be incompatible with that of Judaism proposed curricula which rejected Kohlberg’s philosophy, but implemented his methods. For example, Sosevsky made clear in his introduction that Jewish schools could not accept Kohlberg’s philosophy of deontological, autonomous moral reasoning. Yet Sosevsky argued that there was a value to Kohlberg’s focus on the role of reason in morality, and that moral dilemmas and discussions based on Kohlberg’s model were a

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useful tool in Jewish education, and he used them in his own curriculum. Authors who took this approach, such as Sosevsky, did not examine carefully the viability of using a method while rejecting its underlying and supporting philosophy.

Thus, Jewish educators have taken Kohlberg and transposed him into a Jewish classroom; they have not adequately examined how this new environment can and should transform Kohlbergian methods and how the environment itself will be transformed (even unwittingly) by them. While some Jewish educators and scholars have studied Kohlberg intensely, none have coherently formulated a process of appropriation by means of which Kohlberg can be carefully and respectfully modified, translated and transformed for use in the unique educational and religious context of a traditional Jewish school.

Purpose

In this dissertation, I will attempt to build on the current state of discourse surrounding Kohlberg and Jewish moral education. I will focus on the process of appropriation itself, making explicit Kohlberg’s underlying philosophy and its implications for Jewish education, which have been ignored or treated superficially in the dialogue to this point. I will also explore Jewish educators’ attitudes towards the appropriation process. I will examine the goals these educators had in mind as they made

33 Sosevsky, Incorporating Moral Education; In Chapter Three I will examine more closely exactly which aspects of Kohlberg’s philosophy Sosevsky rejected, and how his acceptance of the most basic of Kohlberg’s assumptions—the role of reasoning as a necessary component of morality—affect the appropriation process.

34 Sosevsky himself might argue that he has in fact suggested a Jewish parallel to Kohlberg’s philosophy. In Chapter Four, however, I contend that he does not make significant use of Kohlberg’s original theory in formulating this adapted philosophy.
use of Kohlberg’s methods, and their success in formulating appropriate curricula for the pursuit of these goals.

As such, a focal point of my case studies and analysis will be the concept of “appropriation.” In my definition, the ideal goal of appropriation is to use Kohlberg’s theory to stimulate moral development in a Jewish context, guided by traditional Jewish values. I will use the term appropriation to refer to any attempt to attain this goal, be it through the production of curricula, the introduction of new pedagogy or any other means.

In examining the process of appropriation, I am motivated by one central question: How can Kohlberg’s approach to moral education be appropriated for use in a traditional Jewish high school in a manner which respects both Modern Orthodox Jewish tradition and the integrity of the cognitive developmental approach?

Kohlberg’s own philosophy and, therefore, his educational goals, differ sharply from those of traditional Judaism. As I will demonstrate through three case studies, past attempts to use Kohlberg in traditional Jewish education often fell short in their fidelity either to Kohlberg or to traditional Judaism. It is my contention that these failures can be traced to inadequacies in each author’s approach to the appropriation process. I expect that more careful consideration of the appropriation process prior to building a curriculum, on the other hand, will produce successful results. This consideration should be guided by the following three steps:

1) The Jewish educator must formulate an adaptation of Kohlberg’s philosophy consonant with traditional Jewish philosophy (or a traditional Jewish philosophy that lends itself to Kohlbergian views of moral/cognitive development).
2) He or she must reformulate Kohlberg’s trajectory of moral development in the context of this new philosophy.

3) He or she must design a moral education program whose goal is the advancement of students towards the final stage and whose methods facilitate/encourage such development in the student. In so doing, he or she must be careful to incorporate all he or she has learned in steps one and two regarding both curriculum construction and pedagogy.

Only after carefully negotiating each of these steps can the educator formulate an approach to Jewish moral education that makes effective use of Kohlberg’s contributions to aid students in achieving higher stages of Jewish moral development.

The final stage of this process, which lies beyond the scope of this dissertation, is actual classroom implementation. Although this dissertation will focus on the construction and not the implementation stage, I believe that my manner of construction will lay solid groundwork for successful implementation. At the conclusion of this process I hope to present teachers with—and train them in the use of—a well thought-out approach with explicit philosophic foundations, rather than just another handbook. Though I will need to use appropriate strategies in my implementation process, I will have the raw material necessary to succeed in enlisting the crucial support of classroom teachers.

Thus, I address this dissertation to moral education and Jewish education researchers as I attempt to further the dialogue between Jewish education and cognitive-developmentalism by explicitly formulating a comprehensive approach to the appropriation process and demonstrating the curriculum product it supports.
As an educator, I hope that my dissertation makes a practical contribution and reaches a second target audience: Jewish educators. I believe that by renewing the Kohlberg dialogue, I will inspire educators to question the assumptions—mainly those of character education as described above—that underlie current moral educational curricula in Jewish schools. I hope that this questioning will open Jewish educators to the possibility that other approaches to moral education, such as the cognitive-developmental approach outlined here, might be potent tools in our struggle to improve Jewish moral education.

Finally, I hope that this dissertation will spark dialogue among Jewish educators on the general topic of the appropriation of secular pedagogic theory for use in Jewish education. In an age where Jewish educators are cognizant of developments in the world of educational research, the issue of appropriation and application has become a central one but has yet to be formally addressed.

**Perspectives and Goals**

Situating myself within the Modern Orthodox tradition, I assume that part of the religious task of a Jew in the modern world is to appropriate secular knowledge into the service of his or her religious observance. This is best expressed in the ideology of *Torah U’Madda* (*Torah* 35 and secular knowledge). As formulated by Norman Lamm, a key proponent of *Torah U’Madda* and past president of its American bastion, Yeshiva University, this ideology states that “Judaism is capacious enough to include all the world

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35 In this usage, “Torah” is intended in its broadest sense to connote not only the Bible but the entirety of Rabbinic literature, Jewish law and tradition.
in its comprehensive purview, including religiously neutral knowledge and learning.”

It contends “that modernity is neither to be uncritically embraced nor utterly shunned nor relentlessly fought, but is to be critically engaged from a mature and responsible Torah vantage.”

Though Lamm states clearly that “ignoring the world is an insult to Torah as well,” he is above all cognizant that “the primacy of Torah must be a given in any viable Torah Umadda approach.”

Thus, Torah U’Madda implies a dual commitment. On the one hand, it demands loyalty to the norms of Halakha (traditional Jewish law) as they are derived from the classic sources of the Talmud, commentators and rabbinic responsa. On the other hand, it seeks to make use of the world’s wisdom to enhance the modern Jew’s service of God. Despite this dual commitment the locus of authority for the Modern Orthodox Jew is clearly located in the tradition, or perhaps more appropriately put, in the Halakha, traditional Jewish law; and it is this authority that guides the Jew in her lifelong efforts to serve, worship and love God. An enlightening explanation of Halakha and its role in the life of the traditional Jew can be found in Isadore Twersky’s essay, “What Must a Jew Study—And Why?”.

Halakha, the foundation and infrastructure of Judaism, is first and foremost a system of mitzvot—that is, religious acts that are anchored in an irrevocable authority. Simultaneously, because of its comprehensive scope, it reflects moral assumptions and directives, historical experiences, and theological axioms. Halakha is the practical manifestation of the Jewish spiritual essence. Consequently, it is within the power of halakha to expose the Jew who practices it

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36 Lamm, Torah Umadda [sic.], 10.
37 Ibid., 54.
38 Ibid., 15, 22.
39 47-75.
gently and loyally to a great religious force capable of awakening inner spiritual
instincts and motives.

The history and development of *Halakha* is a topic in and of itself, and I cannot
discuss it fully here. For the purposes of this work, it suffices to say that the development
of the *Halakha* can be explained as the effort to determine the application of ancient
sources—such as the Talmud, Medieval commentaries and responsa—to present day
reality. The role of the Modern Orthodox *Halakhic* legislator (in traditional terms, a
Rabbi or *Posek*) is to learn, to interpret and to apply rather than to innovate in the realm
of Jewish law.\(^{40}\)

As such, study of the classic and traditional texts—including Bible, Talmud, their
commentaries and treatises on *Halakha* that flow from them—is the centerpiece of
Modern Orthodox Jewish education. Without the study of classic texts, through which
she learns the myriad laws and details of Jewish law, the Modern Orthodox Jew would
not be able to live her life in accord with the *Halakha* that is legislated by those texts.

And yet, the study and observance of Jewish law as a legal system is far from the
all-encompassing goal of Modern Orthodox education. As I mentioned above, more than
being a simple legal system, *Halakha* should guide the Modern Orthodox Jew in her
lifelong efforts to serve God. The educated Jew not only *knows* Jewish law and is familiar
with its many source texts, she also *understands* Jewish law; the educated Jew
understands the meaning and value embodied in the various laws and in the corpus of law

\(^{40}\) Of course, the line between interpretation and innovation is a fine—and often blurry—one, and becomes
a matter of much debate within the Modern Orthodox community. The basic direction, however, is clear:
to accept the authority of traditional Jewish law and simply to apply this authority to the realities of modern
society.
as a whole. Only when she achieves such an understanding can the Modern Orthodox Jew use Halakha, in Twersky’s words, to awaken her inner spiritual instincts.

There are in fact many routes that a Jew could take toward achieving such an understanding. The medieval commentator and Halakhic authority Nahmanides describes an understanding of the meaning of Halakha achieved by extrapolation and abstraction from the multitude of individual laws to generalize a sense of the spirit of Halakha as a whole. This sense, in turn, reinvigorates the understanding of each individual law.\(^41\) In contrast, Twersky presents Maimonides’ view of the route towards such an understanding as “hergel,” that is, “the movement…from the visible to the invisible, from the sensed to the perceived,” as “the act” of fulfilling each individual law “provokes meditation and reason—intellectual comprehension.”\(^42\) Whether the method is abstraction on the basis of the study of the law, or meditation on the basis of the practice of the law, the goal remains clear: the transformation of Halakha from a legal system to a worldview and ever present guide.

The place of Halakha within Modern Orthodox thought forms the foundation for the first two goals of Modern Orthodox Jewish moral education: (1) that the student learn to lead a life of adherence to Torah laws and traditions, (2) that the student develop a worldview based on the spirit of these laws and traditions, and act accordingly.\(^43\) What remains to be explicated is the foundation for the third and final goal, (3) that the student

\(^{41}\) Nahmanides, *Commentary on the Torah*, Lev. 19:1, and Deut. 6:18.

\(^{42}\) Twersky, “What Must a Jew Study,” 52.

\(^{43}\) For examples of the form such a worldview might take see: Nachmanides, *Commentary on the Torah*, Leviticus 19:1 and Deuteronomy 6:18; Lichtenstein, “Ethic Independent of Halakha?”, Wurzburger, *Ethics of Responsibility*. 
learn to feel an obligation to learn from and contribute to the Jewish community and the society in which he or she lives.

This third goal can be divided into two parts: first, the individual’s commitment to the Jewish community, and second the individual’s commitment to society at large. As for the first part, in truth this portion as well flows directly from an understanding of the Halakha as described above. Concern for the Jewish community is a central principle of the Halakha, flowing from specific laws such as the obligation to go out of one’s way to return lost items to fellow Jews, to give charity, to love one’s neighbor etc. Therefore, any individual committed to the Halakha must also be committed to the Jewish community. I list this principle as a separate goal (unlike the rest of Halakhic values and principles which I subsume under my first two goals) to emphasize the need to insure that observance of Halakha is not misunderstood as a purely personal endeavor, focused only on the spiritual and religious perfection of the individual.

The second half of this goal flows from the unique contribution of Modern Orthodoxy, namely that in addition to its allegiance to Halakha it seeks to make use of the wisdom of modern society to enhance the modern Jew’s service of God. As such, the Modern Orthodox educator must impart upon his students an obligation to learn from the society in which he lives and to use that knowledge to enhance his religious pursuits. The value that Modern Orthodoxy places on learning from the wisdom of modern society leads to a corollary commitment as well: to contribute to the society in which we live. On a pragmatic level, the more that Modern Orthodox Jews enrich their society the more they can expect that society to enrich their own service of God. On a fundamental ethical level, it is improper for there to be a unidirectional relationship between Modern
Orthodox Jews and their society; if we are willing to take from society, we must be willing to contribute to it as well.

My current research as well is motivated by my belief in *Torah U’Madda*. A specific application of this ideology would advocate the use of secular educational research in the advancement of the pedagogy of Jewish education. *Torah U’Madda* would demand that in this appropriation process we do not waver from our commitment to Jewish law and traditional philosophy; *Torah U’Madda* would also insist that in our effort to insure a theory’s consonance with Jewish tradition we do not denature or dilute the secular theory in a way that makes the appropriation process itself meaningless, but rather that we carefully examine and, if necessary, adapt secular theory to serve the educational aims of Jewish tradition.\(^{44}\)

It is precisely because my efforts are framed by the context of *Torah U’Madda*, that I hope this dissertation will play a role not only in advancing dialogue on the particular issue of the appropriation of Kohlberg into a traditional Jewish school, but also in the broader issue of the appropriation of educational philosophy, theory and technique into traditional Jewish educational contexts.

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**Problems and Limitations**

Inevitably, biases and limitations come along with perspectives and goals. A limitation I face as a researcher is that my definition of success in Jewish education is based on the educational goals of *Torah U’Madda*, as I described them above. As a result,\(^{44}\) It should be noted that there is significant disagreement among Jewish scholars regarding the specific definition and applications of *Torah U’Madda* (as well as the term “Modern Orthodoxy” itself). Arguments in favor of this ideology as well as a broader historical background can be found in: Lamm, *Torah Umadda*. I believe that Lamm’s particular formulations lend support to my chosen applications. Additional perspectives can be found in Carmy, *Torah U’Mada Reader*. [sic.]
I will analyze and evaluate my case study curricula with this definition of success as my standard, to the exclusion of the myriad other possible definitions of effective Jewish education. From a pragmatic perspective this narrowed focus is important to allow for ease of analysis; however, it does necessarily exclude other points of view.

In addition, my desire to make use of Kohlberg’s method to benefit Jewish education, as a powerful application of Torah U'Madda, may bias me towards a positive evaluation of my own efforts at appropriation. In order to counter this possible bias, I will need to pause at each significant juncture during the appropriation process (which I will outline in Chapter V) to evaluate my efforts. Each time I do so, I must give significant thought to the possibility that my appropriation effort will not be successful; and I will need to keep in mind that an unsuccessful appropriation (mine included) can cause more harm than good, and as such must be abandoned rather than implemented.

In addition, it is both sad and unfortunate that Lawrence Kohlberg’s premature death abruptly ended his own work. Given the sheer volume of work that he published, it is difficult to pin down what his opinion might have been on the issues at hand. In fact, various works imply different approaches to the appropriation of his work for religious environments. For example, together with his student Moshe Blatt, Kohlberg implemented the dilemma discussion technique for the first time in a Reform Jewish Sunday school, indicating a willingness to use his theory in a Jewish setting. On the other hand, Kohlberg rejects “divine command theory,” a category which seems to encompass traditional conceptions of religions such as Judaism and Christianity, in favor

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45 Blatt and Kohlberg, “Classroom Moral Discussion.”
of “theories of natural law,” such as that of Spinoza. Therefore, when evaluating the merit of the three case-study curricula from a cognitive developmental perspective, I will need to assemble criteria based on Kohlberg’s various writings. I will use these criteria heuristically for the purposes of the present work and not as a definitive statement on Kohlberg’s attitudes.

I must note that although I will evaluate each curriculum from a Kohlbergian perspective, a curriculum which Kohlberg himself would sharply critique might in fact be the best possible transformation of his work for appropriation into a Jewish setting. The success or failure of efforts to appropriate Kohlberg for use in a Jewish setting can not be judged purely from a Kohlbergian perspective. Rather, such efforts must ultimately be judged based on their approach to the appropriation process, as I will show in my analysis in Chapter Four. Nonetheless, in studying the appropriation process it is important to evaluate each case study from a Kohlbergian perspective in order to demonstrate how far each author moved from Kohlberg’s original theory, and to highlight what elements of Kohlberg’s theory each author retained, rejected, or transformed.

Terms and Definitions

As I demonstrated earlier, approaches such as Character Education, Values Clarification, and Kohlberg’s cognitive-developmentalism each define the term “moral education” (and its related concepts) quite differently from one another. Therefore, I must clarify how I will use these terms in this course of this dissertation. I will use the term “moral education” to refer the field of moral education as a whole—including all the

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46 Kohlberg, Philosophy of Moral Development, 317.
major approaches listed above as well as their various nuances. When I intend to denote one specific approach to moral education, I will specify that approach by name or description.

Like “moral education,” the term “moral development” holds different meanings for different authors. This term carries an added level of complexity as well since it is often monopolized by Kohlberg’s followers to refer specifically to the cognitive moral development at the heart of his theory. Therefore, I will use the term “moral development” to include all approaches to the concept, and I will specify when I intend to refer to one in particular. To take the prevalent example, I will use the term “cognitive moral development” to refer specifically to Kohlberg’s approach.

Similarly, Jewish education researchers use the term “Jewish moral education” to refer to a wide variety of pedagogic techniques, encompassing the range of “moral education” approaches mentioned above, as well as education towards many different “Jewish” goals, ranging from those which seek obedience to communal law and custom to those which simply encourage some form of identification with the Jewish community. To further complicate matters, specific pedagogies are not consistently matched with specific goals—the literature demonstrates almost every mix and match imaginable.

For the sake of clarity, I will keep one of the two variables (pedagogy and Jewish educational goals) in this complex term generally constant. I will use the term “Jewish moral education” to refer to moral education towards the Modern Orthodox perspective and goals described above. When referring to Jewish moral education directed towards

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47 See for example, Chazan, “Jewish Education and Moral Development.”
different goals, I will note and describe the nature of the alternative goals. I use the term “Jewish moral education” to encompass the range of pedagogies used in the field. When referring to one specific method, I will specify or describe that method (i.e., cognitive developmental Jewish moral education).

The term “Jewish moral development” as well has a multitude of possible meanings. Consistent with my use of the term “Jewish moral education,” I will use “Jewish moral development” to refer to development towards the Modern Orthodox educational goals listed above. As with the term “moral development,” this term will refer collectively to the range of understandings of the manner in which this development takes place. When referring to a specific understanding of the development process, I will specify in each case the manner in which such development might take place (i.e., cognitive, emotional, spiritual, etc.).

As mentioned earlier, the concept of appropriation (as I defined it above) will be the focal point of my case studies and analysis. The organization of the dissertation reflects this focal point. In Chapter Two I will review the relevant literature on Kohlberg’s theory and its dialogue with Jewish education. In Chapter Three, I will use three case studies to elicit a range of approaches to the process of appropriation. I will then critique each of the approaches in light of the ideal goals of appropriation in Chapter Four. Ultimately, I will present my own approach to the appropriation process in Chapter Five and apply this approach to the production of a sample curriculum unit in Chapters Six and Seven. Finally, in Chapter Eight I will summarize my findings and suggest directions for future research.
Chapter II

REVIEW OF THE LITERATURE

The central question that I address in this dissertation is: How can Kohlberg’s theory and methods be utilized in the context of traditional Jewish education? However, before I explore the process of appropriating Kohlberg’s theory for use in Jewish education, I must lay the foundation upon which my analysis will build. I begin to lay this foundation by briefly presenting Kohlberg’s theory as a whole. I then focus specifically on those areas of cognitive developmental theory that are pivotal in determining whether and how the theory can be appropriated for use in Jewish education. Having presented Kohlberg’s theory, I chronicle the discourse on the possibility of appropriating Kohlberg into a Jewish context, including the philosophical arguments and the practical efforts that have been made, as well as analyses and evaluations of those efforts.

Kohlberg’s Theory of Cognitive Moral Development

In the thirty-some years from the inception of his theory to Kohlberg’s death in 1987, he and his associates have formulated and reformulated a theory of cognitive-moral development. The theory has developed both in response to new research that Kohlberg and his associates have collected and as a result of the criticisms leveled against it, of which there were many. Until the very end, Kohlberg continued to claim that the theory was continuously developing—despite critics who would have preferred he limit himself
to his earliest findings and conclusions.\textsuperscript{1} It seems that the only thing that stopped the further reformulation of this theory was Kohlberg’s own passing.

I will sketch the outlines of this voluminous theory as it is presented in its most updated format, in the final volume that Kohlberg published with Anne Colby, \textit{The Measurement of Moral Judgment}.\textsuperscript{2} The evolution of Kohlberg’s theory, including the similarities and differences between this formulation and earlier ones is an interesting topic in its own right, but it is not the focus of this dissertation. Therefore, instead of presenting the various forms of Kohlberg’s theory I limit myself to Kohlberg’s latest formulation, while making a note of any significant changes in his theory that are directly relevant to my research question. Where Kohlberg dealt with issues only in his earlier work, as is the case with his thought on religion and the question of a seventh stage, I make use of these earlier explicit formulations.

Kohlberg’s understanding of human development flows largely from the work of Piaget, whose structural theory of cognitive developmental “abstract[s] a structure…of thinking” from the content of a person’s thought.\textsuperscript{3} Linked to this structural understanding of cognitive development is Piaget’s focus on the stages of the developmental process. The concept of stage-development is central to Kohlberg’s thought, and it is essential that we understand what he means by the term. For Kohlberg (and Piaget) the stages of a development theory must meet four basic criteria:

1. Stages imply a qualitative difference in structures (modes of thinking) that still serve the same basic function…

\textsuperscript{1} See Gibbs, “Kohlberg’s Moral Stage Theory,” 89-112.

\textsuperscript{2} Much of the information in this volume is in fact identical with the descriptions Kohlberg’s theory published years earlier.

\textsuperscript{3} Ibid., 6.
2. These different structures form an invariant sequence…Cultural factors may speed up, slow down, or stop development, but they do not change its sequence.

3. Each of these different and sequential modes of thought forms a “structural whole.” […] The implication is that various aspects of stage structures should appear as a consistent cluster of responses in development.

4. Stages are hierarchical integrations…Accordingly, higher stages displace (or, rather, integrate) the structures found at lower stages.⁴

Kohlberg asserts that his stages of moral development do in fact conform to these criteria, although critics have argued on various counts that they do not.⁵ It is beyond the scope of the present work to analyze these arguments; instead, I examine the trajectory of moral reasoning development that Kohlberg proposed.

Kohlberg charts the development of individual’s “sociomoral perspective and justice operations,” cognitive structures that underlie the individual’s formulation of moral judgments.⁶ Kohlberg sees these cognitive structures as “intrinsically moral in nature” rather than as “logical or social-cognitive structure[s] applied to the moral domain.”⁷ In addition, Kohlberg sharply distinguishes the moral judgments just mentioned, which are prescriptive judgments of value, from judgments of fact or personal preference. Kohlberg asserts that ideal moral judgments should be universalizable, according to Rawls’ presentation of Kant’s original term.⁸ Kohlberg explains Rawls’ criteria of universalizability in moral judgments with his own notion of “moral musical chairs.”

⁴ Ibid.

⁵ See Gibbs, “Kohlberg’s Moral Stage Theory,” 89-112; Gilligan, In a Different Voice.


⁷ Ibid., 15.

⁸ Kant’s original criteria of universalizability (the categorical imperative) demands that the decider act as she would want all human beings to act in a similar situation. Kohlberg prefers Rawls’ presentation of the criteria of universalizability because it highlights the need for moral judgments to be “reversible.” Best explained by Kohlberg’s “moral musical chairs” metaphor, reversibility implies that the decider would be willing to live with her initial moral choice even if she were forced to trade places with any of the other individuals in a given scenario.
chairs,” in which (1) “the decider is to successively put himself imaginatively in the place of each other actor and consider the claims each would make from his point of view,” and (2) “where claims in one party’s shoes conflict with those in another’s, imagine each to trade places… [each] party should [then] drop his conflicting claim if it is based on nonrecognition of the other’s point of view.”

Kohlberg divides the moral development of the individual into three levels of reasoning, each of which corresponds to significant developments in the individual’s sociomoral perspective:

1. The Preconventional level corresponds to a “concrete individual perspective,” in which a person cannot see beyond his own personal needs and desires.

2. The Conventional level denotes a “member-of-society perspective,” where an individual understands herself as tied to a larger communal or societal group.

3. The Postconventional or principled level is characterized by what Kohlberg calls a “prior-to-society perspective.” This perspective should not be confused with level one, in which the individual cannot understand his role as a member of society. Rather, Kohlberg’s “prior-to-society perspective” describes an individual who “can see beyond the given norms and laws of his own society and ask: what are the principles upon which any good society is based?”

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11 Reimer, Paolitto, and Hersh, *Promoting Moral Growth*, 64.
Kohlberg further splits each of these three levels into two stages, for a total of six sequential stages of moral development. These six stages are summarized below.

Level one is divided into Stage 1 and Stage 2:

Stage 1—“Heteronomous morality”¹²
In this stage, the individual obeys rules simply to avoid physical punishment or property damage. Her “egocentric point of view” is focused on her own interests and cannot relate more than one point of view.

Stage 2—“Individualism, instrumental purpose, and exchange”
In Stage 2, the individual follows rules when they are to “someone’s immediate interest.” Her “concrete individualistic perspective” allows her to see that each person has her own interests to pursue. She, therefore, attempts to serve her own needs while allowing other to do the same. For example, a child in this stage is particularly interested in fairness and “you scratch my back, I’ll scratch yours” concrete equal exchanges.

Level two is divided into Stage 3 and Stage 4:

Stage 3—“Mutual interpersonal expectations, relationships, and interpersonal conformity”
Having progressed to the “perspective of the individual in relationships with other individuals,” the individual tries to live up to the expectations of people to whom she is close, as well as to the expectations tied to the various social roles (sister, mother…) that she occupies. To note a prevalent example, children in Stage 3 are concerned that they

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¹² The portrayal of these six stages is based on Kohlberg’s formulation in *Psychology of Moral Development*, 174-176.
live up to what is expected of a “good boy” or a “good girl.” Shared feelings, mutual relationships and trust are primary in moral decision making.

Stage 4-“Social system and conscience”

The individual now takes the perspective of the “system that defines roles and rules” rather than of individual people. She emphasizes upholding the rules of this system to prevent chaos and breakdowns, and is concerned with contributing to her society. Men and women who view their world from a Stage 4 perspective will be centrally concerned with observing the laws of their society. When asked why stealing is wrong, for example, Stage 4 individuals will reply that it is against the law; and they will often use a ‘what would happen if everyone did that?’ argument to justify such laws.

Level three is split into Stage 5 and Stage 6:

Stage 5-“Social contract or utility and individual rights”

At this stage, the individual no longer sees the laws of her society as the ultimate authority. Instead, the laws of society are only binding on individuals because we have jointly agreed upon these laws. This notion of social contract is expressed well by the social institution of marriage. Two people who decide to get married willingly accept for themselves certain duties and obligations to one another. These duties and obligations are binding because the two people entering into the contract (in this case, marriage) agree to them. As such, at Stage 5 the individual understands that “most values and rules are relative to [her] group,” because they are the specific rules that the members of her group have agreed upon. These rules, though, should nonetheless be upheld because they are part of the social contract. At this stage, the individual also recognizes that certain values
such as “life and liberty” override the social contract. In addition, she demonstrates “concern that laws” formulated in the social contract “be based on rational calculation of overall utility, ‘the greatest good for the greatest number’.” However, at Stage 5 the individual still finds it difficult to “integrate” conflicting “moral and legal points of view” within her social contract paradigm.

Stage 6—“Universal ethical principles”

At the final stage in Kohlberg’s trajectory, the individual moves away from a notion of social contract and instead evaluates her own moral decisions based on “universal moral principles” such as “justice…equality of human rights, and respect for the dignity of human beings as persons.” These moral principles, and not the social contract, lend authority to societal rules and norms. As a result, the individual feels bound to obey only those rules that accord with the universal principles of natural law. Kohlberg often points to Martin Luther King Jr. as a salient example of Stage 6 morality that differentiates between man’s law and higher, or natural, law. In his “Letter from a Birmingham Jail,” King explicitly states that in order to be “just,” “human law” must be “rooted in eternal law and natural law.”14 Any human law that disregards natural law must be pronounced unjust and civilly disobeyed.

13 Based on adjustments to scoring methods, Kohlberg no longer considers any subject he has studied to have attained Stage 6 morality. He points to exemplars such as Martin Luther King Jr. who have done so. Despite its rarity, Kohlberg argues that it is important to retain Stage 6 to provide a complete developmental framework.

14 Quoted in Kohlberg, Philosophy of Moral Development, 43.
From Theory to Educational Practice

I will now explain how Kohlberg’s psychological/philosophical theory was transformed into an educational approach for classroom use. This section will complete the basic background information necessary before I examine the specific relationship between Kohlberg’s theory and the world of Jewish education.

Together with Joseph Reimer, F. Clark Power, and Ann Higgins, Kohlberg himself chronicles the journey from moral theory to moral education.15 The vital juncture in this journey was the research conducted by Moshe Blatt, one of Kohlberg’s graduate students. Blatt’s work was based on two principles derived from the research of Turiel and Rest:16 that moral development could be stimulated by (1) “arousal of genuine moral conflict, uncertainty and disagreement about genuinely problematic situations,” and by (2) “the presentation of modes of thought one stage above the child’s own.”17 Based on these principles, Blatt proposed to stimulate children’s moral thought by means of “guided peer discussions of moral conflicts.”18

Blatt tested his hypothesis in a Reform Jewish Sunday school as well as in a Chicago public junior high and high school, and felt that these experiments confirmed his theory. Based on pre-test and post-test data, moral growth (i.e., transition to higher

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16 See Turiel, “Developmental Stages in the Child’s Moral Judgment,” 611-618; and Rest, *Moral Judgment.* Both of these authors were consciously working to explore additional ramifications of Kohlberg’s theory.

17 Blatt and Kohlberg, “Classroom Moral Discussion,” 130. For a subtle variation on Blatt’s conclusions, see Walker, “Sequentiality of Kohlberg’s Stages,” 677-691. Walker expands Blatt’s findings to suggest that even the presentation of modes of thought two stages above the individual’s own will stimulate moral development, though to a lesser degree than will the presentation of modes of thought one stage about the child’s own.

18 Blatt and Kohlberg, 131.
stages) was stimulated by the dilemma discussion method. Furthermore, one year after
the experiment the subjects had generally retained their growth. In the years following
Blatt’s experiment, many other studies replicated his findings and lent further support to
his conclusions.\textsuperscript{19}

In Kohlberg’s words, “Blatt’s venture launched cognitive-developmental moral
education.”\textsuperscript{20} Blatt, Kohlberg, and others continued their research in implementing the
dilemma-discussion model in various school settings, with continued success in raising
the stage of moral reasoning in students. Teachers, however, were often reluctant to use
the dilemma discussion method after the duration of the experiment. The reason for this,
as evidenced in conversations with teachers, was that they cared more about practical
improvements in day-to-day classroom life than about hypothetical dilemmas and moral
reasoning stages.\textsuperscript{21} While Blatt’s methods succeeded in promoting cognitive moral
development amongst discussion participants, they did not promote moral action. Blatt
himself found that participants were \textit{no less likely} to cheat on classroom tests after
participating in his experiment.\textsuperscript{22}

In response to these teacher concerns, Kohlberg attempted to refocus dilemmas on
more practical content areas. It soon became apparent, however, that this would not be
enough; there was a “need to move moral education more directly into the life and

\textsuperscript{19} For a summary of these studies see Power, Higgins, and Kohlberg, \textit{Lawrence Kohlberg’s Approach to
Moral Education}, 13.

12.


\textsuperscript{22} Blatt and Kohlberg, “Classroom Moral Discussion,” 138, 149. Power, Higgins and Kohlberg explain that
these results do not pose a problem for Kohlberg’s theory: The students in Blatt’s experiment reached only
Stage 3 and Stage 4, while Kohlberg contends that consistent non-cheating begins only with the principled
morality attained in Stage 5.
Recognizing this need inspired Kohlberg to develop the “Just Community” approach to moral education, which was implemented in a small number of schools, including The Cluster School, an alternative school-within-a-school in Cambridge, Massachusetts, The Scarsdale Alternative High School in Westchester, New York, and the School-Within-A-School in Brookline High School, located in Brookline, Massachusetts. In this approach, the school as a whole becomes a laboratory for moral development. Decisions regarding rules and policy are negotiated in democratic meetings of students, faculty and administrators. These community meetings are the ultimate fora for real-life moral dilemma discussion.

There is much more to say about the Just Community approach. However, my focus in this dissertation will be on Kohlberg’s earlier form of implementation, the dilemma-discussion model. It is the dilemma-discussion model, and not the more demanding Just Community approach, which is most often appropriated by Jewish educators—including the authors whose curricula I will analyze in the coming chapters.

Kohlberg’s Thought on Religion and Morality

Having presented a basic background of Kohlberg’s theory and practice, I now narrow my focus to those areas of his thought that relate explicitly to religion. I begin by discussing Kohlberg’s theoretical perspective on religion and morality, and his proposal

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23 Power, Higgins, and Kohlberg, 35.

24 These three approaches are discussed fully in Power, Higgins, and Kohlberg, Lawrence Kohlberg’s Approach to Moral Education.

25 There is only one example of a Jewish school founded on Kohlberg’s Just Community principles, the Shalhevet school in Los Angeles. In addition, faculty at the Talmud Torah of St. Paul, Minnesota has attempted to incorporate aspects of Kohlberg’s Just Community into their school culture.
of a possible faith-based “Stage 7.” I then explore his attitude towards organized religion, including his view of traditional Judaism. The perspective on religion inherent in Kohlberg’s theory is an important factor in my determination (in later chapters) of how and whether his theory can be appropriated for use in Jewish education.

Kohlberg himself presents his thought on religion in a chapter entitled, “Moral development, religious thinking and the question of a seventh stage.” He begins this chapter with an analysis of “divine command theory,” in which an individual’s morality derives from divine authority. For example, theft and murder are not defined as morally reprehensible because of their intrinsic character, but rather because there is a divine command that prohibits such actions; therefore, would that the divine command encouraged such actions, they would be morally acceptable.

Kohlberg vigorously opposes such a view as philosophically inadequate. He contends that “divine command theorists are correct in viewing Socratic education as a danger, not to morality, but to their own views,” because “divine command theory is not a theory that can withstand Socratic questioning in a logical and consistent manner.” For Kohlberg, following in Kant’s tradition, it is only the rational basis of morality that can serve as its justification. Moreover, Kohlberg insists that prior to any discussion of the relationship there be “recognition in some degree of the autonomy or morality and moral discourse from any other form of discourse, whether religious, scientific or

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26 Kohlberg, Philosophy of Moral Education, 311.

27 Ibid. At this point, I will deal only with Kohlberg’s a priori categories. There is some controversy regarding the classification of various organized religions in Kohlberg’s categories. For example, many Jewish and Christian scholars would situate their respective religions within this first divine command theory category. Kohlberg, however, situates both religions in the “natural law theory” category. I will deal with these issues later in this chapter.

28 Kohlberg, Philosophy of Moral Education, 314.
political;” instead of granting such autonomy, divine command theory makes morality the handmaiden of religion. Therefore, Kohlberg explicitly and forcefully rejects divine command theory as contradictory to his definition of morality and the moral judgment he hopes to cultivate.30

As an alternative to divine command theory, Kohlberg proposes his understanding of religion as “natural law theory,” which he contends will support a rational understanding of morality.31 Natural law theory, which Kohlberg attributes to both Socrates and Martin Luther King Jr., is essentially the faith that rational “principles of justice [are] not only a social contract…but [also] a reflection of an order inherent in both human nature and in the natural or cosmic order.”32 In this proposal, Kohlberg sees himself in the tradition of Kant and Dewey, yet moving “beyond [their] agnosticism” to accept the existence of a “natural or cosmic order” which confirms (and never undermines or contradicts) rational ethics.33

Natural law theory bolsters Kohlberg’s conviction that the rational morality he describes is universal, and not “culturally relative.”34 This conviction is important to Kohlberg; he contends not only that there exists “a universal moral form” but also that “the basic content principles of morality are…universal.”35 Moreover, Kohlberg is

29 Ibid., 315.
30 Ibid., 317.
31 I have intentionally omitted Kohlberg’s largely critical portrayal of “atheistic emotive theory,” the opposite end of the religious spectrum, since it is not relevant to my present work.
32 Kohlberg, Philosophy of Moral Education, 318.
33 Ibid., 338, 318.
34 Ibid., 319.
35 Ibid., 126.
confident enough to name these universal content principles, claiming that “principles of justice have an ultimate claim to being adequate, universal, [and] prescriptive.” And yet, despite their universality and despite the fact that our “moral intuitions…have parallels in our metaphysical or religious intuitions of a natural order,” moral principles themselves remain autonomous; they are not taken up in response to a heteronomous command, rather they arise autonomously and naturally parallel the underlying order of the universe.

If moral principles do arise autonomously, what then is religion’s role in Kohlberg’s natural law theory? Religion does not create or define morality; it simply affirms the correspondence between human morality and the natural order. In so doing, religion situates morality as a central component in the human quest for ultimate meaning; it thus addresses the one question that morality itself cannot: “Why be moral?”

Adopting natural law theory, Kohlberg concludes that “religion is a conscious response to, and an expression of, the quest for an ultimate meaning for moral judging and acting,” whose “main function…is not to supply moral prescriptions but to support moral judgment and action as purposeful human activities.” In natural law theory,

36 Ibid., 175. (My italics) Similarly, Kohlberg boldly states that “basic hierarchies of moral values are primarily reflections of developmental stages in moral thought. Anyone who understands the values of life and property recognizes that life is morally more valuable than property” (123).

37 Ibid., 320-1. In Chapter Five I question the validity of the dichotomy that Kohlberg creates between reason and religion.

38 Ibid., 322, quoting S. Toulmin An Examination of the Place of Reason in Ethic (Cambridge, England: Cambridge University Press, 1950)

39 Kohlberg, Philosophy of Moral Education, 336.
morality is a “logically independent realm rather than the application of religious thinking to moral issues” advocated by divine command theory.\textsuperscript{40}

\textbf{Stage 7?}

Kohlberg pursues the relationship between morality and religion further in his discussion of a possible seventh stage of moral development.\textsuperscript{41} Stage 7 is qualitatively different than Kohlberg’s other stages; he does not consider it to be a “developmental stage” in the strict definition of the term and he does not locate it on his developmental continuum. Nonetheless, Kohlberg implies that only individuals who reach Stage 6 will have both the ability and the need to construct a Stage 7 perspective.

Stage 7 is distinguished from Stage 6 in that while the latter provides a “universal, humanistic…perspective,” the former creates a “sense of being a part of the whole of life and the adoption of a cosmic…perspective.”\textsuperscript{42} Like the faith described in natural law theory, a Stage 7 perspective suggests “some meaningful solutions” to questions such as: Why be moral? What is the purpose of existence?\textsuperscript{43} Kohlberg does not elaborate on the details of these solutions but does note that they will be “compatible with rational

\textsuperscript{40} Ibid.; For an attempt to approach moral dilemmas from a divine command theory perspective, see Dratch, “Heinz’s Dilemma in Jewish law,” 111-129. Though both his formulations and conclusions might be challenged, Dratch’s traditional Jewish mode of approaching the dilemma is instructive in its contrast to Kohlberg’s approach.

\textsuperscript{41} Kohlberg never further developed or defined this stage in his later writings, and it remains a somewhat amorphous construction.

\textsuperscript{42} Kohlberg, \textit{Philosophy of Moral Education}, 336.

\textsuperscript{43} Ibid., 344. Lest we misunderstand Stage 7 as a form of divine command theory, Kohlberg makes clear that Stage 7 is not “an ethic resting directly on divine command.” Rather, a Stage 7 “religious orientation…rests on a sense of connectedness between the individual human mind and heart and the larger cosmic whole or order.” (355.)
universal ethics,” and will “integrate these principles [of rational morality] with a perspective of life’s ultimate meaning.”

Kohlberg better illustrates this stage by providing an example of one possible Stage 7 guiding principle, agape (all-inclusive and gracious love or charity). Rather than redefining the thought structure of previous stages (as does each other stage in Kohlberg’s system) and replacing Stage 6 principles of justice, “agape goes beyond them in the sense of defining or informing acts of supererogation…acts that cannot be generally demanded or required of all people, acts that freely give up claims the actor may in justice demand.”

It is essential for Kohlberg that Stage 7 principles such as agape not replace Stage 6 principles of justice. In his understanding, groups or societies made up entirely of individuals operating at Stage 7 would still need to resort to Stage 6 principles of justice to resolve competing claims—though these claims would be radically different than those of typical groups. For example, a typical group of shipwreck survivors competing for the last morsel of food would need to use justice principles to resolve which of them would be privileged to eat. In contrast, a group of Stage 7 survivors would each compete for the right not to eat the food, for the right to give up their own lives to save their friends. Yet they too, according to Kohlberg, will need to use principles of justice to

44 Ibid., 344-5.
45 Ibid.; The only other Stage 7 principle that Kohlberg mentions explicitly is “natural law justice.”
46 Ibid., 351.
47 It is important to note that Kohlberg quotes John Rawls as disagreeing with this assertion. Rawls contends that “among an association of saints…disputes about justice could hardly occur; for they would all work selflessly together for one end, the glory of God as defined by their common religion, and reference to this end would settle every question of right.” Quoted from Outka, *Agape: An Ethical Analysis*, 75. In *A Different Voice* Gilligan argues similarly that an ethic of responsible love can take the place of Stage 6 justice principles.
decide which of them gets to fulfill her desire of giving her life to save others and which will have no choice but to eat. Kohlberg repeatedly and strongly asserts that no individual—not even those who have attained Stage 7—can consistently make appropriate moral judgments without resorting to Stage 6 principles of justice.

Kohlberg and Organized Religion

Given his thought on religion and morality, how would Kohlberg categorize some of the organized religions with which we are familiar? In a less than complimentary description, Kohlberg terms adherence to organized religion as “essentially a Stage 4 morality of divine order rather than of civic order.” He similarly contends that the “concept of life as sacred in terms of its place in a categorical moral or religious order” is at most a Stage 4 approach to morality. Such a conception “depends on something else—on respect for God and God’s authority,” and therefore precludes the Postconventional, autonomous levels of moral reasoning. Kohlberg regards this shortcoming of the religious adherent with disdain. In response to a subject who expressed just such a religious conception of the value of life, Kohlberg comments, “presumably if God told

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48 Kohlberg, Philosophy of Moral Education, 352. The particular justice solution Kohlberg advocates in such a case is the drawing of lots, a position which in and of itself is controversial.

49 In his later writings, Kohlberg notes that individuals at earlier stages may act in accordance with stage 6 principles without having cognitively assimilated them. He characterizes these individuals as the “ideal-typical” autonomous type (type B), the content of whose moral decisions will reflect autonomous morality even at an early stage of cognitive moral development. See Appendix on “Heteronomy and Autonomy in Moral Development: Two Types of Moral Judgments,” in Colby and Kohlberg, The Measurement of Moral Judgment.

50 The religions to which Kohlberg relates most explicitly are Christianity and Judaism. Extrapolating from Kohlberg’s explicit words to determine his attitude towards other religions or modes of worship would require an in-depth study of those religions, which is beyond the scope of this work.

51 Kohlberg, Philosophy of Moral Education, 386.

52 Ibid., 21.
Kohlberg thus passes negative judgment on his subject, on the religion (Christianity) to which that subject adheres, and on its biblical icon Abraham.

In contrast to this negative portrayal, there are scattered reports that Kohlberg voiced positive attitudes towards religion in later years. Though it is difficult to appraise fifteen-year-old recollections of personal conversations and discussions (the sources of many of these reports), it is clear that Kohlberg was interested in working with religious groups. Primary examples include the 1987 Jewish moral education institute which his student, Jerry Friedman, planned under his guidance at Harvard, as well as Kohlberg’s support of Moshe Blatt’s work with Reform Jewish schools, and his encouragement of and involvement with Joseph Reimer’s work with Israeli kibbutzim (collective agricultural settlements).

It is interesting to note that Kohlberg himself became interested in universal justice based on specific experiences linked to his Jewish roots. Stationed in Europe as a member of the American merchant marine in 1945, Kohlberg recalls that “having a Jewish father, what struck [him] was not only the wreckage of buildings and lives…but getting to know the plight of the survivors of the Nazi holocaust.” As a result, Kohlberg volunteered to serve as an engineer on a ship named the Paduoah that defied British law.

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53 Ibid., 21-22.


55 As Kohlberg notes in “‘My Personal Search for Universal Morality,’ 5, the time he himself spent on kibbutz played a significant role in formulating his thought on justice, morality and education.

to bring 2,000 Jewish refugees to Palestine, which was a British mandate at the time.\textsuperscript{57} The ship was captured, and Kohlberg and his fellow crewmates were sent to a British internment camp in Cyprus, from which they later escaped. Kohlberg continued to be involved with the illegal immigration of Jews to Palestine, manning other ships that sailed there from Europe. He writes that these experiences “raised all sorts of moral questions, issues which [he] saw as issues of justice,” including the central question, “when is it permissible to be involved with violent means for supposedly just ends?”\textsuperscript{58} Thus, Kohlberg clearly felt that his own experiences with Judaism led to positive moral growth and questioning.

The source of the confusion surrounding his view of organized religion may stem from a distinction between Kohlberg’s attitude towards religious adherents and his understanding of the ideal forms of Judaism and Christianity. Although Kohlberg critiques the attitudes of many religious adherents as divine command theory, he praises Judaism and Christianity themselves as compatible with natural law theory. In fact, Kohlberg claims that the roots of his natural law theory can be traced to “Catholic…and Protestant theologians familiar with Tillich’s version of natural law theory, and…Jewish theologians familiar with a natural law framework that goes back to Maimonides.”\textsuperscript{59} In Kohlberg’s view Judaism and Christianity, in their ideal forms, are religions concerned

\textsuperscript{57} Ibid., 5.

\textsuperscript{58} Ibid.

\textsuperscript{59} Kohlberg, \textit{Philosophy of Moral Education}, 318; Whether Maimonides does in fact adopt a natural law position is in fact a matter of much debate among scholars of his work. I will explore the various positions in Chapter Five. Discussions of the issue can be found in: Kellner, \textit{Jewish Writings of Steven Schwarzchild}, 50-59, and 147n65; Atlas, \textit{Pathways in Hebrew Law}, 29-30; Isadore Twersky, \textit{Code of Maimonides}, 457; Novack, \textit{Natural Law in Judaism}, chapters 3 and 4. In that work, Novack also presents an extensive treatment of the role of natural law in Jewish thought from biblical to modern times. See also, Wurzburger, \textit{Ethics of Responsibility}, 17n47.
primarily with “love and justice” (which he equates with autonomous morality), as opposed to “cultic worship.”

Kohlberg praises Judaism and Christianity (and was willing to work with their institutions) because of his ideal understanding of both as religions that support natural law theory. He criticizes them, and their adherents, when they exhibit a divine command theory understanding of their religion. Therefore, in assessing Kohlberg’s attitude towards traditional Judaism, I need to clarify whether that living version of the Jewish religion should be classified within Kohlberg’s ideal natural law theory or of the philosophically inadequate divine command theory.

Jewish Attitudes toward Kohlberg

Having examined Kohlberg’s thought and his attitude towards religion in general and Judaism in specific, I now attempt to chronicle the central arguments and positions taken in Jewish educators’ discourse on Kohlberg’s theory and the possibility of its use with Jewish education. Both to highlight the basic positions and to accurately depict the dialogic nature of this interchange, I present the arguments in two point-counterpoint pairs of articles. I purposely omit the philosophic arguments made by Amsel, Schwartz, and Sosevsky since I present their work in-depth in the coming chapter.

The first article that appears in this dialogue is a 1977 piece by Linda Rosenzweig. In her article, Rosenzweig argues in favor of appropriating Kohlberg for use in Jewish education. She contends that “developmental moral education correlates

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60 Kohlberg, Philosophy of Moral Education, 321.

well with the aims of Jewish education because it aims to foster progress toward a more mature understanding of the concept of universal justice.” 62 This correlation rests on Rosenzweig’s understanding that the “ethical and moral values,” and therefore the education aims, of Judaism “taken together…add up to universal justice.” 63 She concludes that cognitive developmental education will “strengthen in young people a sense of commitment to the basic moral standard of Judaism.” 64

Later in her article, Rosenzweig compares Kohlberg’s approach to that of values clarification, and in so doing she expands the reach of her argument significantly. Values clarification, Rosenzweig argues, is a threat to Jewish moral education due to its relativist position. This relativistic character of a values clarification approach will lead to students “[making] judgments contrary to Jewish tradition, an outcome which would clearly be diametrically opposed to the goals of teaching Jewish ethics.” 65 In contrast, Rosenzweig argues that Kohlberg’s approach, since it “is based on principles of universal justice rather than on ethical relativity,” will inspire only Jewish values and will “not support values that are contrary to the Jewish tradition.” 66

Rosenzweig’s implicit logic in making this expansion is that all Jewish values are, at their core, really values of justice. Therefore, it is a simple equation—if one promotes

62 Ibid., 608.

63 Ibid., In her list of these values Rosenzweig includes, “the supreme value of human life; the importance of the individual and an obligation to develop to one’s highest potential; the distinctiveness of every person; social justice; the responsibility of humans for themselves and others; and Messianic ideals of universal peace, freedom for all humankind, and brotherhood.” As I will soon explain, other Jewish scholars differ substantially with the choices and descriptions Rosenzweig makes in formulating this list.

64 Rosenzweig, “Toward Universal Justice,” 608.

65 Ibid., 611.

66 Ibid.
justice, one promotes Judaism. Following just such logic, Rosenzweig concludes her article with the claim that the most “appropriate statement of a [Jewish] educational objective[s]” is “the prophetic command: Justice, justice, shall ye pursue.”

Providing the counterpoint to Rosenzweig’s arguments, Barry Chazan attacks her attempt to equate Kohlberg’s principle of universal justice with Jewish values and calls efforts to establish such an equation “reductionistic” and “misleading.” For his part, Chazan paints a multi-hued picture of Jewish ethics, in which justice is just one of many important principles. Jewish ethics, and a traditional Jewish approach to education, have some similarities to Kohlberg’s approach, but they also have fundamental differences.

Chazan lists a number of such differences: While Kohlberg adopts “natural law theory” specifically because it allows for distinct realms of discourse for morality and religion, rabbinic Judaism’s “larger purpose was to postulate an entirely new language system which denied the religion/morality dichotomy.” Kohlberg takes pains to differentiate the form of moral reasoning from its content (and focuses only on the former). In contrast, Jewish education links the two—using texts such as the Bible and the Talmud both as sources of content to present a Jewish “moral outlook and world view” and as tools “to develop the individual’s powers of moral judgment.” Most fundamentally, Jewish education is about education as initiation to a specific lifestyle,

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67 Ibid., 615
69 Chazan approaches his argument first from the perspective of Rabbinic (traditional) Jewish education and then from the perspective of modern (liberal) Jewish education. His arguments from the traditional perspective are more extensive and more directly relevant to my current task.
70 Chazan, 301.
71 Ibid., 305.
including specific behavior patterns as well as a worldview, while Kohlberg is interested only in patterns of moral thought.72

Despite these differences, Chazan acknowledges certain similarities between the two educational approaches. Among these is their shared understanding of the need to tailor education to speak to each individual student as well as their view of the school as a “social setting of great educational potential.”73 So too do both understand the importance of motivation and the need to establish the school as a community.74 And Chazan does admit the possibility of using Kohlbergian discussion procedures in Jewish settings, not because they fit philosophically but because they are powerful practical pedagogic tools.

Ultimately, both Kohlberg’s approach and Jewish education are based on “universal principles which they regard as true and which they posit as the objects of moral education.”75 However, they differ in identifying this ultimate principle. For Kohlberg the principle is justice, while for Judaism it is the service of God. Because of this most fundamental distinction, Chazan concludes that it is impossible to use Kohlberg in the context of Jewish education and that any “attempt to Judaize Kohlberg or to Kohlbergize classical Jewish education is ultimately an artificial attempt to amalgamate two disparate approaches.”76

A second pair of articles will highlight further considerations in the argument surrounding Kohlberg’s possible compatibility with Jewish education. The first of this

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72 Ibid., 307.
73 Ibid., 309.
74 Ibid., 318.
75 Ibid., 311.
76 Ibid.
pair, written by Israel Wahrman, argues that Kohlberg’s “philosophical conception of morality…conflicts with the Jewish point of view.” Similar to Chazan’s argument, Wahrman contends that “according to traditional Judaism morality is based on God rather than on ‘reversibility’ and ‘universalizability.’” God, and not autonomous reason, is “the source of moral precepts and principles.”

Wahrman takes care to point out that a person does have the “freedom to develop his morality.” He locates this freedom in the Jewish concept of supererogation as “*lifnim mishurat hadin,*” going beyond the letter of the law to fulfill its spirit. Clearly, any attempt to fulfill the spirit of the law must involve a person’s reason as he applies and builds upon the specific dictates of the scripture. A person’s freedom, however, “must be grounded in and revolve around the principles and rules” presented in the Bible, and must be “bounded by [their] moral and legal framework.”

According to Wahrman, the incompatibility of Kohlberg and Jewish education is mutual. Just as Jewish ethics could not accept Kohlberg’s premises, Kohlberg himself would characterize the Jewish approach to morality as stunted in Stage 4. As evidence, Wahrman points to Abraham’s willingness to slaughter his son at God’s command as a classic point of difference—Abraham is praised in Jewish sources and denigrated by

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78 Ibid., 33.
79 Ibid.
80 Ibid.
81 Ibid., 34.
82 Ibid., 33, 34.
Kohlberg (in the Kantian tradition). Wahrman disagrees with Kohlberg’s characterization of Judaism as natural law theory, which led to Kohlberg’s positive appraisal of Jewish ethics. In Wahrman’s view, traditional Jewish morality is not only supported but also “bounded” by Scripture and, therefore, is best characterized as divine command theory.

The counterpoint to Wahrman’s argument is offered two years later by Gilbert Shoham. Shoham agrees that “the highest morality is carrying out God’s will,” but argues that this premise does not necessitate Wahrman’s conclusions. According to Shoham, Jewish tradition “reflects a plethora of attitudes and opinions that require the informed and intelligent consideration” of each individual Jew and simply advocating the acceptance of God’s will is “to give [the Jew] very little guidance at all.” The Jewish student, according to Shoham, will need to use both reason and judgment to understand and interpret the Jewish tradition and the manner in which it applies to his life.

Rather than focusing on acceptance of values simply “because ‘it is so written,’” Shoham finds it preferable to accept “the teachings of the Torah because they recommend themselves to reason.” Accepting teachings based on their rational recognized value is the mode of functioning of “an autonomous agent, who is not merely an obsequious

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83 Ibid., 35-36. I made similar points earlier based on my own analysis of Kohlberg’s writing. In Chapter Five I will explain how traditional Jewish philosophy resists Kohlberg’s categories.

84 Wahrman, 39.


86 Ibid., 33.

87 Ibid.

88 Ibid., 34.
automaton." Thus, Shoham carves out a space—and a necessity—for autonomous reason within a God-given morality. Yet, his argument is incomplete because he never addresses the fundamental issues of the source or limits of morality, both of which Wahrman cites as points of difference between Kohlbergian and Jewish thought.

These authors have argued both for and against the compatibility of Kohlbergian and Jewish thought on a theoretical level using a variety of arguments. Interestingly, one area that they have not explored is the possibility of adapting Kohlberg’s philosophy to create a theory of morality that is consistent with a traditional Jewish approach. Emil Fackenheim has explored this area in relation to Kantian philosophy (which provides the foundation for Kohlberg’s theory of morality), and his work will be vital for my own efforts in Chapter Five. However, a full discussion of Fackenheim’s theory is out of place at this point, since it does not relate directly to Kohlberg’s theory. As a result, I will postpone such discussion until Chapter Five and will now move forward to a discussion of some of the more practically oriented arguments for using Kohlberg in Jewish settings.

As opposed to the authors who argue for or against the appropriation of Kohlberg on philosophical grounds, Dorothy Rubenstein employs an essentially pragmatic argument for using cognitive developmental theory in Jewish education. She contends that the ideal way “to teach morals and ethics [is] through an analysis of the reasons for the mitzvoth [commandments] accepted by classical Judaism.” Rubenstein argues that Jewish educators should use Kohlberg’s theory to accomplish this task in the most

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89 Ibid.
90 Chazan does suggest ways that we can use Kohlberg’s pedagogic techniques, but on a theoretical level he rejects Kohlberg’s philosophy completely.
effective way possible. She suggests that “the mitzvoth and more particularly the principles of the mitzvoth can be viewed from different perspectives and different levels of reasoning;” the Jewish educator who understands Kohlberg’s theory will be sensitive to these different perspectives, and he will present the rationale for each mitzvah in a manner that is appropriate to the levels of reasoning of students in his class. According to Rubenstein, by presenting a variety of levels of reasoning the teacher will enable “each student [to] buy in at her stage of cognition, while at the same time he begins to hear other levels of meaning and reasoning.” This projected pedagogic effectiveness of Kohlberg’s theories convinces Rubenstein to appropriate them for use in Jewish education.

To better explain her intentions, Rubenstein presents a sample unit of a Bible curriculum. This unit focuses on the study of the biblical commandment to bring the first fruits (bikurim) of each agricultural year to the temple in Jerusalem. Rubenstein arranges the Biblical, commentary and rabbinic source material for the possible rationales and explanations for this commandment along the hierarchy of Kohlberg’s developmental stages. She encourages teachers to be cognizant of their class’s average moral developmental stage and to focus class discussion of the commandment on source material that presents rationales appropriate to this stage and to the one-higher stage. In doing so, Rubenstein demonstrates how she intends that teachers tailor their instruction to their class’ moral stage. In concluding this sample unit, Rubenstein argues that with her

92 Ibid.
93 Ibid.
methodology teachers will succeed both in teaching content material (in this case Bible) more effectively and in providing a discussion forum that stimulates moral development.

Finally, before I begin my analysis of curricula that have appropriated Kohlberg for use in Jewish education I must discuss the work of Jerry Friedman. Friedman, a student of Kohlberg’s, has reviewed and analyzed Schwartz’s and Amsel’s curricula (which I will examine in the coming chapters) and a third cognitive developmental Jewish moral education program, the *Why be Good?* curriculum, from a Kohlbergian perspective.94 Friedman begins his analysis by detailing Kohlberg’s view of (1) the teacher’s role as a facilitator to stimulate moral growth, (2) the students’ role as active participants in the classroom experience, and (3) the necessity of a respectful and democratic classroom atmosphere. He then evaluates how each curriculum fares in these three areas, critiquing them when they fall short of Kohlberg’s standards. For example, Friedman critiques both Amsel’s efforts and the *Why Be Good?* curriculum for “limit[ing] the range and freedom of expression” by “incorporating text-based Jewish values in the discussion,” and looks favorably on Schwartz’s attempt to overcome this obstacle by “advising that the discussion of rabbinic texts occur only after a few weeks have passed.”95

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94 Friedman, *Moral Reasoning Stage Among Jewish Day School and Public School Students*; and Friedman, “Jewish Moral Education,” 7. As reviewed there by Friedman, the *Why Be Good?* curriculum consists of “seven units focusing on issues such as responsibility, interpersonal relationships, cross-generational relationships, honesty, deception, charity and community responsibility.” Each unit begins with a presentation of traditional Jewish sources and then uses dilemmas “to demonstrate the application of source material.” Students form opinions about each dilemma, and then voice their opposition to or agreement with traditional Jewish sources on the issue in the context of a class discussion. Through these discussions, the *Why Be Good?* curriculum aims to inspire students to integrate meaningful ethical principles into their lives.

My analysis will differ from Friedman’s in two important ways. First, while Friedman evaluates curricula from a Kohlbergian perspective alone, I will evaluate curricula from both traditional Jewish and Kohlbergian points of view. Accordingly, while Friedman attempts to discern how loyal Jewish educators have been to Kohlberg’s original theory, I will try to determine how Jewish educators can effectively adapt Kohlberg through a process of appropriation in order to make use of his methods for the pursuit of Jewish moral education goals.

Following his research with practice, Jerry Friedman helped found Shalhevet High School, a modern Orthodox Jewish high school in Los Angeles whose mission was to function in accord with Kohlberg’s theory and methodology. The school’s founding educational director, Steven Bailey, writes that it implemented “democratic classrooms, dilemma discussions, a Fairness Committee, Town Meetings and community service” in accord with the Kohlbergian “just community” model.\(^96\) Evaluating these efforts after five years (in 1997), Bailey writes that “students have been sensitized to moral issues relating to school life, such as cheating, dishonesty and deception – as negative values, and respect for people and property – as positive values.”\(^97\) The school’s website currently reports that discussions “are held frequently in which relevant real-life dilemmas are openly debated according to the Kohlbergian model,” and that “a school-wide ‘just community’” with powers to affect school policy still exists.\(^98\)

\(^96\) Personal email to author, November 19, 2001.

\(^97\) Ibid.

\(^98\) [http://www.shalhevet.org](http://www.shalhevet.org); The reader may wonder why curricula produced at Shalhevet were not included as a case study in this dissertation. When contacted, Shalhevet’s administrators declined to share any Jewish moral dilemma curricula created in the school, explaining that as these are all currently works-in-progress it would be unfair to their authors to make them publicly available.
Conclusion

As evidenced by this brief survey of the literature, the dialogue between Kohlberg and Jewish education has been a rich one. Philosophical arguments have been formulated, theory has been applied to generate curricula, and a school has been founded. Since Kohlberg’s death, however, the dialogue has ground to a premature halt. Educators have assumed that they must either accept or reject Kohlberg’s philosophy in its original form; none have attempted to translate this powerful philosophy in a meaningful way for Jewish education. Moreover, while engaged in appropriating Kohlberg’s theory for use in Jewish education, educators have not paused to reflect on their assumptions and approaches to the process of appropriation itself.

In the coming chapter, I present Schwartz, Amsel and Sosevsky’s curricula in depth and distill each author’s approach to the appropriation process. This presentation lays the groundwork for Chapter Four, where I will evaluate each curriculum from both a traditional Jewish and Kohlbergian perspective, as well as analyze and critique each author’s approach to the process of appropriation.
In this chapter, I present three Jewish moral development curricula which appropriate aspects of Kohlbergian thought. In my attempt to determine whether Kohlberg can be used in a traditional Jewish setting, these three curricula serve as case studies through which I can analyze each author’s approach to the appropriation process. These analyses, in turn, provide a foundation for my proposal of an ideal model for appropriation of Kohlberg’s theory for Jewish education. I choose Amsel, Schwartz and Sosevky’s curricula for these case studies because together they represent a range of approaches both to the issue of appropriation and the formulation of curricula; and each curriculum has contributed uniquely to the dialogue between Kohlberg and Jewish education. Given the paucity of written curricula in this area, these three attempts in fact constitute a majority of the Jewish cognitive moral development curricula available for analysis.

Before I begin either my presentation or my analysis of these three case studies, I must clarify the conceptions of curriculum that guide my work. As emphasized by curriculum theorists such as Michael Apple, schools “distribute ideological values” as part and parcel of their educational efforts.¹ Elliot Eisner cuts to the core of the issue when he writes,

Education itself is a normative enterprise—that is, it is concerned with the realization of aims that are considered worthwhile. Thus, educational activities are not simply concerned with learning, because what a person learns might have negative consequences for his or her development. What makes experience

¹ Apple, Ideology and Curriculum, x.
educational is its participation in a set of values. To the extent to which those experiences participate in those values, they are educational. To the extent to which they contradict those values, they are miseducational.²

Schools educate towards specific ideologies both through their explicit curricula, and through what Eisner calls their implicit curricula (i.e., the values advocated by the school’s culture, classroom organization etc.).³ Within each individual curriculum as well we can identify those values which the author explicitly promotes and those which he implicitly supports. As such, it is imperative that I not only present the content of each curriculum but also that I highlight the author’s goals in formulating his curriculum. I do so both by focusing on the goals that the author himself suggests and by uncovering the ideology implied by the manner in which he structures his curriculum (i.e., how much time is devoted to various tasks, whose opinions the author accepts as morally authoritative, etc.). Having made each author’s goals explicit I can analyze the manner in which his goals are affected by his appropriation of Kohlberg’s theory.

My presentation and analysis of the author’s goals go hand in hand with my focus on the content of each curriculum. As Eisner notes, in analyzing curricula researchers can make meaningful “judgments about the educational significance of the content to which students will be exposed” even before a given curriculum has been implemented. Cognizant of Eisner’s further argument that “what schools do not teach may be as important as what they do teach,”⁴ I will be careful to note not only what each author


³ Eisner, 88-90. Others, such as Jackson, *Life in Classrooms*, have used the term “hidden curriculum” to refer to the same concept.

⁴ Eisner, 97.
includes in his curriculum but also what he chooses to exclude (which Eisner dubs the “null curriculum”).

Finally, I am aware of the fundamental distinction between the “intended curriculum” that the author sets out on paper and the “operational curriculum” that is actually implemented in the classroom. In this dissertation, which focuses on the early steps of the appropriation process, I confine the focus of my analysis to the “intended curriculum.” Nonetheless, it remains important to establish how each author hopes that his curriculum will cross the divide from intended to operational. In order to do so I will examine each author’s instructions to teachers, which are the best indicator of how he intends to operationalize his curriculum.

As shaped by these conceptions of curriculum, I will attempt to distill each author’s goals and his approach to the appropriation process and to demonstrate the link between these factors and the curriculum produced by each author. In an effort to separate “fact” from “opinion,” I will devote this entire chapter to an in depth presentation of the curricula and their appropriation process as I understand them, and will present my evaluation in the following chapter.

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5 Eisner, 32-33.

6 I recognize that even this presentation is shaped by my own views, which affect how I understand each author’s efforts. To gain access to the pristine “facts” of each curriculum, the reader would need to examine it firsthand.
Amsel

Background

Amsel designs his curriculum in response to what he sees as the ineffectiveness of current values education programs in the Jewish community. To prove this contention, Amsel quotes a 1985 questionnaire sponsored by the Principals Council of the Board of Jewish Education of New York, which reveals that a high percentage of the 1400 students surveyed engage in cheating, lying and other immoral behavior. Therefore, although he notes the existence of both informal and formal efforts to inculcate values and ethics, Amsel asserts that these programs have not achieved significant results. He concludes that “Jewish values are being taught, but…they are not being learned,” and a new approach to Jewish moral education is urgently needed.

Amsel, a modern Orthodox informal educator, teacher and day school principal, first formulated his curriculum as the LAVE (Life and Values Education) program for use in a modern Orthodox youth group setting. Subsequently, Amsel refined his curriculum and implemented it in a variety of Jewish school settings, including schools of various denominations and grade levels. In the final version, Amsel fully explicated the rationale for his curriculum and provided 30 lesson plans in his dissertation, written for the Azrieli School of Jewish Education and Administration of Yeshiva University.

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7 Amsel, Judaic Values Curriculum, 8-9.
8 Ibid., 13.
Goals

As I noted above, the author’s goals provide a framework through which to understand his approach to the appropriation process and his curriculum as a whole. In the introduction to his curriculum, Amsel details three goals he hopes to achieve in any given lesson: (1) “to introduce the moral problem, and begin to show the conflict” in a setting where discussion can be guided by the teacher, 9 (2) for “students to learn and understand the general Jewish position on the issue,”10 and (3) “to influence and change behavior in the students” to conform with the Jewish position.11 Within the second goal, Amsel includes what might be enumerated as a separate fourth goal: that “students…begin to ‘think Jewishly,’” by which he means that students will “ask for and study the Jewish view” on moral issues that they confront in class and in life.12

These goals come together to provide a picture of Amsel’s overall aims for his curriculum: to impart Jewish values to students, and to ultimately effect change in student behavior. This basic goal is borne out in Amsel’s instructions to teachers. Despite his stated desire to have open discussion and free expression in the classroom, Amsel makes clear that “there are specific attitudes and ideas that the lesson should help teach.”13 Recognizing the tension that these dual desires create, he directs teachers to “guide students to reach their own conclusions.”14 Ideally, these conclusions will be consonant

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9 Ibid., 50.
10 Ibid., 52.
11 Ibid., 54.
12 Ibid., 52.
13 Ibid., 76.
14 Ibid.
with the Jewish point of view. If they are not, Amsel counsels the teacher to “be careful not to show dismay or articulate his or her feelings.”\textsuperscript{15} These directions do not indicate an acceptance of the student’s conclusions. Rather, they are a pragmatic pedagogic strategy, as Amsel notes, “as a [student] matures, his or her values…change, and that student will frequently come to accept the Jewish view.”\textsuperscript{16} Thus, in spite of his focus on open discussion, Amsel’s ultimate goal remains to inculcate traditional Jewish values.

\textbf{Approach to the Appropriation Process}

With the framework of Amsel’s goals in mind, I can analyze the approach he takes to the process of appropriating cognitive developmental theory to the task of Jewish moral education. Citing the failure of traditional methods of inculcating traditional Jewish values, Amsel calls for “a new approach, a new methodology” for Jewish moral education.\textsuperscript{17} He explains that the new approach he will develop is guided by two theories of moral education.

The first of these theories is Albert Bandura’s social learning theory. Bandura suggests that a primary factor in shaping the moral development of any individual is that individual’s social framework. In social learning theory, the individual learns to value those ethics that are held in high esteem by his community or society. Role models, who act as spokesmen for the values of the community or society, play a significant part in shaping the individual’s moral development.\textsuperscript{18}

\textsuperscript{15} Ibid., 53.
\textsuperscript{16} Ibid.
\textsuperscript{17} Ibid., 13.
The second of these theories is Lawrence Kohlberg’s cognitive developmental theory, which I presented extensively in the previous chapter.

Rather than incorporating either of these existing approaches into a new framework, adapting as necessary, Amsel intends to propose his own methodology, guided by and “compatible with both” Bandura’s and Kohlberg’s theories. That Amsel works from the ground up does not in and of itself determine what approach he will take to the process of appropriation. It does color and influence whatever approach he chooses. For example, it is likely to lead to a loose resemblance between Amsel’s curriculum and the original theories, as compared to a top down approach that begins with the existing theory and adapts it as necessary.

In my attempt to induce Amsel’s approach to appropriation, I will not be able look to his use of Bandura’s theory as a test case. According to Amsel, it is not necessary to appropriate Bandura’s theory for use in Jewish education since Jewish educators traditionally have espoused this view; modeling theory traces its roots to rabbinic, if not biblical, sources.19 As a result Amsel does not institute any specific pedagogy designed to be consonant with Bandura’s theory. Instead he simply assumes that by virtue of his commitment to the principles of traditional Jewish education his curriculum will be consonant with social learning theory.

I agree with Amsel that Jewish scholars and educators have recognized the influence that role models play in an individual’s moral development, and have sought to make use of this influence in Jewish moral education.20 However, traditional Jewish

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thought would certainly reject many tenets associated with behaviorism, the foundation on which the modern conception of social learning theory was built. As such, Amsel’s simple acceptance of Bandura’s theory should be questioned and replaced with a well thought-out appropriation process. Nonetheless, because Amsel does not construct any new pedagogic methods based on Bandura’s theory, social learning theory cannot serve as a test case for my examination of the process of appropriation.

The implementation of Kohlberg’s theory, on the other hand, constitutes an innovation in the world of Jewish education. As such, examining his use of Kohlberg’s theory will illuminate Amsel’s approach to appropriation.

Amsel’s discussion of how he will use Kohlberg’s theory points to two possible approaches to the appropriation process, though these are not clearly distinguished in his writing. On one level, Amsel acknowledges the opposition of many Jewish educators to Kohlbergian philosophy, and admits that Kohlberg’s goals “are not synonymous with all the goals of teaching...Jewish ethics.” Nonetheless, he asserts that he “can find no difficulties with using an effective methodology without necessarily being committed to the theory behind it,” and proposes to use Kohlbergian techniques while rejecting Kohlberg’s underlying philosophy. Amsel argues that “while believing that God’s word [and not autonomous reason] is truth,” and therefore negating Kohlberg’s most basic assumption, “the method of inculcating this truth to students can be through the independent thinking and discussion model similar to Kohlberg’s.”

21 Amsel, 36.

22 Ibid., 40. This approach is similar to the suggestion made by Barry Chazan in the conclusion of his article, “Jewish Education and Moral Development.”

23 Amsel, 38.
On a second level, Amsel argues more expansively for the compatibility of Kohlbergian philosophy and Jewish ethics. He contends that “the differences between [traditional Jewish education and Kohlberg’s approach] have been exaggerated,” and quotes Kohlberg himself as stating that a “Jew who believes in God as the supreme authority may still be thinking morally at Stage 5, the ‘autonomous’ stage of moral thinking.” This is so because, as Amsel explains, it is not the fact that a Jew adheres to God-given normative Jewish law that determines his moral stage, but rather the reason why he chooses to adhere to this law. In this vein, Amsel quotes Barry Chazan’s characterization of a traditional Jew at Stage 5 as “‘Ish HaHalacha,’ a man of Jewish law.”

This yields two possible approaches to the appropriation process: (1) the use of techniques despite the rejection of their underlying philosophies, and (2) the use of techniques together with their underlying philosophies, based on a specific understanding or reformulation of the foreign philosophy, of Jewish philosophy, or of both to insure their compatibility. In this case, Amsel pursues the second approach by claiming that, if understood properly, Jewish ethics and Kohlbergian philosophy are indeed compatible; but what Amsel calls “a proper understanding,” others may call a reformulation.

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24 Ibid., 36.
25 Ibid., 37, referring to an unpublished discussion of proceedings during the Institute of Jewish Moral Education at Harvard University on July 9, 1986.
26 Ibid., 38.
27 In discussing the possibility of reformulating a foreign philosophy to fit with traditional Jewish beliefs, I would be remiss not to mention one of the earliest, and most significant, efforts to accomplish such a task. Though there is much controversy regarding the details, it is clear that Maimonides made use of Aristotelian philosophy. In fact, he refers to Aristotle’s works as “the roots and foundations of all works on the sciences.” (Quoted in Twersky, Maimonides Reader, 20.) Yet, Maimonides also forcefully rejects some of Aristotle’s conclusions, most notably countering the Aristotelian belief in the eternity of the world with the Jewish belief in creation ex nihilo. For further discussion see: Twersky, Maimonides Reader, 279-284.
Unfortunately, Amsel does little else to pursue this second approach in his introduction, leaving us wanting for a fuller explanation of the compatibility of Kohlbergian and Jewish philosophy. By the end of his explication of the appropriation process, Amsel reverts to the first mode of appropriation, perhaps in an attempt to garner wider support for his curriculum or perhaps precisely because he has not laid a solid philosophical foundation for the second approach. Therefore, it comes as no surprise that it is the first approach that is exemplified by his curriculum, which seeks to inculcate Jewish values more than to stimulate cognitive moral development.

**Between Appropriation and Curriculum**

Having analyzed Amsel’s approach to the process of appropriation, I turn to his curriculum to demonstrate the link between the model of appropriation he chooses, the pedagogic instructions he includes, and the curriculum he produces.

In the general pedagogic instructions Amsel addresses to his intended audience of Jewish high school teachers he emphasizes that the successful implementation of this curriculum is contingent on the “atmosphere of openness and a trust [established] between teacher and students” in the classroom.\(^{28}\) He advises teachers to create this trust by assuring students confidentiality, urging them to express their honest points of view, and accepting their comments even when they differ from the traditional Jewish view. Amsel also encourages the teacher to transform the classroom into an informal setting by arranging the chairs in a circle and not assigning any sort of grades.\(^{29}\) In addition, Amsel presents specific questioning techniques designed to help the teacher facilitate class

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\(^{28}\) Amsel, 59.

\(^{29}\) Ibid., 62-65.
discussion. These techniques are drawn directly from the work of Ted Fenton, a close student and colleague of Kohlberg.  

The classroom atmosphere recommended by Amsel and his questioning techniques are almost identical to those recommended by Kohlberg himself. This corresponds well with his approach to the appropriation process (#1 above); Amsel has taken Kohlberg’s methods and techniques and transplanted them to the Jewish high school classroom. This appropriation, however, is limited to technique. As further examination of his curriculum will show, Amsel rejects Kohlberg’s philosophy and goals and replaces them with traditional Jewish values.

The first evidence of Amsel’s replacement of Kohlberg’s philosophy with traditional Jewish goals appears in the “tension” between “the techniques and questions [which] encourage students to freely express whatever they feel,” and the “specific attitudes and ideas that the lesson should help teach.” This tension is a direct result of the melding of Kohlbergian methods with Jewish philosophy, and highlights the effect that a new (in this case Jewish) context can have on methods transplanted to it. Though such a tension may pose an obstacle to novices, Amsel is confident that experienced teachers will have the sensitivity to tread the “fine line between self-discovery and teacher guidance.” In so doing, the teacher can guide the discussion towards the Jewish

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30 Amsel, 71-76. Fenton’s work is quoted from, Gomberg, Cameron, Fenton, Furtek, and Hill, *Leading Dilemma Discussion*, 117-121.

31 Amsel, 76.

32 In the coming chapter, I will examine whether the influence of the new Jewish context on Kohlberg’s methods threatens their effectiveness from a cognitive developmental as well as a traditional Jewish perspective.

33 Amsel, 76.
position on the issue while allowing students to feel that they are contributing to and shaping the central ideas of the lesson.

Amsel designs a sample dialogue for each of his lesson plans in an effort to help teachers overcome the central tension created by his appropriation process. To take one example, in Lesson 2 Amsel focuses on issues of conformity and individuality.34 The conclusions he would like the students to reach are spelled out in bold headings such as, “conformity and individuality are both necessary.”35 Under each of these conclusions are series of questions designed to lead the students to that conclusion through an “autonomous” reasoning process. These questions include references to traditional Jewish sources where appropriate. Finally, each lesson includes a summary of the basic conclusions and Jewish viewpoints towards which Amsel hopes teachers can guide their students by means of Kohlbergian discussion procedures.

Schwartz

I will now analyze Earl Schwartz’s curriculum using the same steps I applied to Amsel’s work. Following a brief background that situates Schwartz and his curriculum, I will examine the author’s goals, his approach to the appropriation process, and the link between that approach and his curriculum. In each section, I will also contrast Schwartz’s work with Amsel’s curriculum.

34 Ibid., 115-120.
35 Ibid., 117.
Background

We saw earlier that the apparent failure of Jewish day schools to provide effective Jewish moral education programs causes Amsel to look to Kohlberg’s theory for help. In contrast, Schwartz draws his inspiration directly from his belief in the power of Kohlberg’s model. For Schwartz, Kohlberg’s theory is not the solution to a particular problem but rather a pedagogy that is inherently valuable and, therefore, one that should be appropriated whole cloth for use in Jewish education.

Schwartz composed his curriculum for use in The Talmud Torah of St. Paul, Minnesota. The Talmud Torah functions both as a Jewish day school (offering a daily instruction in both secular and Jewish subjects) and as a supplementary school (offering approximately one hour of after-school Jewish subject instruction daily).36 Schwartz himself served as a teacher and administrator in the school and facilitated the implementation of his curriculum. He reported great success with the use of these methods, noting that the Talmud Torah’s “hallways are filled with sounds and gestures of moral discussion, spilling over from classrooms lit with the excitement of serious exploration of serious questions.”37

Goals

Unlike Amsel, whose goals I quoted above, Schwartz does not state his goals explicitly in his introduction, nor does he include a “goals” section at the beginning of each lesson. This fact in itself hints at the subtle nature of Schwartz’s goals. Schwartz views his curriculum as “a modest supplement” to the “lifelong process” of moral development.

36 Schwartz, Moral Development, 26.

37 Ibid., 28. Schwartz later chronicles the further development of the Talmud Torah’s moral education program in “Three Stages of a School’s Moral Development,” 106-118.
development. Rather than teaching new values, he intends his curriculum to “provide [students] with a structure for the critical examination of issues with which they are familiar already,” primarily through the “opportunity to evaluate [their] moral judgment in comparison with reasoning more and less adequate than [their] own.” As opposed to Amsel’s explicitly ‘Jewish’ goals, Schwartz’s goals are directed to the arena of general cognitive moral development; he hopes to “heighten a class’ average level of moral judgment” as measured by Kohlberg’s scale. While Amsel aims to inculcate students with a Jewish perspective on any given issue, Schwartz’s “chief concern in connection with the supplementary [Jewish source] materials is that they not be used prematurely,” which would short-circuit the discussion.

Approach to the Appropriation Process

Flowing from his goals, Schwartz’s curriculum will again provide a contrast to Amsel’s efforts. Schwartz neither reformulates nor rejects any part of Kohlberg’s philosophy; instead he suggests that Jewish educators should incorporate Kohlberg’s approach—as is—into their teaching. However, Schwartz does acknowledge three possible questions that arise for the Jewish educator contemplating such an appropriation:

1. Does the dilemma-discussion method threaten the norm-setting authority of the traditional sources?
2. To what extent do the stages of moral development, which Kohlberg has derived from his cross-cultural research, correspond with a classic Jewish hierarchy of values?
3. Does this method make a connection between knowing what is right and doing what is right?

39 Ibid.
40 Ibid., 28.
41 Schwartz, 8.
To respond to the first question, Schwartz quotes from two medieval Jewish thinkers, R. Saadya Gaon and Bahya Ibn Pakudah.42 Both of these scholars advocate learning traditional Jewish values through rational analysis; they subscribe to the traditional body of normative literature but encourage rational inquiry to solidify, actualize and internalize the normative tradition. Like these thinkers, Schwartz “presuppose[s] a set hierarchy of Jewish values…but…[assumes] that it is preferable for students to develop an understanding of the function and need for these values.”43 Therefore, he claims that rational inquiry—and by extension the dilemma-discussion method—plays an important positive role in traditional Jewish education. In accepting traditional Jewish values, Schwartz certainly differs from Kohlberg’s focus only on universal principles, but he does not seem to think that this difference poses an obstacle in his attempt to directly incorporate Kohlberg’s theory and methods into Jewish education. Unfortunately, Schwartz does not address this last issue directly or provide an explicit rationale.

Addressing the second question, Schwartz again quotes from a medieval Jewish thinker, this time Maimonides.44 Maimonides describes the psychological stage development of a child’s motivation to learn Torah.45 In accord with children’s development, Maimonides instructs teachers to use physical rewards to encourage young

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42 Ibid., 8, quoting from R. Saadya Gaon, Emunot V’Deot, introduction; and from Bahya Ibn Pakudah, Hovot HaLevavot, introduction.

43 Ibid., 9.

44 Schwartz, 13-15, quoting from Maimonides, Commentary to the Mishna, Introduction to Chapter 10 of Sanhedrin.

45 The term “Torah” used colloquially to refer to the body of traditional Jewish texts including the Bible, the Talmud and their commentaries as well as other works.
children to learn, and psychological rewards (such as honor and respect) to encourage young adults, while for the mature student the intrinsic reward of knowledge itself is motivation enough. Schwartz points out that for both Maimonides and Kohlberg,

1. Reasoning is an essential part of moral behavior.
2. Human beings pass through stages of moral development.
3. There is some correspondence between age and stage.
4. The thrust of moral development is from physical rewards, through “good roles,” to principled behavior.46

Based on these similarities, Schwartz concludes that “Kohlberg’s hierarchy of values is essentially compatible with a classic Jewish value structure.”47 Therefore, Jewish educators can easily appropriate Kohlberg’s philosophy.

Schwartz’s third question is relevant to any educator concerned with effecting changes in student conduct, but is further accented by the traditional Jewish focus on normative behavior. Addressing this question, Kohlberg suggests that “the gap between having moral principles and acting upon them is bridged by ‘faith.’”48 Again equating Kohlberg’s theory with principles of Jewish thought, Schwartz claims that Kohlberg’s “formulation of faith as that which empowers us to act on our principles is very close to the biblical notion of emunah.” Schwartz defines emunah, in turn, as “the state of mind and spirit that allows for [the] fulfillment” of our values.49 Therefore, according to Schwartz, Jewish tradition and Kohlberg both believe that moral reasoning together with faith will lead to moral action.

46 Schwartz, 15.
47 Ibid.
48 Ibid., quoting a speech made by Kohlberg to the National Catholic Education Association in 1975.
49 Schwartz, 15.
Schwartz’s approach, explicated in response to these three central questions, provides us with a third model of appropriation. This model accepts the foreign philosophy wholesale, justifying this acceptance based on Jewish sources. It does not seek to reformulate either the foreign theory or Jewish philosophy because it claims that even in their current forms they are sufficiently compatible.

Between Appropriation and Curriculum

Since Schwartz hopes to introduce an approach to moral education not confined to his own specific curriculum, he begins his pedagogic instructions by explaining to teachers how they can choose or compose their own dilemma stories, to be used in addition to or instead of the specific units that Schwartz himself will outline. He directs teachers to choose dilemmas which are developmentally appropriate for their students and which contain the “unresolved conflicting claims” that characterize moral problems for Kohlberg.50 Though Schwartz notes that many biblical and prophetic stories fit this description, he suggests that traditional Jewish content is merely an added benefit and not a necessary feature of a good dilemma.51 In fact, Schwartz’s own dilemmas rarely contain explicit Jewish content.52

As he explains the questioning techniques designed to help the teacher facilitate discussion, Schwartz uses many of the techniques created by Kohlberg and his students. In contrast to Amsel, Schwartz also includes Kohlberg’s goals as the reason for using such techniques. The understanding that “the dilemma-discussion method emphasizes

50 Schwartz, 17.

51 Ibid.

52 The “Introduction for the Teacher” and “Additional Sources” sections of Schwartz’s curriculum, which I will soon address, do contain traditional Jewish content.
growth in [moral] reasoning” should be a teacher’s primary guide in determining how best to lead a discussion.53 This is consistent with Schwartz’s approach to the appropriation process, which fully accepts both Kohlberg’s methods and their underlying theory.

The organization of Schwartz’s lesson plans as well evidences this approach to appropriation. Each lesson plan begins with an introduction to the teacher, which describes the specific issues, thoughts and questions that children at various stages of moral reasoning may bring to the dilemma at hand. In addition, Schwartz provides a general and, when necessary, Jewish background to the specific terms and concepts for that lesson. At times this Jewish background gives a clear answer to the dilemma; for example, in Schwartz’s unit on deception he quotes Jewish sources which obviously condemn various types of lying and deceit.54 In other lessons, such as the “intentions” unit, the Jewish sources Schwartz presents the teacher leave the issue unresolved. In either case, however, it is clear that Schwartz does not want the teacher to bring her prior knowledge into the dilemma-discussion; he simply intends to frame the issue for the teacher and to justify the inclusion of that issue in his curriculum.

Schwartz then presents the dilemma story, discussion questions and a “cue sheet” of possible teacher responses to student questions. These questions and cues do not include any mention of the Jewish position on the issue at hand, nor are they designed to lead the students to any particular conclusion. Rather, each cue and question is designed

53 Schwartz, 19.

54 Ibid., 91-104.
to explore students’ reasoning and challenge them with one-higher stage reasoning, as suggested by Kohlberg.

Finally, Schwartz includes an “additional sources” section at the end of each unit. He advises teachers to let a few weeks pass between the dilemma-discussion and the teaching of these additional sources, so that the Jewish sources do not “short-circuit” the discussion process.55 When the teacher does introduce traditional sources, she should not present them as the authoritative view but rather “as an argument or position which will rise or fall on its own merits.”56 The students will engage the text and ‘discuss’ the dilemma with its author in a “free and critical (and respectful)” manner.

Unlike Amsel, who uses Kohlberg’s methods to guide students to the traditional Jewish view, Schwartz appropriates both Kohlberg’s methods and his goals. Therefore, Schwartz designs his discussion specifically to advance students’ level of moral reasoning. In keeping with Kohlberg’s goals, Schwartz introduces the traditional Jewish position on the issue not as an authoritative conclusion but rather as a voice that the teacher brings into the discussion in order to “expose students to the guidance of [Jewish] tradition.”57

Sosevsky

Finally, I turn to Sosevsky’s curriculum. As in the previous two case studies, I analyze Sosevsky’s goals, his process of appropriation and the link between that process

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55 Ibid., 25.
56 Ibid.
57 Ibid.
and his curriculum. In addition, I contrast Sosevsky’s curriculum with Amsel’s and Schwartz’s curricula.

**Background**

Like Amsel, Sosevsky is motivated by a desire to remedy the problems of Modern Orthodox education. As evidence of the current problem, he cites “the emergence with embarrassing frequency…of involvements in scandalous activity,” as well as a 1976 study which “found no significant difference in moral judgments” between teenagers who attended traditional Jewish schools and those who did not attend such institutions or adhere to traditional normative Jewish law.\(^{58}\) It is “not the values of Orthodoxy *per se* that require scrutiny,” according to Sosevsky, but rather “the means of properly transmitting them through our system of education.”\(^{59}\) Sosevsky seizes on Kohlberg’s theory as a way of improving moral education programs in Jewish day schools.

Unlike Amsel and Schwartz, who composed their curricula for immediate use in schools where they themselves teach, Sosevsky wrote his as a doctoral thesis. In fact, to this day Sosevsky’s work has yet to be implemented. As a result, it remains a theoretical contribution—but not a practical one—to the field of Jewish moral education.

**Goals**

Sosevsky’s curriculum is the midpoint on the spectrum between Amsel and Schwartz. Sosevsky lists six “educational objectives” in planning his curriculum:

a) to provide a thorough understanding of the principles and dynamics of Judaic ethics.

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\(^{59}\) Ibid., 3.
b) to provide a thorough knowledge of the objective ethical demands of Judaism.
c) to provide a thorough understanding of the philosophy of Judaic ethics.
d) to develop the ability to glean Judaic perspectives from halakhic data
e) to foster the ability of the student to apply halakha to real-life ethical dilemmas.
f) to foster cognitive moral development towards the highest rungs of Kohlberg’s scale.60

These six goals are unified and explicated by Sosevsky’s understanding of “the goal of Judaic moral education,” which “is not mere transmission of objective halakhic data” but also must include “fostering the ability of the student to apply the spirit of halakha to cases not expressly governed by its objective data.”61 In other words, Sosevsky sees the goal of Jewish moral education as teaching students to apply the spirit of the law in areas left unlegislated by the letter of the law. Therefore, he focuses on: (1) imparting an understanding of the content and principles of Jewish ethics—goals a, b and c, and (2) developing the students’ ability to apply Jewish principles to specific cases—goals d and e, which is contingent on their cognitive growth—goal f. Goals a, b, and f are instrumental goals that support the ultimate ends, goals d and e. Like Amsel, Sosevsky has particularly Jewish goals in mind as the ultimate ends, but like Schwartz, cognitive-developmental concerns play a central role in achieving his objectives.

Approach to Appropriation

Sosevsky’s curriculum yields yet another approach to the process of appropriation. Sosevsky begins by using Kohlberg’s findings to critique the prevalent approach to moral education in traditional Jewish schools. According to Sosevsky, this traditional approach, “where right is distinguished from wrong without any real attempt

60 Ibid., 15-16.
61 Ibid., 12.
at analysis of the implied values,“62 does not foster cognitive moral development past Kohlberg’s conventional stage. Accepting Kohlberg’s theory, Sosevsky argues that a teacher’s approach to moral education must correspond to the students’ cognitive moral development stage on Kohlberg’s scale and must aim to move students toward higher stages of development.63

Unlike Schwartz, the acceptance which Sosevsky grants Kohlberg’s theory is not complete. For Sosevsky, “outright acceptance of [Kohlberg’s] methodologies leads to a position inconsistent with the goals and values of moral education from a uniquely Judaic perspective.”64 Kohlberg’s goal is to develop moral judgment and reasoning capacities and, therefore, “all moral positions enjoy equal validity” as long as they are supported by mature moral reasoning.65 In contrast, Jewish education subscribes to specific value content and, therefore, “could not possibly leave room for the post-conventional stages of moral development with their emphasis on individual decision of conscience.”66

Nonetheless, Sosevsky intends to appropriate Kohlberg by “adapting” his methods to fit with Jewish values. Before he begins to adapt Kohlberg’s theory, Sosevksy explicates his own understanding of Jewish ethics based on positions taken by Nahmanides and R. Vidal of Tolosa.67 These authorities contend that, rather than legislate for every possible situation, the Bible and Talmud often provide general principles—such

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62 Sosevsky, 8.
63 Ibid., 9.
64 Ibid., 9-10.
65 Ibid.
66 Ibid.
67 Nahmanides, Commentary on the Bible, Lev. 19:1, Deut. 6:18; R. Vidal of Tolosa, Maggid Mishneh, Laws of Neighbors, Chapter 14.
as “You shall do the right and the good”—and leave the application of these principles to each individual’s judgment. In this conception, the individual’s moral judgment plays a vital role in Jewish ethics; though moral principles are defined by God, humans must use autonomous reason to apply these rules to specific cases.

Given this conception of Jewish ethics, Sosevsky argues that Jewish educators must focus their efforts on developing students’ reasoning faculties. Kohlberg’s methodology is the perfect tool for this task since, according to Sosevsky, it “is designed to lead the student towards decisions of conscience based on…concrete objective rules.” As noted above, Sosevsky finds the use of Kohlberg’s “methodologies to develop principles and autonomous decision making” incompatible with Jewish education. Therefore, he appropriates Kohlberg’s methods but uses them in a different direction: to develop students’ moral judgment towards the “autonomous application of Judaic heteronomous principles in order to deal with situations where there are no established precedents or objective guidelines.” Noting the difference between his use of Kohlberg’s methods and Kohlberg’s own goals, Sosevsky characterizes the process of appropriation as accepting Kohlberg’s “methodologies, which are fully in consonance with Judaic values” while rejecting his “philosophy…as being inconsistent with Judaic teaching.”

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68 Deut., 6:18.

69 Sosevsky, 12. In the coming chapter, I will examine whether this is an accurate portrayal of Kohlberg’s theory.

70 Sosevsky, 12.

71 Ibid., 13.

72 Ibid., italics in original.
At first glance, this description of the appropriation process seems very similar to one described earlier by Amsel, who also accepted Kohlberg’s methods while rejecting his philosophy. Comparing and contrasting the two approaches will highlight the unique aspects of each.

Amsel adopts Kohlberg’s methods as a pedagogic tool. Unlike Kohlberg, he asserts that “God’s word,” and not autonomous reason, is the ultimate “truth.” Yet, Amsel argues that the method of “inculcating this truth to students can be through the independent thinking and discussion model similar to Kohlberg’s.”73 As such, Kohlberg’s methods for developing autonomous moral judgment are instead used by Amsel to “inculcate” traditional Jewish values.

Like Amsel, Sosevsky rejects Kohlberg’s Kantian contention that autonomous reason is the central and all-encompassing feature of moral judgment. But Sosevsky does emphasize the vital role of moral reasoning within Jewish ethics. Therefore, Sosevsky appropriates Kohlberg’s methods to promote the development of autonomous moral judgment in his students. He differs from Kohlberg only in that he intends this judgment to be used to apply traditional Jewish principles to specific cases rather than to generate universal moral principles.

Amsel appropriates only Kohlberg’s dilemma-discussion pedagogy and uses that pedagogy for traditional Jewish ends. Sosevsky appropriates both Kohlberg’s pedagogy and Kohlberg’s goal of developing autonomous moral judgment, though he rejects Kohlberg’s Kantian philosophy of morality. Though he describes himself as rejecting Kohlberg’s philosophy, in comparison to Amsel it becomes clear that Sosevsky’s

73 Amsel, 38.
appropriation accepts Kohlberg’s methods together with a select portion of the original philosophy.

**Between Appropriation and Curriculum**

In contrast to both Amsel and Schwartz’s curricula, Sosevsky’s curriculum focuses intensively on the teaching and learning of traditional Jewish source texts as the background to dilemma-discussion. In each of the five units of Sosevsky’s curriculum, the bulk of classroom time and energy is spent teaching and learning a wide range of traditional sources on each issue. On the other hand, the moral dilemma is introduced very briefly, and there is only one moral dilemma included in each lengthy unit.74

In fact, Sosevsky suggests that his curriculum take the place of the school’s Talmud and/or Jewish law courses. Instead of the usual Talmud or Jewish law curriculum, the teacher would use the source material outlined in Sosevsky’s work, and would expand on the philosophical concepts contained therein. She would then introduce moral dilemmas “at appropriate intervals” to enable students to “come to grips with [their] own thinking on moral issues.”75 Such a course would fit with Sosevsky’s central goal, to enable students to use their “accumulated halakhic knowledge for the derivation of appropriate Judaic ethical responses to newly created ethical dilemmas.”76

This organization of the curriculum clearly reflects Sosevsky’s approach to the appropriation process. It accepts Kohlberg’s methods and their underlying focus on the development of moral reasoning, but subordinates the development of reasoning to the

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74 Sosevsky’s curriculum is designed to fill one school year. Therefore, throughout the entire year students would discuss only five different dilemmas.

75 Sosevsky, 17.

76 Ibid.
traditional Jewish ends of deriving practical ethics from overarching principles of Jewish law.\textsuperscript{77}

Upon closer examination of the dilemma-discussions themselves, it becomes clear that Sosevsky does not construct all five in an identical format or with identical goals in mind. The first unit’s dilemma explores the relationship between love of self and love of the other through the classic case of two men lost in the wilderness with only enough food for one to survive. When they are presented with this dilemma, students have not yet learned the Jewish sources relevant to the issue. Sosevsky intends the dilemma itself to prepare the students to learn the Jewish sources and to “help them comprehend the position that Judaic ethics takes to such conflict.”\textsuperscript{78} It is only after the dilemma-discussion that students will learn source material which presents a traditional Jewish approach to the questions they have already encountered.

The rest of the units are organized in the reverse order, in which dilemma-discussions follow extensive study of relevant Jewish sources. For example, the second unit’s dilemma explores a conflict between filial obligation and personal religious choice. It presents the case of David, a Jewish-American high school graduate who wants to continue his Judaic studies in an Israeli school. David’s parents, on the other hand, would rather he choose a school that is closer to home. In this dilemma, students are asked to apply the traditional Jewish principles of filial obligation that they have learned earlier in the unit to help David with his decision.\textsuperscript{79} Dilemmas for the third, fourth, and fifth unit

\textsuperscript{77} It is important to note that the extent to which this curriculum emphasizes learning Jewish sources over dilemma discussion is not a necessary result of this approach to appropriation.

\textsuperscript{78} Sosevsky, 45.

\textsuperscript{79} Ibid., 192.
follow suit, asking students to apply the traditional Jewish principles they have learned in each area to specific cases. 80

These last four dilemmas are consonant with Sosevsky’s approach to appropriation. Each dilemma aims to build the student’s capacity to use moral reasoning to apply general principles to specific cases. The first dilemma, in contrast, seems to deviate from this approach. Sosevsky introduces this dilemma before students have studied any of the relevant Jewish sources, and therefore can not ask students to apply general Jewish principles to the specific case at hand. In doing so, he uses the dilemma to facilitate understanding rather than to develop students’ powers of reasoning. Sosevsky may have felt compelled to pursue this alternate tack due to the weighty nature of the life or death decisions students were examining. Whatever the reason for his deviation, it is clear that, unlike the last four, the first dilemma does not advance student reasoning in line with Sosevsky’s stated goals.

Like Amsel and Schwartz, Sosevsky includes pedagogic instructions with his curriculum and directs teachers in the facilitation of the dilemma-discussion. Sosevsky recommends that teachers use the facilitation techniques developed at Carnegie-Mellon University to apply Kohlberg’s theory to classroom discussion.81 However, he alters these techniques to insure their appropriateness for his curriculum and its traditional Jewish goals. Differing from the original Carnegie-Mellon design, Sosevsky directs the teacher to “steer the class toward the halakhic perspective” in their discussion of any

80 See Sosevsky, 261 (third unit dilemma), 406 (fourth unit dilemma), and 489 (fifth unit dilemma).
81 Ibid., 19. These techniques are presented in Galbraith and Jones, Moral Reasoning.
issue, and to conclude each discussion with a presentation of the traditional Jewish principles relevant to the issue at hand.\(^{82}\)

These adaptations are reminiscent of those made by Amsel and again demonstrate the effect that the Jewish context exerts on methods that are transplanted to it. Yet Sosevsky does not encounter Amsel’s basic tension between free-discussion and Jewish values. As demonstrated by the organization of his curriculum, Sosevsky’s dilemmas are driven by a fundamentally different question than are Kohlberg’s. While Kohlberg (and often Amsel) asks students what they think is a moral course of action in a given dilemma, Sosevsky asks students to deduce the traditional Jewish approach to the issue at hand. Therefore, in guiding the class towards a traditional Jewish perspective, the teacher is not stifling but rather helping the discussion along, in line with Sosevsky’s appropriation process.

Conclusion

In this chapter, I have shown that each author either explicitly or implicitly adopts a specific approach to the process of appropriating Kohlberg for Jewish moral education curriculum. In each case, this approach is consistent with the author’s goals for Jewish moral education and is a driving force in his formulation and organization of the curriculum as well as in his pedagogic instructions to teachers. In the coming chapter, I evaluate each curriculum, each approach to the integration process, and each author’s implementation of his chosen approach.

\(^{82}\) Sosevsky, 20.
Chapter IV
THEORETICAL ANALYSIS AND EVALUATION

Furthering my attempt to determine whether Kohlberg can be used in traditional Jewish education by focusing on the process of appropriation, I now analyze Amsel, Schwartz and Sosevsky’s curricula from a traditional Jewish perspective as well as from a Kohlbergian cognitive moral development perspective. I also evaluate each author’s approach to the appropriation process, taking care to differentiate between the conceptual approach and the particular manner in which the author has chosen to implement it. Finally, I demonstrate the link between the strengths and weaknesses of the appropriation process and strengths and weaknesses of the curriculum as a whole.

A Jewish Moral Education Perspective

The perspective I use for this evaluation is framed by the goals I have formulated for Jewish moral education in a Torah U’Madda framework: (1) That the student learn to lead a life of adherence to Torah laws and traditions, (2) that the student develop a worldview based on the spirit of these laws and traditions and act accordingly, and (3) that the student understand his or her obligation to learn from and contribute to the Jewish community and the society in which he or she lives.¹

Though each author formulates his own goals for Jewish moral education, the application of my single external perspective is necessary for the purposes of this evaluation. Judging each curriculum by the goals it formulates for itself would be futile

¹ The full explication and justification for my choice of these goals can be found in Chapter One.
since these goals are inextricably linked (be it as cause or effect) to the author’s own appropriation process. I realize that the Jewish perspective I employ is not the only Jewish perspective on the goals of moral education, even within the Torah U’Madda framework. Even for those who would differ from my formulation of the Jewish perspective, I believe that the evaluation of each curriculum in light of an explicit perspective serves to deepen our understanding of the relative success and failure of each author’s appropriation process. As Eisner emphasizes, “the significance of the content can be determined only with criteria that flow from a set of values about what counts educationally.”

I use this perspective to analyze each curriculum individually, making points of direct comparison to others where appropriate. As shaped by the understanding of curriculum I outlined in the previous chapter, I analyze each author’s goals, his pedagogic instructions to teachers, and his curriculum itself.

**Amsel**

**Goals**

Amsel puts forth three goals for his curriculum: (1) “to introduce the moral problem, and begin to show the conflict” in a teacher-guided discussion, (2) for “students to learn and understand the general Jewish position on the issue,” as well as to

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2 I demonstrate this link in the previous chapter. In contrast, I formulate my three goals before embarking on the process of appropriating Kohlberg’s theory for use in Jewish education.


“begin to ‘think Jewishly,’…ask for and study the Jewish view,”\textsuperscript{5} and (3) “to influence and change behavior in the students” to conform with the Jewish position.\textsuperscript{6} Amsel’s goals numbers (2) and (3) parallel my first goal, that students to learn to lead a life of adherence to Torah laws and traditions. His desire for students to learn to ‘think Jewishly,’ parallels my second goal, that students develop a worldview based on the spirit of Jewish law. In contrast to my perspective, Amsel does not state an explicit desire that students learn to understand their relationship with the larger Jewish and general community. Nonetheless, in choosing topics for his lessons Amsel includes lessons that deal with responsibility to others, and an obligation to participate actively in society.\textsuperscript{7} His choice of these lessons reveals that Amsel believes that these concerns are important, but not axiomatic nor essential.

\textbf{Instructions to Teachers}

Amsel encourages teachers to create an open and honest atmosphere in their classroom, to be accepting of all student opinions, and to encourage free discussion. These discussion techniques seem to threaten the Jewish goal (and Amsel’s implied goal) that students learn to understand and adhere to traditional (not self-chosen) values. Amsel acknowledges this threat, but rather than avoid it he simply approaches it as a tension that must be carefully navigated. Urging teachers to be cognizant of the inherent tension, he directs them to aim towards “specific [Jewish] attitudes and ideas,” but to “guide students to reach their own conclusions” instead of forcing the traditional conclusions

\textsuperscript{5} Ibid., 52.

\textsuperscript{6} Ibid., 54.

\textsuperscript{7} See for example, Amsel’s Lessons 13, 14, and 21.
upon them. If students in fact reach conclusions contrary to the Jewish perspective, the teacher should “be careful not to show dismay or articulate his or her feelings.”

How will this lead the student to accept Jewish values? Amsel asserts that “as a student matures, his or her values...change, and that student will frequently come to accept the Jewish view.” Based on his own personal experience, Amsel may be comfortable relying on this assertion. But for the teacher seeking explanations or data rather than mere assurances, Amsel falls short. He explains no direct connection between the open dilemma-discussion in high school and the student’s hoped-for eventual adoption of Jewish values.

The Curriculum

Though Amsel does not make this connection explicit, it is clear that the organization of each individual lesson plan is intended to guide the student toward traditional Jewish conclusions despite the all-accepting atmosphere of classroom discussion. Each lesson is organized around the traditional Jewish “conclusions” that Amsel hopes students will reach. Instead of a free-flowing discussion, the facilitation questions listed under each heading are designed to lead students to those conclusions. In addition, the lesson summary explicates a traditional Jewish approach to the lesson topics. Though it is certainly possible that students will reach conclusions contrary to those of traditional Judaism, the narrow framework and guiding questions of the discussion make it less likely that they will do so.

8 Amsel, 76. Italics mine.
9 Ibid., 53.
10 Ibid.
Schwartz

Goals

Schwartz hopes that his curriculum will “heighten a class’ average level of moral judgment” by “providing [students] with a structure for the critical examination of issues” and with the “opportunity to evaluate [their] moral judgment in comparison with reasoning more and less adequate than [their] own.” These goals do not address any of the aims listed in my traditional Jewish perspective. Schwartz does not include students learning Jewish values as a goal, nor does he express a desire to invigorate students’ commitment to the Jewish community or to spark their formulation of a worldview based in traditional sources. Schwartz later expresses his desire to “expose students to the guidance of [Jewish] tradition,” but does not include this aim as a central goal of his curriculum.

Instructions to Teachers

Schwartz presents teachers Kohlbergian questioning techniques for leading class discussions and Kohlberg’s goals as the reason for using such techniques. “The dilemma-discussion method” is used precisely because it “emphasizes growth in [moral] reasoning.” My concern with Amsel’s curriculum is all the more relevant here. Schwartz’s Kohlbergian discussion methods encourage students to use their own moral reasoning to shape their moral choices—regardless of the Jewish perspective on the issues. Furthermore, Schwartz does not include any alteration of the discussion procedure.

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11 Schwartz, Moral Development, 29.
12 Ibid.
13 Ibid., 19.
(as do Amsel and Sosevsky) to guide students towards a traditional Jewish perspective. In fact, he cautions teachers against introducing the traditional view in the context of the dilemma for fear that doing so might inhibit student discussion. These instructions, like Schwartz’s goals, do not promote any of the goals or attitudes central to a traditional Jewish perspective.

The Curriculum

Despite the fact that each of his units has a Hebrew title that evokes concepts in Jewish tradition, Schwartz’s dilemmas rarely contain explicitly Jewish content. The sample dialogues he includes for each dilemma-discussion make no attempt to introduce a Jewish perspective; they are clearly written with the singular intent of advancing the student’s moral reasoning abilities. When Schwartz does introduce Jewish sources a few weeks after the initial discussion, he introduces them “as an argument or position which will rise or fall on its own merits.” 14 In this way, he hopes to “expose students to the guidance of [Jewish] tradition.” 15

But exposing students to a Jewish approach as one of a spectrum of real possibilities for moral decision-making (and doing so weeks after students have formed their own opinions) does not seem adequate from a traditional Jewish perspective. Instead of stimulating students to build a worldview based on Jewish sources, Schwartz’s approach encourages students to rely primarily on autonomous moral judgment, and to adopt traditional Jewish views when they recommend themselves to autonomous reason. As a result, the students may indeed learn the Jewish view, and at times adhere to it, but

14 Ibid.
15 Ibid.
this curriculum does not encourage them to live lives of adherence to the corpus of Jewish tradition.

Sosevsky

Goals

Sosevsky’s six educational aims are best summarized by his overall goal to “foster the ability of the student to apply the spirit of halakha to cases not expressly governed by its objective data,” which rests on the dual foundations of traditional Jewish content knowledge and the cognitive reasoning skills necessary for its application. These goals and foundations are consonant with the first two goals enumerated from my traditional Jewish perspective: that students learn and live according to Jewish tradition and that they form a worldview which flows from the spirit of Jewish law. In contrast to my third goal, however, Sosevsky does not aim to inspire students to learn from and contribute to the Jewish and broader community. Nor does he include these topics in the body of his curriculum.

The sixth educational aim in Sosevsky’s list, “to foster cognitive moral development towards the highest rungs of Kohlberg’s scale,” however, promotes autonomous moral reasoning—which conflicts with the student’s acceptance of and adherence to heteronomous traditional Jewish morality. This poses not only a problem from a traditional Jewish perspective, but also an inner contradiction, since Sosevsky’s first five goals advocate just such adherence to tradition. Furthermore, Sosevsky himself states that traditional Jewish education “could not possibly leave room for the post-

16 Ibid., 12.
17 Sosevsky, Moral Education, 15-16.
conventional stages of moral development with their emphasis on individual decision of conscience.\textsuperscript{18} Therefore, it is logical to suggest that in formulating this final goal Sosevsky already intends to advocate his own adaptation of Kohlberg (i.e., to promote autonomous application of heteronomous principles) rather than Kohlberg’s own original goals.

\textbf{Instructions to Teachers and Formulation of Curriculum}

Like Amsel and Schwartz, Sosevsky recommends that teachers use Kohlbergian questioning techniques to facilitate classroom discussion.\textsuperscript{19} However, Sosevsky’s methods do not raise the same concerns as do the other two curricula. Although he uses Kohlbergian techniques, it is unlikely that Sosevsky’s dilemma-discussions will lead students to form autonomous principles that contradict traditional Jewish values. This is because, as noted in the previous chapter, Sosevsky’s dilemmas are driven by a fundamentally different question than are Kohlberg’s (and Schwartz’s and Amsel’s.) While Kohlberg (and often Amsel) asks students what \textit{they think} is a moral course of action in a given dilemma, Sosevsky asks students to deduce the \textit{traditional Jewish} approach to the issue at hand.

The one exception is Sosevsky’s first unit, in which the dilemma is presented before students have learned Jewish sources relevant to its resolution. Whatever the reason for the deviation, this first dilemma again raises the critiques earlier directed towards Amsel and Schwartz: What if students form (and hold) opinions contrary to traditional Jewish views? Unfortunately, Sosevsky neither addresses this question nor

\textsuperscript{18} Ibid., 9-10.
\textsuperscript{19} Ibid., 19.
explains why he has chosen to pursue Kohlberg’s original question only in this first dilemma.

A very positive aspect of Sosevsky’s curriculum from a Jewish perspective is that it devotes the bulk of its time and energy to teaching traditional Jewish texts. From Sosevsky’s perspective, this is necessary for students to obtain “accumulated halakhic knowledge,” which they will subsequently use “for the derivation of appropriate Judaic ethical responses to newly created ethical dilemmas.”20 The accumulation of traditional Jewish textual knowledge, specifically in those areas most relevant to moral conduct, as well as the grounding of personal choices in those traditional texts, is a central value and a perquisite for achieving core goals from a traditional Jewish perspective.

A Cognitive Developmental Perspective

The core of this perspective is Kohlberg’s theory of cognitive moral development and his six stages of moral development, described earlier in the introduction and the literature review. This perspective is also informed by Kohlberg’s specific perspective on the role of religion in moral development.21 As in the evaluation from a traditional Jewish perspective, I analyze each curriculum individually, making points of direct comparison to others where appropriate. Within each curriculum, I analyze the author’s goals, his pedagogic instructions to teachers, and the curriculum itself. When evaluating Amsel and Schwartz’s curricula, I make use of Jerry Friedman’s analysis of each from a cognitive developmental perspective.22

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20 Ibid.
21 Kohlberg, Philosophy of Moral Development, Chapter 9.
22 Friedman, “Jewish Moral Education,” 3-12.
Amsel

Goals

Amsel’s goals, as presented earlier, seem both insufficient and misdirected from a cognitive developmental perspective. Amsel does not include among his aims the development of students’ cognitive moral reasoning or moral judgment capacities. This is in stark contrast to Kohlberg’s own application of cognitive developmental theory to the classroom, whose singular goal was the stimulation of students’ cognitive development (by means of dilemma-discussions) to a one-higher stage of moral reasoning on Kohlberg’s scale.

Instead, Amsel’s central goal is that students learn to “‘think Jewishly,’…ask for and study the Jewish view” in response to a given moral dilemma. In Kohlberg’s original formulation, this approach—which centers on the teaching of an external ethic—would constitute indoctrination or cultural transmission paradigms, which he critiques heavily. Amsel acknowledges this concern in light of Kohlberg’s early work. However, based on Barry Chazan’s appraisal in Contemporary Approaches to Moral Education, which suggests that Kohlberg’s later work allows for “value content as well as structure,” Amsel contends that his curriculum would no longer pose a problem as ‘indoctrination’ for Kohlberg.

23 See page 3 of this chapter.


25 Amsel, 54.

26 Kohlberg, Philosophy of Moral Development, Chapters 1 and 3.

27 Chazan, Contemporary Approaches to Moral Education, 82; This piece, written five years after Chazan’s original article “Jewish Education and Moral Development,” presents a more nuanced view of Kohlberg’s theory.
Amsel is correct that Kohlberg shifted his position on indoctrination. But even the “updated” Kohlberg presented by Chazan would object to Amsel’s goals. Describing Kohlberg’s admission of the need for value content in moral education, Chazan emphasizes that this content “is not instead of or ultimately more important than the moral judgment function” of moral education. He explains that this shift “is essentially pedagogic and pragmatic and is not a radical reformation of the Kohlbergian hierarchy.” As such, although Kohlberg has made “room for the legitimacy of the transmission of some specific contents and behaviors,” he would be unlikely to support Amsel’s goals, which ignore moral judgment completely and focus primarily on the transmission of value content.

Instructions to Teachers

Amsel takes most of his pedagogic techniques directly from Kohlberg and his colleagues (Fenton in particular). His desires to create an open and honest classroom atmosphere, and to be accepting of all student opinions are consonant with a cognitive developmental perspective. However, Amsel also directs teachers to teach “specific attitudes and ideas” as the focal point of each lesson. Though he cautions teachers to “guide students to reach their own conclusions,” Amsel obviously designs each lesson in an effort to lead students towards predetermined viewpoints; his explicit hope is that students ultimately will accept the traditional Jewish view. In Jerry Friedman’s words, Amsel’s curriculum situates the educator as “more of a teacher than a discussion

28 Chazan, *Contemporary Approaches to Moral Education*, 82

29 Ibid., 85.

30 Ibid., 76. Italics mine.
facilitator,” and thus minimizes her effectiveness from a cognitive developmental perspective.\textsuperscript{31}

The Curriculum

Friedman points out that Amsel’s curriculum “emphasizes the [traditional Jewish] text sources as an integral part of the discussion,” which will likely “limit the range and freedom of student expression,” and limit the cognitive developmental value of the discussion.\textsuperscript{32}

In truth, it is not just the inclusion of text sources that stifles discussion, but rather the organization of the discussion as a whole. In some units Amsel inserts actual texts into the discussion, in others he makes reference to traditional values without including the texts themselves. But in every unit, the organization of the lesson as a whole supports the development of a given idea/conclusion instead of the open exploration of a dilemma. Each lesson’s discussion is organized around the “conclusions” that Amsel would like students to reach: each conclusion is spelled out in a bold heading, under which are a series of questions intended to guide students to that conclusion. Finally, the lesson includes a summary of the basic conclusions and Jewish viewpoint that Amsel hopes students will internalize. Regardless of whether Amsel includes specific Jewish texts, this lesson structure will stifle the discussion and minimize its value from a Kohlbergian perspective.

\textsuperscript{31} Friedman, “Jewish Moral Education,” 8.

\textsuperscript{32} Ibid., 9.
Schwartz

Goals

Schwartz’s goals are not only compatible with cognitive developmental goals, they are the original goals formulated by Blatt and Kohlberg when they first implemented cognitive developmental theory in the classroom: to advance students’ stage of moral reasoning on Kohlberg’s scale through moral dilemma discussion. The only difference between the two is that Blatt and Kohlberg, in an effort to conduct rigorous measurements, evaluated their success by individual student progress whereas Schwartz hopes to “heighten a class’ average level of moral judgment.”

Instructions to Teachers

Again in his instructions to teachers, Schwartz presents cognitive developmental facilitation techniques basically identical to those conceived by Kohlberg himself. He allows for completely open discussion, and directs teacher facilitation towards the single goal of challenging students’ moral reasoning with one-higher stage reasoning. In his analysis of Schwartz’s curriculum, Friedman too finds the pedagogy suggested by Schwartz consonant with a Kohlbergian approach; Schwartz’s use of Socratic teaching with an emphasis on “the ‘why’ question” allows him to maintain the Kohlbergian focus on the development of students’ capacity for moral reasoning.

33 See Blatt and Kohlberg, “Classroom Moral Discussion.”
34 Schwartz., 28.
The Curriculum

Friedman applauds Schwartz’s decision to separate the teaching of traditional Jewish sources (by the span of a few weeks) from the moral dilemma discussion. When he does include Jewish sources, Schwartz seeks to preserve students’ freedom to form and hold their autonomous opinions by presenting the Jewish source “as an argument or position” rather than an authoritative approach to the issue.\(^{36}\) This is clearly the preferred method from a cognitive developmental perspective.

All these efforts to protect students’ autonomous morality are startling in light of Schwartz’s acknowledgment that his “curriculum does presuppose a set hierarchy of Jewish values.”\(^{37}\) It seems that Schwartz (and his curriculum) presupposes a Jewish value hierarchy but attempts not to impose this hierarchy on students. While his explicit efforts seem to have protected student autonomy quite effectively, it may be difficult for teachers who (like Schwartz) presuppose a set hierarchy of Jewish values, to consistently facilitate moral discussions without favoring traditional Jewish positions. Therefore, the implementation of Schwartz’s curriculum may be less effective, from a cognitive developmental perspective, than its theoretical formulation would indicate.

Sosevsky

Goals

At face value Sosevky’s sixth education aim for his curriculum, “to foster cognitive moral development towards the highest rungs of Kohlberg’s scale,” is

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\(^{36}\) Schwarz, 25.

\(^{37}\) Ibid., 25, 9.
compatible with a cognitive developmental perspective. However, as I suggested earlier, it may be inappropriate to understand this goal at face value in the context of Sosevsky’s other goals. Rather than advocating autonomous moral reasoning, Sosevsky favors the essential but limited role of moral reasoning within Jewish tradition to apply heteronomous principles to specific cases. It is this adapted notion of cognitive development that he aims to promote in his sixth goal.

This notion of cognitive development must not be mistaken for the development of justice reasoning and socio-moral perspective that are the heart of Kohlberg’s theory. Sosevsky’s developmental progression focuses on learning the content of Jewish tradition, and learning it in such a way that we understand the spirit and moment as well as the letter of the Law. Rather than developing a progressively more differentiated and adequate autonomous understanding of justice and fairness, as in Kohlberg’s model, Sosevsky hopes his students will develop a progressively deeper and more accurate understanding of traditional Jewish concepts of fairness and justice; for him cognitive development is the honing of our ability to understand the content and meaning of Jewish tradition. Given Sosevsky’s understanding, it seems inappropriate to measure student progress using “Kohlberg’s scale;” in truth, if Sosevsky is successful, student development will proceed along a trajectory that would be unrecognizable to Kohlberg himself.38

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38 Unfortunately, Sosevsky does not explicitly describe his own “ideal” moral development trajectory. This may point to flaws in his approach to the appropriation process, a possibility that I will examine later.
Instructions to Teachers and Formulation of Curriculum

Like his goals, Sosevsky’s pedagogic instructions, which draw heavily on Kohlberg’s facilitation techniques, initially appear consonant with a cognitive developmental approach. However, a closer examination reveals that Sosevsky has modified the driving question of each dilemma-discussion. Instead of asking students what they think is the “morally right” decision in a given dilemma, as does Kohlberg, Sosevsky asks them to formulate an appropriate Jewish approach to the issue at hand. Therefore, despite his use of Kohlbergian questioning techniques, Sosevsky’s discussions do not engage student’s autonomous moral judgment reasoning to formulate moral principles. Rather, they hone students’ skills in applying heteronomous Jewish principles to new cases. As such, Sosevsky’s discussions will not result in student progress along Kohlberg’s cognitive developmental scale.39

In addition to the formulation of the dilemmas, there are far too few dilemmas included in this curriculum. In a course designed for an entire school year Sosevsky includes only five dilemmas—making these dilemmas fewer and further between than the 12 in 12 weeks used by Blatt and Kohlberg in the experiments which originally demonstrated the efficacy of dilemma discussion.40 There is no data to support Sosevsky’s assumption that five dilemmas spread out over a school year will have an impact on students’ cognitive moral development; therefore, even if Sosevsky were to use typical Kohlbergian dilemma-discussions he would not necessarily succeed in stimulating students’ cognitive development.

39 As mentioned earlier, the one is exception Sosevsky’s first dilemma, which asks students to formulate their own purely autonomous opinions.

40 Blatt and Kohlberg, “Classroom Moral Discussion,” 133. In further research as well Kohlberg and his colleagues used a similar number and frequency of dilemma-discussions.
Evaluating the Appropriation Process

With the background of these evaluations in mind, I now examine each author’s appropriation process directly. For each curriculum, I critique the appropriation process on a theoretical level and then evaluate the author’s chosen mode of implementing his appropriation process. I link these two analyses to my evaluation of each curriculum from Jewish and Kohlbergian perspectives, demonstrating the connection between the appropriation process and the theoretical merit of a curriculum.

Amsel

Theoretical Analysis

The two theoretical approaches to the appropriation process that I distilled earlier from Amsel’s curriculum are:

1) The appropriation of classroom pedagogy alone, rejecting all related philosophy.

2) The appropriation of both theory and methods, based on a reformulation of Jewish philosophy, the foreign philosophy, or both.

The strength of the first approach is that Jewish educators may be less philosophically concerned about the adoption of a foreign pedagogy than they would be about a foreign philosophy. While Jewish tradition has much to say about philosophy, ethics, morality and religion, it has relatively little to say about classroom pedagogy. An alternative philosophy or worldview might challenge basic tenets of Jewish belief and will (rightfully) be approached cautiously and even suspiciously. A new pedagogy, as
long as its implementation does not violate traditional Jewish behavioral norms, will more likely be accepted as long as it produces positive results.\footnote{Of course, the barriers to change that exist in all schools demand appropriate strategies in the implementation process.}

However, this approach makes the basic assumption that pedagogic methods can be separated from their philosophical framework. We can challenge this assumption in a number of ways. First, it simply may not be possible to completely separate methods from the philosophy which led to their original conception. No matter how much the “appropriator” proclaims that she rejects the philosophy underlying her chosen methods, the pedagogy remains a product of the original philosophy, and the very essence of the methods inevitably furthers the original goals.

According to this reasoning, the only way to use these methods towards a different goal would be to change not only the underlying philosophy but the methods themselves.\footnote{As I will explain later in this chapter, Amsel in fact alters the dilemma-discussion methodology in his implementation, though he claims not to do so.} When she adapts the methods from their original format, however, the appropriator risks limiting or even obviating their effectiveness. At the very least, she can no longer rely on the data which supported the original methods and will have to supply her own theoretical (and if necessary empirical) justification for the use of her adapted methods.

If methods can indeed be completely separated from their philosophical framework, doing so obviously strips them of their original goals so that the appropriator can enlist them in her pursuit of new and different goals. However, in enlisting pedagogy towards new goals, the appropriator can easily overlook the fact that these methods were tested and proven successful—but they were successful specifically in attaining the
original goals in whose pursuit they were designed. Therefore, here too the appropriator must build a theoretical case for the likelihood of their success in attaining her goals, and ideally should conduct her own trials to garner empirical support for her theory.

Amsel’s second approach presents three possible approaches to justify the appropriation of both theory and methods: a reformulation of Jewish philosophy, a reformulation of the foreign theory, or a reformulation of both. Basing her acceptance of the foreign theory and methods on a reformulation of Jewish philosophy, the appropriator leaves the foreign theory unaltered. Therefore, she can freely rely on the original theoretical and empirical evidence for the success of the foreign approach. However, by reformulating Jewish philosophy the appropriator may create a philosophy which, at least in the view of some, is incompatible with a traditional Jewish worldview.

The appropriator can avoid this risk by instead reformulating the foreign theory to be consonant with Jewish philosophy. In doing so, however, she may encounter two other difficulties: (1) despite her reformulation of the foreign philosophy it may remain incompatible with Jewish philosophy, and (2) an extensive reformulation of the original theory may diminish its effectiveness and its ability to support its associated methods. Whether she encounters either or both of these problems will depend on the nature of the foreign theory and of her reformulation.

Finally, in an attempt to seek a middle-ground the appropriator may choose to reformulate both Jewish philosophy and the educational theory she wishes to appropriate. Moving both philosophies toward a middle meeting point may allow the appropriator to create a ‘compromise’ solution, to retain the basic integrity of the educational theory

43 Of course, she will have to examine whether external factors (i.e. school size, school culture etc.) may impact negatively on the success of her chosen approach in any given implementation.
while at the same time respecting a traditional Jewish approach. If she fails in this attempt, however, she may lose the efficacy of the educational theory and offend traditional Jewish philosophy.

Implementation

Though he includes both of the above approaches to appropriation in his introduction, Amsel chooses to implement the first approach in the creation of his curriculum. As noted in Chapter Three, Amsel uses a “from the ground up” approach to implementation. Rather than taking Kohlberg’s approach and adjusting it, he proposes his own methodology in a manner he claims will be “compatible with” Kohlberg’s theory. Compared to an approach that starts from Kohlberg’s original methods and adjusts them as necessary, building a methodology from scratch will lead to a looser resemblance to Kohlberg’s original methods; Amsel’s curriculum is a Jewish curriculum inspired by Kohlberg, rather than a curriculum that has appropriated Kohlberg for use in a Jewish setting.

Amsel’s curriculum demonstrates this loose resemblance. He claims to use Kohlberg’s methods in constructing his dilemma-discussions. However, as evidenced by the negative evaluation of Amsel’s methods from a cognitive developmental perspective, it is clear that he has significantly altered Kohlberg’s original methods; Amsel has transformed Kohlberg’s open exploration of a moral dilemma into a guided discussion designed to elicit specific reactions and to arrive at a predetermined conclusion (i.e., the traditional Jewish view). Amsel’s (perhaps unwitting) alteration of Kohlberg’s methods confirms the first critique made earlier against this approach to appropriation. It is not

44 Amsel, 24.
possible to completely separate method from their original philosophical framework and their original goals. Therefore, though he proposes to use Kohlberg’s methods towards his own traditional Jewish goals, Amsel must in fact change these methods to suit his new goals. Amsel knows intuitively that in their original form, Kohlberg’s methods inherently further only Kohlberg’s original goals.

Due to his alterations, Amsel’s methods are not compatible with a cognitive developmental perspective and cannot point to Kohlberg’s findings to guarantee their efficacy. Whether Amsel’s new methods are in fact appropriate for pursuing his own traditional Jewish goals is a question that needs to be examined on both theoretical and empirical planes.45 This examination would also need to address the kernels of cognitive developmental theory that remain despite Amsel’s alterations to Kohlberg’s methods. In particular, like Kohlberg’s, Amsel’s discussion questions ask students to form their own conclusions about moral issues, and in doing so may encourage and validate moral conclusions contrary to those of traditional Judaism. As mentioned above, this concern is mitigated by the narrow focusing and directing force of Amsel’s guiding questions. Its existence, however, is significant and again confirms my first critique of this approach to appropriation: it simply may not be possible to separate methods from their original goals.

45 Amsel does not feel the need to do so because, as mentioned earlier, he claims not to have altered Kohlberg’s methods.
Schwartz

Theoretical Analysis

In contrast to Amsel, Schwartz fully accepts both the foreign theory and its related methods. This acceptance is justified based on a presentation of Jewish sources consonant with the foreign theory and methods. The strength of this approach is that it leaves the theory being appropriated fully intact, accepting its methods as well as its underlying philosophy. As a result, the appropriator will stand a better chance of replicating the theory’s original success; she may rely on the original theoretical and empirical proofs of the methods’ effectiveness.

The weakness of this approach, on the other hand, is often found in the foreign theory’s less-than-perfect compatibility with traditional Jewish philosophy. Seeing the real advantages of appropriating the foreign theory “as is,” the appropriator may overlook important differences between it and Jewish tradition. This can occur either because the appropriator is so enamored with the external theory that she is blind to its faults (from a traditional Jewish perspective), or because she has made a careful calculation and decided that the benefits Jewish education will derive from the theory and methods together outweigh whatever differences do exist between the theory and traditional Jewish philosophy. If she accepts a less-than-perfectly compatible theory, and does not recognize or address the differences between it and Jewish philosophy, the appropriator may achieve the educational aims of the foreign theory but hinder those of traditional Judaism.

This approach to appropriation is ideal for a theory compatible with Jewish tradition, but dangerous when implemented with a theory that differs from Jewish
tradition. Whether any given theory is in fact compatible with Jewish tradition, however, is itself often a complex and controversial question.

Implementation

Schwartz implements this theoretical approach consistently throughout his curriculum. He accepts Kohlberg’s theories and methods completely, and justifies this acceptance based on Jewish sources. By keeping Kohlberg’s theory intact Schwartz can lay claim to the theoretical and empirical advantages of the cognitive developmental approach.46 However, these advantages may come at the expense of traditional Jewish goals.

The heart of the issue hinges on Schwartz’s justification for his wholesale acceptance of Kohlberg. Schwartz formulates the validation for his acceptance of Kohlberg’s theory as responses to three possible questions that arise for the Jewish educator seeking to appropriate a cognitive developmental approach:

1. Does the dilemma-discussion method threaten the norm-setting authority of the traditional sources? 47

Schwartz contends that it does not, and adduces two medieval Jewish thinkers, R. Saadya Gaon and Bahya Ibn Pakudah, as proof.48 Both of these medieval scholars subscribe to the traditional Jewish body of normative literature but encourage rational inquiry to solidify, actualize and internalize the normative tradition. So too, suggests Schwartz, can modern Jewish educators use Kohlberg’s version of rational inquiry

46 Kohlberg himself writes an approbation of Schwartz’s curriculum on the book’s back cover.
47 Schwartz, 8.
48 Ibid., 8, quoting from R. Saadya Gaon, Emunot V’Deot, introduction; and from Bahya Ibn Pakudah, Hovot HaLevavot, introduction.
without threatening their allegiance to normative Jewish tradition. But there is a fundamental difference between the “rational inquiry” advocated by R. Saadya Gaon and Bahya Ibn Pakudah and the development of moral reasoning encouraged by Kohlberg. For these medieval thinkers, there is a predetermined content-specific end of rational inquiry that is defined by Jewish tradition; proper development of the intellect is linked to enhanced religious devotion, and rational inquiry is valuable not intrinsically but only as a mode of serving God and a reinforcement of religious commitment. For Kohlberg, rational inquiry is inherently valuable because autonomous thought defines morality, and proper development of the intellect leads to universal, autonomously chosen principles and a rejection of any law or tradition that opposes them. Saadya and Bahya formulated their rational inquiry to lead the student towards service of God; Kohlberg formulated his to lead the student towards moral autonomy.

Schwartz himself takes the side of the Jewish thinkers in this split, and “presuppose[s] a set hierarchy of Jewish values…[but assumes] that it is preferable for students to develop an understanding of the function and need for these values.” Yet he does not acknowledge the obstacle that this fundamental distinction poses for his chosen mode of appropriation. Not only do Schwartz’s chosen proof-texts not support his argument, they demonstrate its flaws and highlight the need for a careful discussion and perhaps modification of Kohlberg’s theory rather than Schwartz’s wholesale acceptance.

The second possible question for the Jewish educator seeking to appropriate Kohlberg is:

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49 Ibid., 9.
2. To what extent do the stages of moral development, which Kohlberg has derived from his cross-cultural research, correspond with a classic Jewish hierarchy of values?\(^{50}\)

To address the second question, Schwartz quotes from Maimonides’ description of the stage development of a child’s motivation to learn Torah.\(^{51}\) Maimonides describes the psychological stage development of a child’s motivation to learn Torah. In accord with this development, Maimonides instructs teachers to use physical rewards to encourage young children to learn, and psychological rewards (such as honor and respect) to encourage young adults, while for the mature student the intrinsic reward of knowledge itself is motivation enough. Schwartz points out that for both Maimonides and Kohlberg,

1. Reasoning is an essential part of moral behavior.
2. Human beings pass through stages of moral development.
3. There is some correspondence between age and stage.
4. The thrust of moral development is from physical rewards, through ‘good roles,’ to principled behavior.\(^{52}\)

Therefore, Schwartz concludes that “Kohlberg’s hierarchy of values is essentially compatible with a classic Jewish value structure.”\(^{53}\) In this conclusion, Schwartz again glosses over a number of important distinctions. The passage he quotes from Maimonides describes development in terms of an individual’s motivation for acting morally (in this case learning Torah) but the moral act itself remains constant throughout the development process; the normative legislation of tradition is seen as binding even on those too young

\(^{50}\) Ibid., 8.

\(^{51}\) Ibid., 13-15, quoting from Maimonides, *Commentary on the Mishna*, introduction to the tenth chapter of Sanhedrin. The term “Torah” is used colloquially to refer to the body of traditional Jewish texts including the Bible, the Talmud and their commentaries as well as other works.

\(^{52}\) Schwartz, 15. Italics in original.

\(^{53}\) Ibid.
to understand its intrinsic worth. Kohlberg takes an opposite approach, expecting the child to make potentially different decisions at different moral stages and allowing him the freedom to make those decisions. In addition, Maimonides may indeed see a child progress “from physical rewards, through ‘good roles,’ to principled behavior,” however the principled behavior at the climax of the developmental process is not guided by autonomous principles but by traditional Jewish principles. Thus, a “classic Jewish value structure” may acknowledge stages of psychological development but insists that individuals at all stages of development be guided by normative tradition. “Kohlberg’s hierarchy of values,” on the other hand, relegates heteronomous morality to the conventional stage of development (Stage 4) and encourages individuals to reject externally imposed values in favor of their own autonomous moral reasoning.

Finally, Schwartz asks:

3. Does this method make a connection between knowing what is right and doing what is right?54

Because this question is relevant to anyone concerned with moral action in addition to moral thought, Kohlberg himself addressed it by suggesting that “the gap between having moral principles and acting upon them is bridged by ‘faith.”’55 Schwartz accepts this answer and equates Kohlberg’s notion of faith with “the biblical notion of emunah… the state of mind and spirit that allows for [the] fulfillment” of our values.56

Even if Schwartz is correct in his interpretation of emunah’s role in traditional Jewish morality, applying Kohlberg’s answer to Jewish philosophy glosses over the distinction

54 Schwartz, 8.
55 Ibid., quoting a speech made by Kohlberg to the National Catholic Education Association in 1975.
56 Ibid.
in the relative roles that moral thought and moral action play in each moral system. A
cognitive developmental approach to morality focuses on thought/moral judgment as the
primary guide (and legislator) of moral action. Therefore, it allows for the treatment of
action as an ancillary result which will be achieved through the “bridge” of faith.\textsuperscript{57} The
normative nature of Jewish morality, however, focuses (equally if not primarily) on moral
action and, therefore, may be more reluctant to accept this solution to the thought—action
problem.

Given Schwartz’s complete acceptance of Kohlberg’s theory, it is not surprising
that his goals are identical with those formulated by cognitive developmental
researchers,\textsuperscript{58} as are his pedagogic instructions to teachers. His curriculum, too, focuses
directly on cognitive developmental concerns. Nonetheless, the unresolved issues in
Schwartz’s appropriation process are somewhat of a concern from a cognitive
developmental perspective. Since Schwartz himself does “presuppose a set hierarchy of
Jewish values” and intends to “expose students to the guidance of [Jewish] tradition,\textsuperscript{59} it
may be difficult for him (or teachers who share his views) to implement his dilemma-
discussions without biasing them towards a Jewish perspective and thereby limiting their
effectiveness.

So too, given the fundamental distinctions glossed over by Schwartz in his
equation of Kohlbergian thought with Jewish philosophy, it is not surprising to find flaws
in his curriculum from a traditional Jewish point of view. Schwartz’s goals do not include

\textsuperscript{57} In this vein, Kohlberg repeatedly asserts that a greater correspondence between reasoning and action is
found at higher moral stages.

\textsuperscript{58} See for example Blatt and Kohlberg, “Classroom Moral Discussion.”

\textsuperscript{59} Schwartz, 25, 9.
any of the goals I outline as central to traditional Jewish education; his pedagogic instructions encourage students to form their own opinions, regardless of the Jewish perspective on the issues. In his curriculum, Schwartz does indeed hope to “expose students to the guidance of [Jewish] tradition,” but only as one of a spectrum of real possibilities for ethical decision-making. Thus, in accepting wholesale Kohlberg’s theory, it seems that Schwartz succeeds in developing a cognitive developmental curriculum, but not one that is a viable option for traditional Jewish moral education.

Sosevsky

Theoretical Analysis

The approach Sosevsky’s curriculum exemplifies strikes a balance between those of Amsel and of Schwartz. It does not completely sever methods from their underlying philosophy, nor does it accept wholesale the philosophical framework in which the methods were originally based. Instead, it appropriates methods together with a portion of the original theory (which influences the goals and directions in which the methods will be used), but reconceives the ultimate ends toward which the methods will be used.

This middle approach can claim a measure of the strengths demonstrated by each of the previous two approaches. On the one hand, by accepting methods together with at least part of their original theoretical framework, the appropriator may preserve their effectiveness. On the other hand, by reformulating the ultimate goals towards which the methods are used, she is more likely to be consonant with traditional Jewish philosophy. However, the weaknesses of this approach mirror its strengths. The small portion of the

60 Ibid.
original theoretical framework that this appropriator accepts may not be sufficient to
preserve the methods’ effectiveness. And yet, even this small part of the original
theoretical framework may be incompatible with traditional Jewish philosophy. In
addition, the appropriator will have to show, at least theoretically if not empirically, that
the methods incorporated are in fact suitable for the new ultimate (traditional Jewish)
ends towards which they will be directed.

Implementation

Whether Sosevsky’s implementation capitalizes on the potential strengths of this
approach will depend on whether the portion of Kohlberg’s theory Sosevsky accepts is
(a) sufficient to insure the effectiveness of Kohlberg’s methods and (b) compatible with
traditional Jewish philosophy.

Sosevsky rejects Kohlberg’s philosophy of autonomous morality, especially at the
post-conventional stages, as “inconsistent with the goals and values of moral education
from a uniquely Judaic perspective.”\(^6\) He accepts Kohlberg’s basic focus on moral
reasoning as a key component of ethics, as well as the dilemma-discussion method of
encouraging the development of this reasoning. Sosevsky integrates this focus into a
Jewish framework by pointing out the traditional Jewish demand that individuals apply
general normative principles to the many, yet-unlegislated scenarios that arise in the
course of everyday life.

Examining Sosevsky’s appropriation process, it seems that accepting Kohlberg’s
basic focus on reasoning as a key component of morality is not sufficient to insure
philosophical support for Kohlberg’s methods. It is not merely that reasoning plays a role

\(^6\) Sosevksy, 9-10.
in morality which is the central kernel of cognitive developmental theory, but rather that reason, in the form of moral judgment, plays the central role in autonomous morality. Accepting anything less than this central kernel is akin to rejecting Kohlberg’s philosophy entirely.\textsuperscript{62}

Compare Kohlberg’s theory to that which Sosevsky derives from it: Kohlberg chronicles the growth of an individual as her moral judgment develops towards its ideal role as the autonomous arbiter of philosophically justified, universally applicable ethical principles. Sosevsky describes the development of a traditional Jew as her moral judgment moves towards its place as an effective, loyal tool in the service of the particular, heteronomous ethic of traditional Judaism. Sosevsky describes Kohlberg’s methods as “designed to lead the student towards decisions of conscience based on concrete objective rules.”\textsuperscript{63} But Kohlberg’s methods, in their original framework, aim to stimulate cognitive moral development towards self-chosen universal (and quite abstract) principles. Only Sosevsky’s use of Kohlberg’s methods towards his own traditional Jewish ends transforms them to fit Sosevsky’s description.

Though he has lost much of Kohlberg’s theory in doing so, Sosevsky has succeeded in reformulating cognitive developmental philosophy in consonance with traditional Jewish thought. The importance of moral reasoning (in Sosevsky’s sense) in the realm of halakha (normative religious practice) is substantiated by Sosevsky’s

\textsuperscript{62} Perhaps it is in view of this point that Sosevsky himself claims to have accepted cognitive developmental methodology while rejecting Kohlberg’s philosophy entirely. Nonetheless, we must still take care to differentiate Sosevsky—who accepted too small a portion of Kohlberg’s philosophy to be effective—from Amsel, who completely severed Kohlberg’s dilemma-discussion method from its original framework.

\textsuperscript{63} Sosevsky, 12.
quotations from Nahmanides and R. Vidal of Tolosa. The writings of influential thinkers such as R. Saadia Gaon and Maimonides and, in modern Jewish thought, the work of Rabbi Joseph Soloveitchik evidence the importance of such reasoning in the realms of spiritual and religious growth.

They are philosophically compatible with Jewish thought, but will the Kohlbergian methods that Sosevsky incorporates and redirects be effective in achieving traditional Jewish educational aims? Can methods which were originally intended to stimulate reasoning towards autonomous morality be used to stimulate reasoning towards ultimately heteronomous Jewish morality?

Earlier, from a theoretical perspective, I suggested that Sosevsky’s dilemma-discussions are appropriate for traditional Jewish ends, because he changes the driving question behind each discussion to fit Jewish goals. Rather than asking students what they think is the correct course of action, Sosevsky asks them what course of action they think Jewish ethics would favor, and students respond based on their recently acquired knowledge of the traditional Jewish principles relevant to the issue.

From an empirical perspective, we can no longer accurately refer to Sosevsky’s methods as Kohlbergian, and therefore, we can not infer their effectiveness from Kohlberg and his colleagues’ data. Kohlberg’s experiments measure the success of dilemma-discussions in creating cognitive dissonance and stimulating qualitative stage change. Sosevsky’s application uses dilemma-discussions as a practice forum for students

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64 Ibid., 11.

65 As Chazan has shown in “Jewish Education and Moral Development,” morality and religion—and therefore moral and religious growth—are inextricable in traditional Jewish thought.
to hone their skill and accuracy in applying principles to general cases. Though it is logical to employ dilemma-discussions towards such ends, Sosevsky can not use Kohlberg’s data to support this application, nor does he produce data of his own.

Two additional factors stand out in Sosevsky’s implementation of this appropriation process. First, Sosevsky chooses to appropriate cognitive developmental theory as only one part of a larger curriculum instead of using it as the central and driving force to shape the entire curriculum. In a curriculum designed for use over a full school year by a class that meets daily (110-140 total class periods), Sosevsky includes only five dilemma discussions. The bulk of teaching time is devoted to text study, discussion, and activities designed to solidify student understanding of the primary sources. As a small part of a curriculum with many other goals, the impact of any appropriation of cognitive developmental theory will be proportionately small.

Second, Sosevsky demonstrates inconsistency and, at times, seeming uncertainty regarding his approach to the appropriation process. As noted earlier, the last four of the five dilemma-discussions in Sosevsky’s curriculum ask the same basic question: What is the Jewish approach to the issue? The first dilemma-discussion, however, asks students for their own thoughts on the issue, the same question asked by typical Kohlbergian dilemmas. Sosevsky does not explain, or even acknowledge, this difference. In addition, Sosevsky clearly states in his introduction that Kohlberg’s post-conventional stages of morality run contrary to traditional Jewish ethics. Yet, he includes “foster[ing] cognitive

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66 It might be possible to make the argument that students’ ability to apply principles to specific cases goes through a series of qualitative stage transformations that parallel Kohlberg’s theory. Sosevsky, however, does not examine this possibility.
moral development towards the highest rungs of Kohlberg’s scale” among the aims he sets out for his curriculum.

I explained this contradiction earlier by suggesting that in this final goal Sosevsky already intends his own adjusted version of Kohlberg rather than the original. However, it is also possible that Sosevsky continues to refer to Kohlberg’s scale even after he has rejected Kohlberg’s philosophy simply because he has no alternative. Sosevsky changes Kohlberg’s understanding of the role of moral reasoning to a traditional Jewish understanding, but he does not apply his reformulation of Kohlberg’s philosophy to create an adapted understanding of Kohlberg’s stages of development. Kohlberg’s original stages of development have no place within Sosevsky’s moral philosophy yet Sosevsky does not replace them with a traditional Jewish parallel. As a result, Sosevsky creates a curriculum that promotes reasoning skills instead of cognitive development.

Conclusion

Having evaluated each curriculum from traditional Jewish and cognitive developmental perspectives, as well as having evaluated each approach to appropriation, I can now say with greater certainty that the success of a curriculum from both perspectives is directly linked to the process of appropriation chosen by the author, and the manner in which he implements that process.

None of the above curricula succeed from both Jewish and cognitive developmental perspectives. This may be due to flaws in the authors’ choice of appropriation process, or in their implementation of that choice. Alternatively, it may simply not be possible to incorporate Kohlberg successfully into a traditional Jewish
setting. To determine which of these is in fact the case, in the coming chapters I attempt
to formulate a new approach to the process of appropriation that can make meaningful
use of Kohlberg in a traditional Jewish setting. I then apply this approach to a curriculum
and evaluate my own success in its implementation.
In my effort to determine how and whether Kohlberg’s philosophy can be appropriated for use in traditional Jewish education, I analyze three curricula that attempt to accomplish just that in Chapters Three and Four. My analysis focuses on the process of appropriation each author implements and the powerful effect that this process exerts on the theoretical success or failure of each curriculum. In analyzing each process of appropriation, I identify flaws inherent in each theoretical model and in the way it is implemented; I determine that none of the three curricula were successful in satisfying the demands of both a traditional Jewish and a cognitive developmental perspective. Based on the close link between the merit of the appropriation process and the merit of each curriculum, I posit that these curricula’s lack of success is primarily due to the flaws in each of the appropriation processes they employ.

Whether it is indeed possible to make meaningful use of Kohlberg in traditional Jewish education will depend on whether the appropriator can formulate an approach to the appropriation process that will allow him to preserve the power of Kohlberg while at the same time successfully pursuing the aims of traditional Jewish education. It is because of the various inadequacies in their approaches to appropriation that none of my three case studies succeeds in this dual goal: Schwartz preserves Kohlberg’s power, but does not successfully educate toward traditional Jewish aims, while Amsel and Sosevsky strive toward traditional Jewish goals but do not preserve Kohlberg’s power.
With the knowledge gained from my three case studies, I now attempt to formulate an approach to the appropriation process that allows me to succeed where Amsel, Schwartz and Sosevsky did not. In this chapter, I put forth my definition of “appropriation,” present a generalized model for the appropriation of foreign theories into Jewish education, and apply this model to appropriate Kohlberg for traditional Jewish curricula.

**Definition of Appropriation**

“Appropriation,” simply put, denotes the use of foreign theory or methods in a Jewish context, to serve the aims of Jewish education. Drawing on the Modern Orthodox Torah U’Madda tradition,¹ I define a successful appropriation process as one that does not waver from its commitment to Jewish law and traditional philosophy, yet in its effort to insure a theory’s consonance with Jewish tradition does not denature or dilute the secular theory in a way that makes the appropriation process itself meaningless. The ideal appropriation process carefully examines, and if necessary adapts, the foreign theory to serve the educational aims of Jewish tradition; it preserves the power of the original theory but uses it to effectively pursue traditional Jewish goals. Ultimately, if the appropriator cannot accomplish these twin goals, she must not choose one or the other merely to enable herself to proceed with the appropriation process, despite the understandable temptation to do so. The credibility of any appropriation process rests on the appropriator’s willingness to admit in intellectual honesty that it is not possible to appropriate her chosen foreign theory into Jewish education, or at least that she can not

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¹ As I noted in Chapter One, note 44, there is significant disagreement among Jewish scholars regarding the specific definition and applications of Torah U’Madda.
successfully do so; any appropriator who can not demonstrate her willingness to admit honest defeat when necessary will never be able to convincingly lay claim to success.

Before continuing, it is important to note that in the appropriation process, superficial resemblances can be misleading. An appropriator can use elements or methods identical to those used in the original theory, but implement them towards Jewish goals and within a Jewish context—and this new context may completely obviate the effectiveness of the original theory. On the other hand, a careful appropriator may reformulate the original theory so that no specific element of the original is obviously present in the appropriation, yet this very reformulation may be necessary to preserve the power and meaning of the original methods. Thus, the appropriator who transplants Kohlberg’s dilemma-discussion methods directly to her own curriculum superficially resembles the original. But the appropriator who adjusts these methods extensively (and carefully) in an effort to retain their effectiveness in a drastically new context may produce methods that look nothing like the original yet in fact appropriate its theory and methods in a more meaningful way, preserving their efficacy though not their form.

**Suggested Model for the Appropriation Process**

My three case studies demonstrate the flaws inherent in an appropriation process that simply accepts Kohlberg’s theory in its entirety, or one that completely rejects his philosophy while accepting his methods. Therefore, I contend that the careful appropriator must take a different tack.

(1) She must begin the process of appropriation with a careful reformulation or adaptation of Kohlberg’s philosophy (as opposed to a partial acceptance of it in its
original form). This reformulation must be consonant with her understanding of traditional Jewish philosophy, while at the same time preserving the power and moment of Kohlberg’s original theory.²

(2) Building on this foundation, the appropriator must then reformulate Kohlberg’s stages of moral development in light of her adaptation of his theory.

(3) Finally, she must adapt Kohlberg’s methods to suit this new formulation of the developmental stages. With these methods as a core, she can construct a curriculum designed to encourage students’ moral development along her reformulated trajectory. Following these three steps will result in a theoretically justified appropriation of Kohlberg’s theory for Jewish education. What remains to be done, and this is beyond the scope of the current work, is to garner further empirical evidence for the effectiveness of the newly formulated methods in achieving the appropriator’s aims.

Implementation

To fully explain this three-step approach to the appropriation process and to provide evidence that it is effective, I implement it. In this chapter, I formulate the first two steps of the appropriation process, the adaptation of Kohlberg’s philosophy and of his stages of development. I complete my implementation with the formulation of methods and curriculum in the next chapter.

Before I adapt Kohlberg’s philosophy to fit with that of traditional Judaism, I must reiterate the Jewish perspective that I bring to this effort. Indeed, a key ingredient in

² Whether the reformulated theory is in fact consonant with traditional Jewish philosophy, and whether it preserves the power of the original, will no doubt be debated in each case. My point here is merely that these must be conscious goals in the appropriator’s mind. She will obviously have to provide the evidence to support her reformulation, as I will do in my implementation of this model.
any successful appropriation is that the appropriator’s Jewish educational ideology be clear and present in her mind throughout the process. My perspective, which I explicated fully in Chapter One, can be summarized well by the three goals that I posit for Modern Orthodox education: (1) That the student learn to lead a life of adherence to Torah laws and traditions, (2) that the student develop a worldview based on the spirit of these laws and traditions and act accordingly, and (3) that the student understand his or her obligation to learn from and contribute to the Jewish community and the society in which he or she lives.

**Fackenheim and Kant**

Although educators have not attempted to adapt Kohlberg for Jewish education, Emil Fackenheim, a modern Jewish philosopher, has formulated an adaptation of Kohlberg’s philosophical predecessor, Immanuel Kant, that is consonant with traditional Jewish morality. In *Encounters Between Judaism and Modern Philosophy*, Fackenheim examines the relationship between Kant and Judaism.\(^3\) In doing so, he lays ground that is essential to understanding the relationship between Judaism and any of Kant’s followers, among whom we include Lawrence Kohlberg.

With “Kant as [his] guide in moral philosophy” and “Judaism as [his] example of a revealed morality,” Fackenheim begins his exploration with a basic question: “Must the moral characteristics of a religious law or commandment clash with the manner in which it is revealed?”\(^4\) Kant’s basic requirement for morality is that it be autonomous. That is, “in order to be moral a law must be self-imposed;” anything imposed from without, a

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\(^3\) Fackenheim, *Judaism and Modern Philosophy*.

\(^4\) Ibid., 37.
heteronomous decree, will be observed only out of fear or in the hopes of reward, while autonomous moral obligations are observed for their own sake and out of a direct sense of duty. Some philosophers have interpreted Kant to mean that the human will must in fact "create" the moral law.\(^5\) Accepting this interpretation of Kant, we must "reject in principle all revealed morality" since morality can be created only by the human will.\(^6\) According to Fackenheim, however, this understanding is not what Kant himself envisioned. According to Kant man need not be the creator of moral law, "he need be capable only of appropriating a law...as though he had created it."\(^7\)

Yet, Kant’s admission that the will need not create the moral law does not solve the problem entirely. Admitting that God-given law exists, Kant still insists that the will impose this law upon itself, in which case "the God-givenness becomes irrelevant in the process of self-imposition and appropriation," as God’s law is translated to nothing more than the human will.\(^8\) Alternatively, if the “believer in a revealed morality...insists that the God-givenness of a law does not and cannot become at any point irrelevant,” then God’s law falls into Kant’s heteronomous category and can be observed only for external motivations such as reward or punishment.\(^9\) It is clear from Kant’s writings that he would advocate only the first choice: a person must appropriate God’s law and make it her own, erasing the relevance of the law’s divine source and making it impossible to validate traditional Jewish morality within Kant’s autonomous-heteronomous dichotomy.

\(^5\) Ibid., 40.
\(^6\) Ibid., 41.
\(^7\) Ibid.
\(^8\) Ibid.
\(^9\) Ibid.
Accepting Kant’s challenge to the revealed morality of Judaism, Fackenheim responds that in truth the traditional Jewish understanding of morality can be classified neither as autonomous nor heteronomous in Kant’s terms. According to Fackenheim, “the source and life of the revealed morality of Judaism lies precisely in the togetherness of a divine commanding Presence that never dissipates itself into irrelevance, and a human response that freely appropriates what it receives.” Therefore, Judaism denies Kant’s dichotomy and asserts that autonomy and heteronomy come together to produce the ideal approach to morality.

Judaism rejects Kant’s assumption that the human appropriation of revealed morality strips the law of its divine character. To the contrary: according to traditional Jewish philosophy the fact that a law is inherently moral in no way makes its divine source irrelevant. In Judaism, God-given moral law, in fact, serves as a “bridge” between the commanded and the one who commands. Entering into human relationships, God “discloses” the intrinsic worth of every human. As a result, the moral commandment itself retains intrinsic worth and must be performed for its own sake. However, such performance is itself insufficient, “for if [it] discloses the human [participants] as being of intrinsic value, it is ultimately because the divine commanding Presence so discloses them.” Therefore, performing a moral command for its intrinsic worth inevitably leads the performer back to God. Divinely mandated moral law “demands a three-term relationship… involving man, his human neighbor, and God Himself.” This three-term

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10 Ibid., 43.
11 Ibid., 44.
12 Ibid., 49.
13 Ibid., 48.
relationship creates “an internal and necessary relation” between the performance of commands for their own sake and for God’s sake, thus proving Kant’s dichotomy false.\textsuperscript{14}

To complete his analysis of Kant, Fackenheim suggests that in Jewish thought God manifests himself as commanding presence. For the Divine to manifest itself as “commanding…it requires real human freedom” to accept or reject commandments; for it to be presence, this freedom must be “unconditional” and include the choice of whether to “accept or reject the divine commanding Presence as a whole.”\textsuperscript{15} Though this choice is foisted upon a person heteronomously—it is only the appearance of the divine commanding Presence that makes the choice possible and necessary—the choice itself is made autonomously, accepting or rejecting “the divine commanding Presence for no other reason that that it \textit{is} that Presence.”\textsuperscript{16}

As a result, Fackenheim claims that “if and when a man chooses to accept the divine commanding Presence, he does nothing less than accept the divine Will as his own;” by “accepting God’s will simply because it is God’s…[man makes] it his own.”\textsuperscript{17} Appropriating God’s will as his own, the traditional Jew satisfies Kant’s requirement of autonomous morality, acting “as though he \textit{had} created it;” fulfilling the dictates of this law in the framework of “a three-term relationship that involves God,” man insures that God remains relevant to the law, in a way that Kant did not think was possible.\textsuperscript{18}

\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid., 46.
\textsuperscript{16} Ibid., 47.
\textsuperscript{17} Ibid.
\textsuperscript{18} Ibid., 41.
All this is possible only because God has made it possible, man “can participate in a three-term relationship that involves God Himself if God…in His love…chooses to need” man.\textsuperscript{19} In Judaism, “divine commandments and divine love…are inseparable.”\textsuperscript{20} By commanding humans, God accepts them in their humanity. Therefore, “in accepting the Torah, man can at the same time accept himself as accepted by God in his humanity” and it becomes possible to fulfill commandments simultaneously for their own sake and for God’s sake.\textsuperscript{21}

Thus, Fackenheim develops an adaptation of Kantian philosophy in accord with the Jewish tradition. Since Kohlberg himself is grounded in Kantian philosophy, Fackenheim’s efforts provide a foundation for my attempt to adapt Kohlberg for use in Jewish education.

\textbf{Adapting Kohlberg’s Philosophy}

Like that of Kant, Kohlberg’s ideal morality is autonomous morality.\textsuperscript{22} In fact, Kohlberg’s original hypothesis aimed to trace the individual’s moral development from a heteronomous to an autonomous ethic.\textsuperscript{23} When his research revealed the developmental process to be more complex than this simple progression, including backsliding from autonomy to heteronomy at certain points, Kohlberg was forced to revise his theory and

\textsuperscript{19} Ibid., 51.
\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid.
\textsuperscript{22} For Kohlberg’s own presentation of his relationship to Kant, see Colby and Kohlberg, \textit{The Measurement of Moral Judgment}, 343-348.
\textsuperscript{23} Colby and Kohlberg, 317-322. For a full treatment of Kohlberg’s evolving views on “heteronomy and autonomy in moral development” see Colby and Kohlberg, Appendix.
propose a more complex picture of six developmental stages. Yet, this revision by no
means ignores the question of heteronomy versus autonomy in moral decision-making. In
the most recent formulation of his theory, Kohlberg asserts that until Stage 4 the
individual may shift back and forth between heteronomous and autonomous types (which
Kohlberg labels respectively Type A and Type B.) However, at Stage 5, the highest level
of moral development evidenced by Kohlberg’s empirical research, nearly all individuals
stabilize as Type B. Ultimately, autonomous reasoning is a prerequisite for Kohlberg’s
highest theoretical level of development, Stage 6, in which autonomous, rational,
universal principles of justice supercede all heteronomous norms and social
conventions.24

This focus on autonomous morality impacts directly on Kohlberg’s understanding
of the relationship between religion and morality, an area that is crucial to examine in my
attempt to adapt Kohlbergian philosophy to be compatible traditional Jewish philosophy.

Kohlberg insists that “the starting point of rational discourse” about the
relationship between religion and morality must be the “recognition in some degree of the
autonomy of morality and moral discourse from any other form of discourse, whether
religious, scientific or political.”25 Therefore, Kohlberg sharply critiques what he terms
“divine command theory,” in which an individual’s morality derives directly from divine
authority.26 In divine command theory, for example, murder is defined as morally
reprehensible not as a result of its intrinsic character, but because the divine command
prohibits it; were the divine command to encourage it, even murder would be morally

24 Ibid., 326-336.

25 Ibid., 315.

26 Ibid. I presented Kohlberg’s views more fully in Chapter Two.
acceptable. According to Kohlberg, divine command theory commits the “naturalistic
fallacy,”27 a term which denotes any attempt to derive “ought” from “is” (i.e., to derive a
moral prescription from a natural or metaphysical fact). In Kohlberg’s understanding,
divine command theory derives the moral statement “X is good” from fact statements
such as “X is in the Bible,” or “X is one of the Ten Commandments.” Kohlberg argues
that because they commit the naturalistic fallacy these central arguments of divine
command theory make no more sense than would a contention that “X is good” because
“X is approved by the majority on the Gallup poll.”28

Rejecting divine command theory, Kohlberg instead suggests “natural law theory”
as an understanding of the relationship between morality and religion, which will support
a rational understanding of morality. Natural law theory asserts that rational “principles
of justice [are] not only a social contract…but [also] a reflection of an order inherent in
both human nature and in the natural or cosmic order.”29 Yet, despite the fact that our
“moral intuitions…have parallels in our metaphysical or religious intuitions of a natural
order,” moral principles themselves remain autonomous; they are not taken up in
response to a heteronomous command, rather they arise autonomously based on rational
reason, and naturally parallel the underlying order of the universe.30 Thus, in natural law
theory religion does not “supply moral prescriptions but…supports moral judgment and

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27 Kohlberg discusses the concept of the “naturalistic fallacy” in its various forms in Philosophy of Moral
Development, Chapter Four. The term “naturalistic fallacy” originated with Moore, Principia Ethica, and
played a pivotal role in the philosophy of ethics for the half-century following its inception.

28 Colby and Kohlberg, 315.

29 Ibid., 318.

30 Ibid., 320-1.
action as purposeful human activities.”31 While the “function of moral thinking is to resolve competing claims among individuals on the basis of a norm or principle,” the “function of religious reasoning is to affirm life and morality as related to a transcendent or infinite ground.”32 Based on this differentiation, in Kohlberg’s natural law theory morality remains a “logically independent realm rather than the application of religious thinking to moral issues” advocated by divine command theory.33

Kohlberg’s dichotomy of divine command theory versus natural law theory leaves the traditional Jewish educator in a quandary. Given the choice between divine command theory and natural law theory, traditional Judaism, with its emphasis on normative law that traces its roots to the Sinaitic revelation, seems to fit better in Kohlberg’s divine command category. After all, a traditional Jewish approach to a moral dilemma looks to the precedents and laws of the Torah, Talmud and commentaries rather than to autonomous reason. If traditional Judaism does indeed fall into the divine command theory category, it shares little if any philosophical ground with Kohlberg’s theory.

On the other hand, any attempt to fit all of Jewish morality into Kohlberg’s natural law category seems forced, and may both reduce and distort traditional Jewish philosophy. Some Jewish thinkers, such as Marvin Fox, have contended that natural law in fact has no place within Jewish philosophy in general, and certainly not within the

31 Ibid., 336.
32 Ibid., 321.
33 Ibid., 336.
seminal philosophy of Maimonides in particular. Others, such as Steven Schwarzchild, Samuel Atlas and David Novak, contend that Maimonides does in fact reserve an important place within morality for natural law, as should Jewish philosophy generally.

For my purposes, however, this debate is beside the point. Whether or not natural law has a place within Jewish philosophy, it certainly does not hold the decisive and all-important legislating role that Kohlberg would advocate for it; traditional Jewish morality, even if it acknowledges a role for natural law, would certainly not be accepted by Kohlberg himself as a natural law theory of morality. Isadore Twersky aptly summarizes the limited role of natural law within a Jewish context: by granting natural law a place within Jewish philosophy, “all that the Rabbis and philosophers contend is that natural reason is in agreement with divine authority.” However, “ground for obligation and authoritativeness is unquestionably the divine command—no Jewish thinker would dispute this or introduce distinctions concerning source and validity, authenticity and normativeness.” According to Twersky, even a Maimonidean philosopher who argues for the role of reason in morality believes that “laws are true by divine sanction,” and contends only that human “reason discovers their wisdom and intelligibility.”

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34 Fox, “Maimonides and Aquinas,” 5-36. The analysis of Maimonides’ thought on the issue is particularly relevant to our discussion because in Philosophy of Moral Education, 318, Kohlberg himself asserts that the Natural Law framework in Judaism begins with Maimonides.

35 Kellner, Jewish Writings of Steven Schwarzchild, 50-59, and note 65 to page 147; Atlas, Pathways in Hebrew Law, 29-30; Novak, Natural Law in Judaism, Chapters 3 and 4. In this work, Novak also presents an extensive treatment of the role of natural law in Jewish thought from biblical to modern times. See also, Wurzburger, Ethics of Responsibility, 17 and note 47 there.

36 Code of Maimonides, 457.

37 Ibid.
Thus, if we accept Kohlberg’s divine command-natural law dichotomy, we have no choice but to conclude that traditional Judaism falls on the divine command side of the line and, therefore, is incompatible with Kohlberg’s theory. However, as intimated by Twersky’s presentation above, it may be inappropriate to categorize traditional Judaism simply as “divine command theory.”

Just as Fackenheim argues that Jewish morality defies Kant’s heteronomy-autonomy dichotomy, I contend that traditional Judaism defies Kohlberg’s divine command-natural law dichotomy. Judaism may not satisfy Kohlberg’s demands for the natural law category; nor, however, can it be reduced to fit with his description of the divine command category. Instead, traditional Jewish law demands a third category, one which blends aspects of divine command and natural law theory together to create a new approach to morality.\(^{38}\)

As Fackenheim argues above, Jewish moral law calls the individual to participate in a “three-term” ethical relationship that includes the self, the other and God. As such, in traditional Jewish morality the divine command takes on intrinsic value and must be performed for its own sake as well as for the sake of its Giver. In a similar vein, Walter Wurzburger argues that “the belief that an ethical norm should be obeyed in response to a divine imperative rather than for purely ethical reasons by no means detracts from the intrinsic character of the norm itself.”\(^{39}\) This stands in sharp contrast to Kohlberg’s divine morality.

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\(^{38}\) The approach to morality that I will advocate here is formulated in light of specifically Jewish concerns. It is possible that this approach, or a very similar one, might be posited in light of more general theistic concerns as well. Examining whether this is indeed the case, however, lies outside the scope of the present work.

command theory, in which moral laws have no intrinsic worth besides their divine commandedness.

Given this basic difference between the two, the criticisms that Kohlberg levels against divine command theory may not apply to Jewish morality. Kohlberg contends that divine command theory proponents commit the naturalistic fallacy when they equate “X is good” with “X is commanded by God.” In response to this contention, I point to Wurzburger’s argument that in Judaism “the fact that every moral obligation is perceived as a religious imperative…does not imply that the meaning of every moral statement must be translated into a statement about what is ‘willed or commanded by God’.”40 As evidence for this claim, Wurzburger cites the traditional Jewish enterprise of ta’amei hamitzvot, seeking the reasoning behind divine commandments, which is necessarily based on the assumption that such reasons do in fact exist.41 Indeed, as chronicled in Yitzhak Heinemann’s classic Ta’amei haMitzvot beSifrut Yisrael, the search for ta’amei hamitzvot has been an important area of Jewish thought from medieval (perhaps even ancient) times until the present. Moreover, Wurzburger explains that “for Judaism God represents the highest possible moral authority,” therefore “to affirm the primacy of the religious dimension does not entail the repudiation of moral authority;” quite to the contrary, “obedience to His command is not merely a religious but also a moral requirement.”42

40 Ibid., 15. Wurzburger employs this defense against the naturalistic fallacy argument on behalf of all theistic approaches to morality. However, as noted above, I will confine my discussion specifically to Jewish philosophy and morality.

41 R. Aharon Lichtenstein makes a similar point in By His Light, 108. A full analysis of the enterprise of ta’amei hamitzvot in ancient, medieval and modern times can be found in Heinemman, Ta’amei haMitzvot beSifrut Yisrael.

42 Wurzburger, 19.
This argument is again reminiscent of Fackenheim’s understanding of Jewish morality as a three-term relationship which necessarily includes both other humans and God.

R. Aharon Lichtenstein takes this argument a step further in his pivotal essay, “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” and suggests that there is in fact “an unlegislated justice to which, as it were, God Himself is bound.”\textsuperscript{43} Were it not for such a sense of justice, or natural morality, as Lichtenstein calls it, the question of theodicy would have no place. And, in fact, questions of theodicy occupy a prominent position in Jewish tradition, tracing their roots back to Abraham’s question of God’s decision to destroy Sodom and Gomorrah, “Will the judge of the entire universe not do justice?”\textsuperscript{44} and the Talmudic description of Moses asking God to explain why the righteous suffer.\textsuperscript{45} Based on similar reasoning, Wurzburger asserts that Jewish ethics “is fully compatible with the Platonic thesis…[that] what makes an action or motive right or good is not the fact that it is commanded by God. On the contrary, it is commanded by God because it is right or good.”\textsuperscript{46} This again, stands in direct contrast to Kohlberg’s depiction of divine command theory as failing the Platonic and Socratic tests.\textsuperscript{47}

As such, it is clear that traditional Judaism does not fit neatly into Kohlberg’s divine command-natural law dichotomy. On the one hand, traditional Judaism cannot be reduced to natural law because its “laws are true by divine sanction,” and it is from God, not autonomous reason, that moral and ethical obligations devolve upon traditional Jews.

\textsuperscript{43} 103.
\textsuperscript{44} Gen., 18:20.
\textsuperscript{45} BT Berachot, 7a.
\textsuperscript{46} Wurzburger, 17.
\textsuperscript{47} In his \textit{Philosophy of Moral Development}, 314-315.
On the other hand, traditional Judaism defies characterization as divine command theory and does not equate “X is good” with “X is commanded by God.” In traditional Jewish morality, God commands what is good and divinely mandated ethics are imbued with intrinsic moral worth. When a traditional Jew gives charity to the poor she does so both for the sake of the poor person and for the sake of God.

Were I to categorize traditional Judaism as natural law theory, I could simply adopt Kohlberg’s methods and theories. Were I to categorize traditional Judaism as divine command theory, I would have to simply reject Kohlberg’s theory. But if in fact traditional Judaism is situated somewhere between these two poles, blending together aspects of each, I can not completely accept nor must I completely reject Kohlberg’s philosophy. In this unique situation Jewish thought shares sufficient philosophical ground with Kohlberg to enable me to meaningfully adapt his philosophy in a manner compatible with traditional Jewish morality.

The exact nature of this adaptation has already been intimated by the arguments of Fackenheim, Wurzburger, and Lichtenstein cited above, but I will now formulate it succinctly in terms of the ideal Jewish morality that it advocates:

My adaptation of Kohlberg’s philosophy stresses the important role of autonomous reason in morality. However, like Fackenheim’s understanding of Kant, it does not demand that a traditional Jew use her autonomous reason to create morality but only that she act as if she had created the morality to which she adheres. She accomplishes this by accepting God’s will as her own, acting as if she had created the Jewish law to which she adheres.48 A rational Jew can accept God’s moral will as her

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48 Fackenheim, 51.
own without obviating her autonomous moral judgment, because she believes that God by definition commands the good (according to the natural morality to which He, as it were, is bound.) Having accepted God’s will as her own, where the Jew can understand the good in God’s commands she attempts to do so,\textsuperscript{49} and where she cannot, as in the case of Abraham and the binding of Isaac, she allows the “prescriptions of an omniscient and omnibenevolent God [to] override those deriving from [her] more limited intelligence.”\textsuperscript{50} Finally, as Fackenheim emphasizes, because God’s law binds the Jew to a three-term relationship the acceptance of God’s will as her own does not cause God to pass into irrelevance; on the contrary, His presence is felt in the fulfillment of the moral law both for its own sake and for God’s sake.

\textbf{The Path of Development}

Kohlberg’s understanding of the developmental trajectory is based on his philosophy. Having adapted his philosophy, I now need to adapt Kohlberg’s original stages of development in order for them to be consonant with my adapted version of his philosophy. The developmental trajectory that flows from my adaptation of Kohlberg’s philosophy diverges from the original Kohlbergian stages in a number of important ways.

In traditional Judaism, and in my adaptation of Kohlberg’s philosophy, moral judgment plays a pivotal and evolving role through the development process. But this role, and the developmental stages that it implies, differ from Kohlberg’s original. In Kohlberg’s theory, moral judgment determines what an individual chooses as the morally

\textsuperscript{49} Twersky adds that, “for Maimonides, these reasons add an important depth-dimension to the religious experience.” (\textit{Code of Maimonides}, 547)

\textsuperscript{50} Wurzburger, 21.
correct course of action in any given moral dilemma. Within a traditional Jewish framework, moral judgment determines why an individual does or does not fulfill God’s will as expressed in traditional Jewish law, and by extension how she decides to do so (i.e., how carefully she observes the law, how she fulfills the letter of the law versus the spirit of the law, etc.). An individual’s socio-moral perspective also necessarily affects how she understands both the letter and the spirit of this law, and therefore influences how she chooses to fulfill it.

It is important to note that although the individual’s ultimate decision whether to adhere to Jewish law is related to her motivation for doing so (why), it is also affected by many other factors, such as the psychological, emotional and physical difficulties involved in each course of action, her faith/belief in God generally and within a traditional Jewish framework specifically. These additional factors make it impossible to draw a direct connection between the ultimate content of the individual’s behavior and her Jewish moral reasoning. Therefore, I look to moral judgment to determine the why and how, but not the what and whether of traditional Jewish morality. This distinction is consonant with Kohlberg’s consistent focus on the form of moral reasoning and not the content of the moral choice as the determinant of moral stage.

I also must emphasize that Kohlberg’s stages chronicle the individual’s perspective on all aspects of her surrounding environment and trace this perspective to her stage of moral reasoning. While acknowledging that the individual’s level of moral reasoning will affect her entire outlook, my stages of development focus on how her level

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51 My emphasis on moral reasoning as a determining factor in the individual’s motivation to observe Jewish law is reminiscent of Maimonides’ focus on the stage development of a child’s motivation to learn Torah (Commentary on the Mishna, introduction to tenth chapter of Sanhedrin).
of moral reasoning affects her relationship to Jewish law specifically, the vital factor in Jewish cognitive moral development.  

My adaptation differs from Kohlberg’s understanding largely because I assume a specific set of rules, roles and principles—those of traditional Jewish law—as defining the morally correct course of action. My theory, therefore, assumes basic knowledge of Jewish law, which in turn integrates into each stage in consonance with that stage’s moral perspective. Applying these changes to Kohlberg’s stages leads to an adapted (signified by *) set of stages for Jewish moral development.

What follows is a brief review of each of Kohlberg’s stages followed by my adapted version:

**Preconventional Morality**

**Stage 1:** Heteronomous morality.

**What is [Considered] Right** [by the Stage 1 individual]: Sticking to rules backed by punishment; obedience for its own sake; avoiding physical damage to person and property.

**Reasons for Doing Right:** Avoidance of punishment, superior power of authorities.

**Social Perspective of Stage:** *Egocentric point of view.* Doesn’t consider the interests of others or recognize that they differ from the actor’s; doesn’t relate two points of view. Actions considered physically rather than in terms of psychological interests of others. Confusion of authority’s perspective with one’s own.

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52 I assume, as Lichtenstein argues in “Is there an Ethic Independent of Halakha?” that when understood in its broadest sense, the letter and the spirit of Jewish law together provide the foundation for an individual’s complete moral perspective. As the individual progresses to the higher stages of my developmental scheme and internalizes Jewish law, her moral outlook will flow more completely from the corpus of Jewish law and tradition. Therefore, my stages of development, though focused, should not be misunderstood as narrow or limited.

53 Descriptions of Kohlberg’s stages are quoted from Kohlberg, “Moral Stages and Moralization,” 34-35.
Stage 1*

In Kohlberg’s Stage 1 the individual is obedient merely for the sake of obedience, and follows specific rules in order to avoid punishment. In my adapted Stage 1* the “rules” to which the individual relates are the rules of traditional Jewish law, which are interpreted in the concrete physical sense of protecting person and property. The individual’s fear of physical punishment includes perceived divine punishment as well as human punishment. Due to the individual’s concrete physical perspective, God’s authority is confused with that of the parent or other authority figure. Therefore, the proximate authority figure as well as the physical consequences of the individual’s actions are primary considerations in the individual’s decision to or not to adhere to Jewish law. This concrete understanding also colors how the individual understands Jewish law, painting it only in the most concrete, physical, directly equal (as opposed to equitable,) and authoritarian terms. Such an understanding is what is often referred to in traditional Jewish sources as “yirat ha’onesh,” the fear of punishment, a low or undeveloped form of fear of heaven. Yet this form of fear is acknowledged as valuable, especially at the early stages of an individual’s religious development.54

Stage 2: Individualism, Instrumental purpose, and Exchange.

What is [Considered] Right: Following rules only when in one’s own immediate interest; acting to meet one’s own interests and needs and letting others do the same. Right is also what is fair or what is an equal exchange, deal, agreement.

54 For example, the Sefer HaHinukh defines the basic requirement of the fear of heaven in terms of “yirat ha’onesh” (Mitzva 432). For additional discussions of the place of “yirat ha’onesh” in Jewish thought see: Albo, Sefer Halkarrim, 2:14 and 3:32; Kazim, Kinat Sofrim, Mitzvat Aseh 4; and Hayim of Volozhin, Nefesh HaHayim, 4:8.
**Reasons for Doing Right:** To serve one’s own needs or interests in a world where one has to recognize that other people also have interests.

**Social Perspective of Stage:** *Concrete individualistic perspective.* Aware that everybody has interests to pursue and that these can conflict; right is relative (in the concrete individualistic sense).

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**Stage 2***

In Kohlberg’s Stage 2 the individual begins to differentiate his own perspective from the perspective of others, and recognizes that each individual has his own interests. Particularly important for my adapted Stage 2*, the individual begins to differentiate his own perspective from the perspective of the authority figure. Due to the continued emphasis on the physical, the perspective of the authority figure may still be confused with the perspective of God (or Jewish law’s). The individual now relates to God/Jewish law as to the perspective of the human other; he attempts to satisfy his own needs while recognizing that God/Jewish law has “needs” as well; he understands certain actions to be “right” from his own perspective, but “wrong” from the perspective of Jewish law. At this stage, the individual is prone to make “tit-for-tat” deals with God/Jewish law. (e.g., If I do the following good deed, I expect the following reward; or, I will do a bad deed, but I will do the following good deed to make up for it.) The Bible speaks to just such a perspective as God justifies various demands He makes on the Israelites by pointing to the fact that He redeemed them from Egypt.55

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55 See, for example, Ex. 15:6, Lev. 11:45, 19:36, 22:33; and Num. 15:41.
Conventional Morality

Stage 3: Mutual interpersonal expectations, Relationships and Interpersonal conformity.

What is [Considered] Right: Living up to what is expected by people close to you or what people generally expect of a good son, brother, friend etc. “Being good” is important and means having good motives, showing concern for others. It also means keeping mutual relationships such as trust, loyalty, respect and gratitude.

Reasons for Doing Right: The need to be a good person in your own eyes and those of others; caring for others; belief in the Golden Rule; desire to maintain rules and authority that support stereotypical behavior.

Social Perspective of Stage: Perspective of the individual in relationships with other individuals. Aware of shared feelings, agreements, and expectations which take primacy over individual interests. Relates points of view through the concrete Golden Rule, putting oneself in the other guy’s shoes. Does not yet consider generalized system perspective.

Stage 3*

Kohlberg’s Stage 3 is marked by a generalization of norms to create role expectations for the “good person.” In my adapted Stage 3*, motivation for the individual’s decision to observe or not to observe Jewish law now comes from his desire to meet the role expectations of the “good person,” as defined by traditional Judaism. The individual can now differentiate God/Jewish law’s perspective from that of the concrete authority figure. Like Kohlberg’s Stage 3 individual who makes moral choices based on reference to the norms of fairness embodied in the Golden Rule, the Stage 3* Jew induces generalized behavioral norms from the specific dictates of Jewish law. His primary motivation for following Jewish law is to be a “good Jew.” Rabbinic literature often uses just such a motivation to encourage ethical behavior. For example, Rav Yehuda exhorts in the Talmud that, “one who wishes to be a pious person must observe the laws of
torts,"\(^56\) while Rava applies the same statement to encourage observance of the ethical lessons of the tractate *Avot,\(^57\) and others apply the formula to inspire the individual to adhere closely to the laws of blessings (which are recited before eating food, performing ritual commandments, or upon seeing natural phenomena.)\(^58\)

**Stage 4: Social system and Conscience.**

**What is [Considered] Right:** Fulfilling duties to which you have agreed; laws to be upheld except in extreme cases whether they conflict with other fixed social duties. Right is also contributing to the society, group or institution.

**Reasons for Doing Right:** To keep the institution going as a whole and avoid a breakdown in the system “if everyone did it”; imperative of conscience to meet one’s defined obligations.

**Social Perspective of Stage:** Differentiates societal point of view from interpersonal agreement or motives. Takes the point of view of the system that defines roles and rules; considers individual relations in terms of place in the system.

**Stage 4***

Kohlberg’s Stage 4 heralds the individual’s ability to view society as a system, rather than merely as a collection of individuals. As a result, maintaining the social system becomes the individual’s central concern. In my adapted Stage 4*, the individual relates to Jewish law as a systematic code designed to support the functioning of the social system. The importance of Jewish law, and the individual’s motivation to adhere or not to adhere to it, derives directly from the role of the law as an ordering force for society. The individual is now concerned with accepting Jewish law in its totality, as a

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\(^{56}\) BT *Bava Kamma*, 30a. (My translation)

\(^{57}\) *Avot* is a tractate of the Mishna whose subject matter includes moral and ethical principles, prescriptions, and exhortations.

\(^{58}\) For additional such formulations see, *Avot* 4:1 and 5:22,
coherent system, and with applying it impartially to all members of society. As a result, he may identify strongly with Biblical commands to protect the rights of the stranger, the orphan and the widow (typically the most vulnerable members of society) by guaranteeing them equal access to justice.⁵⁹ Similarly, the individual understands the Rabbinic statement that “one bad deed leads to another” and “one good deed leads to another,”⁶⁰ as lending support to his feeling that deviation from the law leads down the path to anarchy.

**Postconventional (or Principled)**

**Stage 5:** Social contract and Individual rights.

**What is [Considered] Right:** Being aware that people hold a variety of values and opinions and that most of their values and rules are relative to their group. Relative rules usually upheld in the interest of impartiality and because they are the social contract. Some nonrelative values and rights (e.g. *life* and *liberty*) must be upheld in any society and regardless of majority opinion.

**Reasons for Doing Right:** A sense of obligation to law because of one’s social contract to make and abide by laws for the welfare of all and for the protection of all people’s rights. A feeling of contractual commitment, freely entered upon, to family, friendship, trust and work obligations. Concern that laws and duties be based on rational calculation of overall utility, “the greatest good for the greatest number.”

**Social Perspective of Stage:** *Prior-to-society perspective.* Rational individual aware of values and rights prior to social attachments and contracts. Integrates perspectives by formal mechanisms of agreement, contract, objective impartiality, and due process. Considers moral and legal points of view; recognizes that they sometimes conflict and finds it difficult to integrate them.

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⁵⁹ See Deut. 24:17, and 27:19.

⁶⁰ *Avot* 4:2.
Stage 5*

In Kohlberg’s Stage 5, the individual moves from a conventional to a postconventional moral perspective and from a “society-maintaining” to a “society-creating” point of view. This translates to my adapted Stage 5*, in which the individual begins to internalize the Jewish law perspective as his own. As he begins to accept God’s will as his own, the individual is primarily motivated to adhere to Jewish law as an expression of his own will rather than for any of the external concerns (such as maintaining the social system) which motivated him in the previous four stages. At this stage, however, this acceptance of God’s will as the individual’s own is not yet complete and a vestige of external concerns remains. The individual, therefore, understands and accepts Jewish law with an eye towards “society-creating,” that is, he sees Jewish law as the most beneficial and morally positive manner of building a community or society. This is a step above the “society-maintaining” perspective of Stage 4*; having accepted God’s will as his own, the individual can now employ Jewish law as a change agent rather than a guarantor of the status quo. However, the individual’s internalization of God’s will is still incomplete and, therefore, is tinted by the external concern of “society-building.”

The contrast to a full acceptance is apparent in my upcoming presentation of Stage 6*.

Stage 4* and Stage 5* understandings of society find an interesting reflection in traditional Jewish thought through Rabbi Joseph Soloveitchik’s presentation of two models of community or nationhood: the covenant of fate and the covenant of destiny.

61 Colby and Kohlberg, 29.

62 This description draws directly on my adaptation of Kohlberg’s philosophy and ideal picture of morality, as described above.

63 These could alternatively be referred to as communities of fate or destiny.
The covenant of fate, which mirrors a Stage 4* understanding of community, “signifies an existence of compulsion,” in which “a strange necessity binds the particulars into one whole.”\textsuperscript{64} In contrast, the covenant of destiny, which parallels a Stage 5* vision of community, “signifies a deliberate and conscious existence that the people has chosen out of its own free will and in which it finds the full realization of its historical being.”\textsuperscript{65}

**Stage 6:** Universal ethical principles.

**What is [Considered] Right:** Following self-chosen ethical principles. Particular laws or social agreements usually valid because they rest on such principles; when laws violate these principles, one acts in accordance with principle. Principles are universal principles of justice: equality of human rights and respect for the dignity of human beings as individuals.

**Reasons for Doing Right:** The belief as a rational person in the validity of universal moral principles and a sense of personal commitment to them.

**Social Perspective of Stage:** Perspective from a moral point of view from which social arrangements derive. Perspective is that of a rational individual recognizing the nature of morality or the fact that persons are ends in themselves and must be treated as such.

**Stage 6*:**

Kohlberg’s Stage 6 describes the individual’s move from a “society-creating” perspective to “the moral point of view,’ a point of view that ideally all human beings should take toward one another as free and equal autonomous persons.”\textsuperscript{66} My adapted Stage 6* indicates the individual’s internalization of God’s will as his own (a process that

\textsuperscript{64} Soloveitchik, “Kol Dodi Dofek,” 81.

\textsuperscript{65} Ibid., 89-90.

\textsuperscript{66} Colby and Kohlberg., 30. In his earlier work, Kohlberg identified Stage 5 with Rule Utilitarian morality such as that described by Hare and Stage 6 with deontological ethics such as those described by Kant and Rawls. In his later work, he admits some hesitancy as to these classifications but still advocates deontological ethics, with its focus on universal principles and its recognition of rights, as a higher stage of moral reasoning. See Colby and Kohlberg, 32.
began in Stage 5*). At this stage, the individual fully accepts God’s will as his own, as
the Mishna in tractate Avot exhorts, “Make God’s will like your own.”67 As a result, the
individual no longer understands Jewish law as a tool for society-building but instead as
an intrinsically moral law through which God discloses the inherent value of the
individual human being, as described in my adaptation of Kohlberg’s philosophy. The
individual’s moral decisions proceed directly from the now-internalized will of God, and
the moral imperatives of this will bind him in a three-term relationship (individual—
other—God) that demands respect for the intrinsic value of each of its members.68

In sum, my adapted version of Kohlberg’s developmental trajectory focuses on an
individual’s evolving motivation and the logic underlying his decision to fulfill or not
fulfill the dictates of Jewish tradition. At the first two (preconventional) stages this
motivation is concrete and physical, and human authority is very easily confused with
God’s authority. At (conventional) Stages 3* and 4*, motivation becomes more
generalized in the form of role expectations for the “good Jew” or in terms of maintaining
social order. For these first four stages, Jewish law and God’s will are seen as external to
the individual’s own moral sense; the individual uses her moral sense to decide whether
she will fulfill God’s will (the manner in which she does so depends on her moral stage).
Finally, in the (postconventional) Stages 5* and 6* the individual internalizes God’s will
as her own. This internalization begins in Stage 5*, with the individual now
understanding Jewish law as directed towards the creation of a moral society; the
internalization is completed in Stage 6*, when the individual totally accepts God’s will as

67 Avot 2:4.

68 Since the actual existence of Kohlberg’s Stage 6 is in doubt, so too will be the existence of my Stage 6*. 
her own and understands it as intrinsically moral, disclosing the inherent worth of humans and her moral imperative to stand in a three-term relationship to the other and God. While in the first four stages the individual may use the logic and motivation I have described to decide to or not to observe Jewish law, in Stages 5* and 6* this decision fades into the background; by definition, an individual who has reached Stage 5* or 6* will aim to fulfill God’s will, which has become her own will as well.

**Conclusion**

Having shown all the models of appropriation analyzed in Chapter Four to be lacking, I propose a new model of appropriation. This model of appropriation is based on my ideal definition of appropriation as a process that does not waver from Jewish tradition but makes meaningful (and not merely superficial) use of a foreign theory and the methods that derive from it. Focusing specifically on Kohlberg’s theory, I propose a three-step model for appropriating Kohlbergian moral education for a Jewish context. First, the appropriator must carefully adapt Kohlberg’s basic philosophy and his ideal vision of morality in a way that is consonant with Jewish philosophy, but does not dilute the original to the point where the appropriation process becomes meaningless. Second, the appropriator must apply this philosophy to reformulate Kohlberg’s specific stages of development in light of the newly adapted understanding of morality. Finally, the appropriator must translate Kohlberg’s pedagogic methods in light of her adapted philosophy and reformulated understanding of the developmental stages of morality.

I implement the first two steps of this model of appropriation, adapting Kohlberg’s philosophy and stage development theory to be consonant with Jewish
education. My adaptation of Kohlberg’s philosophy, largely based on Fackenheim’s work with Kantian philosophy, asserts that an individual can accept God’s will as her own and thus exercise autonomous morality in her observance of Jewish law in the sense of a three-term (self-other-God) relationship. I reformulate Kohlberg’s developmental trajectory in light of my adapted philosophy, and present a stage development theory that traces the individual’s motivation for fulfilling or not fulfilling God’s will from its earliest, external, concrete stages to its ultimately internalized, intrinsic, and autonomous stages.

In formulating an adapted philosophy and developmental trajectory, I take an important step towards determining whether and how Kohlberg’s theory can be appropriated for use in Jewish education. At the beginning of this chapter, I suggest that appropriation is indeed possible, provided that it follows the three-step procedure I outline. To prove my contention, I have thus far implemented the first two steps in my procedure and found that it is possible to adapt Kohlberg’s philosophy and stage development theory in a way that is compatible with Jewish philosophy and that retains the meaning and power of the original theory. What remains to be determined is whether I can complete the third step of this procedure: translating Kohlberg’s methods in light of my adapted philosophy to enable their implementation in a manner that respects Jewish tradition but preserves their original cognitive-developmental effectiveness. The central goal of the next chapter is to implement the final step of my appropriation process, proving that based on this careful procedure, Kohlberg can be appropriated effectively for use in Jewish education.
In my attempt to determine whether Kohlberg’s theory can be appropriated for use in Jewish education, I described a three-step model. I then argued that this model would support a successful appropriation of Kohlberg’s theory for Jewish education. In the previous chapter, I implemented the first two steps of this model, adapting Kohlberg’s philosophy to be consonant with traditional Jewish philosophy, and applying the revised philosophy to reformulate Kohlberg’s understanding of the developmental trajectory. The final step, which is the subject of this chapter, is the adaptation of Kohlberg’s methods, based on my revision of his philosophy and developmental trajectory, to produce an effective methodology for the Jewish classroom.

This final step is both more complex and more treacherous than the previous two. Fine distinctions and complex explanations may be satisfactory in the realm of theory and philosophy, but pedagogic methods must pass the harsh practical test of classroom applicability. In creating pedagogy, I need to explore the possible intended and unintended effects that this pedagogy will have on real students in a traditional Jewish classroom. I must take into account the fact that my revised methods will be implemented as part of a larger educational experience, noting the role that I intend them to play in the larger school context, how they will impact on that context, and how it will affect them.

Though I have already completed two steps of my process, I must recognize the possibility that it may not be possible to fully, or even partially, adapt Kohlberg’s methods for the Jewish classroom. Therefore, I must at all times be open to the possibility
that I have to admit defeat as an appropriator and conclude that it is not possible to meaningfully appropriate Kohlberg for use in Jewish education. Doing so means that as I carry out my appropriation attempt I keep in mind the critiques I earlier leveled at the appropriation efforts of my three case study curricula in order to reflect on whether similar criticisms might apply to my own attempt. If such critiques do seem to apply and I cannot reformulate my approach so as to circumvent them, I will need to admit honest defeat. Admitting defeat, though a disappointment, is certainly preferable to appropriating Kohlberg’s theory and methods for Jewish education in an insignificant—or worse, a harmful—way.

Finally, before beginning my presentation I must note that no matter how well conceived and carefully planned the methodology, the process of effecting educational change can be treacherous. This is true all the more so where the methodology demands not just a change in technique but also transformations of classroom atmosphere and school culture such as those I describe below. Fullan notes that “the total time frame from initiation [of a change] to [its] institutionalization is lengthy,” ranging from three to five years for moderate changes and from five to ten years for major restructuring;\(^1\) these years are fraught with potential obstacles that must be circumvented or overcome. Rather than merely introducing a new curriculum and demanding that teachers and students transform their expectations, we will need to carefully plan for a successful “initiation,” “implementation,” “continuation,” and ultimately, “institutionalization” of these changes.\(^2\) A full examination of all the issues involved in instituting educational change is

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\(^{1}\) Fullan, *New Meaning of Educational Change*, 49.

\(^{2}\) Ibid.
beyond the scope of this dissertation. However, I must stress that just as in this work I emphasize the need to focus on the process of appropriation, we must also understand educational “change as a process, not an event” if we are to succeed in implementing even the most promising of innovations.3

School Culture and Classroom Atmosphere

The educational culture and overall atmosphere of a school play a central role in determining how teachers and students relate to the implementation of any individual pedagogic method. As Eisner points out, “schools also teach, through the implicit curriculum, that pervasive and ubiquitous set of expectations and rules that defines schooling as a cultural system that itself teaches important lessons.”4 As such, the success of any pedagogy depends on the larger framework in which it is introduced. Therefore, before I adapt Kohlberg’s methods for implementation in the classroom, I briefly outline a school culture in which my appropriation efforts stand the greatest chance of success from both a cognitive developmental and a traditional Jewish perspective.

I formulate my appropriation of Kohlberg from a Modern Orthodox Jewish perspective, and I likewise envision its implementation in a Modern Orthodox Jewish junior high or high school. Such a school emphasizes the study of traditional Jewish texts (such as Bible, Talmud and commentaries) and aims to impart the skills and motivation that will enable students to become independent traditional Jewish learners. In conjunction with this Jewish study, the school advocates intense academic study of

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3 Ibid.

4 Educational Imagination, 106.
secular disciplines, in accord with the value placed on secular wisdom in the principles of *Torah U’Madda*, which I outlined in Chapter One.

Even within Modern Orthodox schools, there is a wide range of school cultures and approaches to education. For my methods to be effective, they must be implemented within a school culture that focuses on students’ personal growth as traditional Jews. This means that the school’s goals are not merely that students narrowly comply with normative traditional Jewish law, or that they develop proficiency in learning traditional Jewish texts. As I described above, the school certainly emphasizes the study of traditional texts such as Bible, Prophets, Talmud, and their commentaries, as well as the normative content of the law. However, such study is not seen only as an end in and of itself. Similarly, the school encourages observance of Jewish law, but teachers do not judge their success on a one-to-one correspondence with student observance of specific traditional Jewish norms. Rather, both study and observance are seen as vital parts of a larger goal: fostering students’ moral religious development within a traditional Jewish framework.

Guided by this overarching goal, the teacher’s primary focus is to help students explore, understand and strengthen their relationships to traditional Judaism and their own Jewish identities. Of course, teachers intend to educate students for traditional Jewish observance and religious commitment. But, they understand that in order to best do so, they must encourage each student’s critical thought, questions, and exploration of his Jewish identity rather than insisting on obedience and rote learning of laws and principles.
Such exploration is predicated on the open and honest relationships that teachers and students share. Judaic studies teachers are committed traditional Jews (models of the school’s ideal for its students) who clearly express and explain their own choice of a normative traditional Jewish lifestyle. They must also clearly articulate their acceptance of each student as a thinking individual and a valued member of the school community, as well as explicitly encouraging students to present their thoughts and feelings honestly (rather than saying what they think the teacher wants to hear). Sincere honesty is necessary both as a foundation for meaningful student-teacher relationships and as a prerequisite for effective dilemma-discussions.

In order to encourage such honest expression, teachers must not scold or reprimand students for the views they express in class (provided, of course, that students express these views in a respectful manner). Students in this school do not understand their teachers’ silence in the face of non-traditional (or anti-traditional) opinions as a validation of those opinions; teachers will have previously communicated and explained their own acceptance of traditional Jewish norms. Students therefore understand the teacher’s silence as an expression of her acceptance of each student as a valued member of the learning community, whose opinions—whatever they may be—deserve to be heard, acknowledged, and respected.5

An additional word about the characteristics and skills necessary for teachers to effectively implement my proposed pedagogy is appropriate at this point. Above and beyond being committed Jews themselves, teachers must be well-versed in classic Jewish

5 Of course, silence by its very nature can be understood in many ways. Depending on the context, it can be construed as an expression of approval, disapproval, acceptance or rejection. Therefore, I must reemphasize the need for the teacher to create a classroom culture that insures her silence will be understood in the manner that I describe in this paragraph.
texts including Bible, Talmud, commentaries, halakhic texts and basic philosophic works, such as R. Yosef Albo’s *Sefer Halkarim* (Book of Principles), Maimonides’ *Guide to the Perplexed*, and Bahya Ibn Pakudah’s *Hovot HaLevavot* (Duties of the Heart). This Jewish knowledge base gives teachers the ability to situate particular class discussions within a broader framework, as well as respond to student questions that reach outside the immediate realm of the class curriculum. In addition, teachers must be familiar with basic group dynamics and techniques for discussion facilitation, as well as with Kohlberg’s philosophy and methods and my appropriation of them. Finally, these teachers must be open to appropriating secular educational theory in general and Kohlberg’s theory in particular for the enhancement of Jewish education.

Perhaps most important, teachers need to be open to establishing relationships with students, and need to understand that the student—not any curriculum or content knowledge—is the centerpiece of this educational endeavor. Teachers must be willing to take the risks entailed by the honest, questioning dialogue with students that I will soon describe as the heart of my pedagogy.

It is vital that this list of expectations be made clear so that an appropriate teacher is assigned (or hired) to implement these methods. A school should not employ my approach unless they have the qualified staff to support its implementation and insure its success. The pedagogy I describe may be extremely effective in the hands of a qualified teacher, but it is useless and possibly even harmful in the hands of an inexperienced or unqualified educator.

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6 Helpful discussions of the techniques that a proficient discussion facilitator uses to instigate debate and encourage moral development can be found in: Reimer, Paolitto and Hersh, *Promoting Moral Growth*, 119-207; and Galbraith and Jones, *Moral Reasoning*, 38-64.
These are the broad strokes of an ideal vision for the school context in which my adaptation of Kohlberg’s approach can be implemented most successfully. In order to support the implementation of my adapted approach, it is not necessary that a school conform completely to the above description. However, it is necessary that a school reject a narrow understanding of moral and religious education as indoctrination towards normative observance and instead aspire to the goals of open and honest interchange leading towards genuine moral and religious growth.

Adjusting the Dilemma-Discussion for Jewish Education

Having contextualized my appropriation efforts within this broader school culture, I can now begin to discuss the third step of my appropriation process. Following a brief review of Kohlberg’s original methods, I formulate my adaptation of his methods and situate the adapted methodology within an appropriate course context.

Moshe Blatt began the translation of Kohlberg’s theory to a practical methodology for moral education. Kohlberg’s original research tests used moral dilemmas to gauge his subjects’ moral stages, asking, for example, whether a man (Heinz) should steal an exorbitantly priced drug save the life of his sick wife, assuming there was no other way to get the drug. Blatt theorized that if individuals had the opportunity not only to respond to such dilemmas, but to hear the responses of others and to engage with them, the discussion process would stimulate each individual’s cognitive moral development to higher stages.
Blatt’s work was based on two principles derived from the research of Turiel and Rest,\textsuperscript{7} who believed that moral development could be stimulated by (1) “arousal of genuine moral conflict, uncertainty and disagreement about genuinely problematic situations,” and by (2) “the presentation of modes of thought one stage above the child’s own.”\textsuperscript{8} The presentation of a moral dilemma and its subsequent discussion capitalizes on both principles; it arouses moral conflict and cognitive dissonance and exposes the child to modes of thought higher than her own. (These modes of thought are expressed either by peers in the discussion group or by the discussion facilitator.) Blatt tested his hypothesis in a Reform Jewish Sunday school as well as in a Chicago public junior high and high school, and felt that these experiments confirmed his theory. Based on pre-test and post-test data, moral growth (i.e., transition to higher stages) was stimulated by the dilemma discussion method. Furthermore, one year after the experiment the subjects had generally retained their growth.

In Kohlberg’s words, “Blatt’s venture launched cognitive-developmental moral education.”\textsuperscript{9} Blatt, Kohlberg, and others continued their research in implementing the dilemma-discussion model in various school settings, with continued success in raising the stage of moral reasoning in students. Teachers, however, were often reluctant to use the dilemma discussion method after the duration of the experiment. The reason for this, as evidenced in conversations with teachers, was that they cared more about practical

\textsuperscript{7} See Turiel, “Child’s Moral Judgment,” 611-618; and Rest, \textit{Developmental-Stage Model of Moral Thinking}.

\textsuperscript{8} Blatt and Kohlberg, “Classroom Moral Discussion,” 130.

improvements in day-to-day classroom life than about hypothetical dilemmas and moral reasoning stages.\textsuperscript{10}

In response to these teacher concerns, Kohlberg attempted to refocus dilemmas on more practical content areas. However, it soon became apparent that this would not be enough; there was a “need to move moral education more directly into the life and discipline of the school.”\textsuperscript{11} This spurred Kohlberg’s eventual development of the “Just Community” approach to moral education, which was implemented in a small number of schools. In this approach, the school as a whole becomes a laboratory for moral development. Decisions regarding rules and policy are negotiated in democratic meetings of students, faculty and administrators. These community meetings are the ultimate fora for real-life moral dilemma discussion.

There is much more to say about the Just Community approach. However, my current focus is Kohlberg’s earlier form of implementation, the dilemma-discussion model. It is specifically the dilemma-discussion model, and not the more demanding Just Community approach, which was most often appropriated by Jewish educators, including the curricula analyzed in chapters three and four.\textsuperscript{12}

In its most recent form, this model presents students with practically oriented moral dilemmas that will arouse cognitive conflict. The teacher acts as the facilitator during the discussion of these dilemmas, sparking discussion and debate among the


\textsuperscript{11} Power, Higgins and Kohlberg, 35.

\textsuperscript{12} There is only one example of a Jewish school founded on Kohlberg’s Just Community principles, the Shalhevet school in Los Angeles. In addition, faculty (led by Earl Schwartz) at the Talmud Torah of St. Paul, Minnesota have attempted to incorporate some aspects of Kohlberg’s Just Community into their school culture.
students about the correct moral course of action in a given situation, as well as the reasoning that supports that decision. At times, the teacher introduces a one-higher stage of moral thinking to the discussion as a stimulus for stage development.

Kohlberg emphasizes the need for an open and honest atmosphere, in which students can freely express their thoughts, as a prerequisite for effective discussion. The teacher acts as facilitator rather than as a frontal pedagogue. Her goal is not to convey facts or attitudes but to provoke student discussion by asking probing questions and suggesting alternative lines of moral reasoning. The cognitive dissonance created by students engaging one another in honest and difficult discussions about moral dilemmas stimulates their cognitive moral development towards higher stages in Kohlberg’s trajectory.

I now attempt to adapt these methods in consonance with my revision of Kohlberg’s philosophy. My adapted version of Kohlberg’s philosophy and developmental trajectory focus specifically on the development of an individual’s Jewish cognitive moral reasoning. In traditional Judaism, reasoning plays a pivotal and evolving role in the stages of a person’s moral development. But this role, and the developmental stages that it implies, differ from those of Kohlberg’s original theory.

According to Kohlberg, an individual uses her moral judgment to determine the morally correct course of action in any given dilemma. Therefore, the individual’s justification of her choice will reveal her level of moral reasoning. Within a traditional Jewish framework, Jewish law provides an answer to Kohlberg’s moral dilemma and determines the correct course of action. A traditional Jew uses his moral reasoning to
decide whether he will adhere to the course of action prescribed in Jewish law, as well as why and how he will or will not do so.

The final decision of whether to fulfill Jewish law will be affected by a number of factors, such as the psychological, emotional and physical difficulties involved in each course of action, the individual’s social context, and her faith/belief in God generally and within a traditional Jewish framework specifically. Therefore, it cannot be traced directly to the individual’s stage of moral reasoning. However, the individual’s level of moral reasoning will directly affect why he decides to or not to fulfill God’s will as expressed in traditional Jewish law. By extension his moral reasoning will affect how he decides to or not to observe Jewish law, including how carefully he observes the law, and how he fulfills the letter of the law versus the spirit of the law. Perhaps the most important aspect of how an individual chooses to observe the law stems from the fact that Jewish law does not speak in a single voice on most issues, and the individual who decides to fulfill the law must also decide which interpretation of the law he will fulfill. Finally, it is important to note that the individual’s socio-moral perspective also necessarily affects how he understands both the letter and the spirit of this law, and therefore will influence how he chooses to fulfill it.

This adaptation differs from Kohlberg’s understanding largely because it assumes a specific set of rules, roles and principles—those of traditional Jewish law—as defining the morally correct course of action. Therefore, it must also assume that the individual has a basic knowledge of Jewish law, which in turn integrates into each stage in consonance with that stage’s moral perspective. The curriculum in which I situate my adaptation of Kohlberg’s methodology aims to provide this basic knowledge.
In sum, Kohlberg’s original theory deals with reason as a determinant of moral choice, and ultimately as the legislator of autonomous moral action based on universal principles. My traditional Jewish adaptation of his theory focuses on the role of reason in determining why the individual chooses to or not to observe Jewish law and how she chooses to do so, and in shaping her understanding of the law itself. Ultimately, the development of the individual’s moral reasoning (stage 6*) culminates in her appropriation of God’s will as her own.

My adaptation of Kohlberg’s methods runs parallel to my adaptation of his philosophy. In Kohlberg’s philosophy, cognitive moral (justice) reasoning determines the course of action in any given situation. Therefore, Kohlberg engages students in dilemma-discussions whose central driving question is: “What do you think is the morally correct course of action in this situation?” In my adaptation, cognitive Jewish moral reasoning determines why an individual chooses to or not to follow Jewish law in any given situation, and how she understands that law. Therefore, the driving questions in my adapted version of the dilemma-discussion are “Why would you (or would you not) follow Jewish law in the following situation?” and/or “What is the meaning/purpose of law X?” I intend the first of these questions to stimulate growth in student reasoning for adhering or not adhering to Jewish law and the second to inspire the development of the student’s understanding of Jewish law.

Though I list them separately here, in practice the first question implies the second. When the discussion-leader asks the class, “Why would you (or would you not) follow Jewish law in the following situation?” students will respond both in terms of their

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13 This is alternately phrased: “What do you think character X (e.g., Heinz) should do in this situation?”; “What would you do in the same situation?”; “Did character X do the right thing?”
perceived obligation to observe Jewish law generally and in terms of their understanding of the specific law being discussed. Therefore, a skilled teacher will be able to use the first question alone to elicit the hoped-for discussion.\footnote{As I have already noted, students’ ability to engage in this type of discussion is predicated on their basic understanding of the theory and application of the relevant Jewish laws. Later in this chapter, I address this need directly, and suggest a curriculum that combines dilemma-discussion with content knowledge units.}

In order to examine the path that this type of discussion may take, I project the possible scenarios that may emerge from a sample discussion about the Jewish value of charity, \textit{tzedakah}.ootnote{In truth, the word \textit{tzedakah} is perhaps best translated as “that which is just,” an indication of the traditional Jewish conviction that charity should be understood as an obligation and not as a supererogatory act. This point is made quite strongly by Maimonides in his \textit{Guide to the Perplexed}, Section 3, Chapter 53.} Having taught the relevant laws of \textit{tzedakah}, the teacher may initiate a dilemma by asking students, “If you were to win ten thousand dollars in the lottery, would you give a portion to \textit{tzedakah}? Why or why not?”\footnote{To be most effective, this question should be situated within a dilemma story such as the one I present in Chapter Seven.}

Having initiated this discussion, the teacher can expect a number of different content responses from the students. Pushed to make a choice, students may either answer YES they would give money to \textit{tzedakah} or NO they would not give money to \textit{tzedakah}. Students answering YES may explain their reasoning with reference to one or more of the following: (1) divine authority, (2) the intrinsic moral value of \textit{tzedakah}, and (3) some other extrinsic factor (i.e., human reward or punishment). Students answering NO may explain their reasoning based on the lack of any or all of these three types of motivators, or they may provide an extrinsic reason that motivates them \textit{not} to give \textit{tzedakah} (e.g., I could buy more things for myself; no one else would give me \textit{tzedakah} if they won, etc.)
As in Kohlberg’s original theory, each of these content responses can occur at any of the four first stages of my adapted moral development trajectory; therefore, form and content can be analyzed separately. It is not the content of the reasoning (e.g., YES because of divine authority) that determines the moral reasoning stage, but rather the form that this reasoning takes. For example, A Stage 1* respondent would explain that she will give money to *tzedakah* because otherwise God will punish her. In contrast, a Stage 3* respondent will explain that she will give money to *tzedakah* because that is what a good Jew—as defined by God’s laws and as seen in God’s eyes—would do. The only exception to this strict separation of form and content occurs at stages 5* and 6* of my trajectory, where the form of the stage itself necessitates content similar to that of answers (1) and (2) combined (i.e., the integration of the intrinsic worth of the law and the desire to follow God’s will). 17

The variety of content answers provided by the students (or supplied by the probing teacher) is an essential ingredient in the process of cognitive developmental growth. As in Kohlberg’s original dilemma-discussions, in my adapted dilemma-discussions the cognitive dissonance that stimulates growth is created when students discuss and debate the best approach to the dilemma at hand. Were the whole class to quickly agree on one course of action and one justification for their choice, there would be no ‘discussion’ and no cognitive developmental growth. A successful teacher must develop strategies to stimulate individual students to think each issue through on their own as opposed to merely agreeing with the majority opinion. Reimer, Paollito and Hersh discuss various “probes” which can be used to move the discussion forward. For

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17 In Kohlberg’s original theory as well, as individuals near Stage 6 the form of their moral reasoning necessitates specific content decisions.
example, “an *issue-specific probe*…is a question or statement that asks student to explore one moral issue related to the problem in question,” “a *role-switch probe* asks the student to assume the perspective of a different person in the conflict,” and “a *universal-consequences probe* asks students to consider what would happen if they applied their reasoning so that everyone would follow it.”\(^1\)\(^8\) As an additional strategy, Galbraith and Jones suggest using an “alternative dilemma,” a different scenario that focuses on the same moral issue, to elicit discussion.\(^1\)\(^9\)

Returning to my sample scenario, when the teacher asks, “If you were to win ten thousand dollars in the lottery, would you give a portion to *tzedakah*? Why or why not?” she must elicit a variety of responses in order to stimulate cognitive dissonance and moral growth. If she does so, a student who answers YES will have to defend his reasoning against the claims of a student who answers NO. Perhaps more important, a student who answers YES and explains his decision with reference to (1) divine authority, will have to defend his reasoning against the claims of a student who answers YES but justifies his choice based on (2) the intrinsic moral value of *tzedakah*, or (3) some other extrinsic factor (i.e., human reward or punishment). In this way, students will challenge each other’s reasoning for why each one chooses to or not to adhere to Jewish law, creating cognitive dissonance and stimulating moral development. At the same time, the students’ discussion and debate of various understandings of the intrinsic meaning and divine purpose of specific laws as well as Jewish law in general, will spark growth in students’ stage-linked understanding of Jewish law.

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\(^1\)\(^8\) Promoting Moral Growth, 164-166.

\(^1\)\(^9\) Moral Reasoning, 44-45.
Although empirical evidence is necessary for full confirmation, based on my projection of a successful discussion scenario, it appears that such a dilemma-discussion will generally promote students’ cognitive Jewish moral development. Students will challenge one another to defend each of their reasons for following or not following Jewish law, and to explicate their understandings of specific laws and Jewish law in general. A successful discussion (led by an effective teacher/facilitator) will thus create the cognitive dissonance necessary for cognitive developmental moral growth.

This positive evaluation holds true through Stages 1*, 2*, 3*, and 4*. At each of these stages, I am concerned only with the form of students’ moral reasoning, not with its content. In other words, I categorize their stage of development based on their reasoning for why or why not to adhere to Jewish law, regardless of whether the students choose to or not to observe the law. Therefore, I am happy with any answer that students give to the dilemma question, as long as they discuss and debate their answers, thereby stimulating each other’s cognitive Jewish moral development.

The transition to Stages 5* and 6*, however, demands that the individual begin to appropriate God’s will as her own, and thus limits the content of the individual’s decision to choosing to adhere to Jewish law. An individual’s ability to attain Stage 5* is predicated upon her belief in the existence of God and His relevance to the individual; A Stage 4* individual without such belief can develop towards Kohlberg’s original, completely autonomous Stage 5, but not towards my adapted Stage 5*. As such, cognitive dissonance alone is not sufficient to insure an individual’s growth from Stage 4* to Stage 5*. The dilemma-discussion model alone does not guarantee such a transition, and needs to be coupled with other methods that I explore later in this chapter.
A corollary to this Jewish cognitive developmental concern, is a more basic traditional Jewish concern. The goals of the Torah U’Madda educator, as I presented them in Chapter One, include cognitive development; but they also include the fundamental aim that the student learn to lead a life of adherence to Torah laws and traditions. It appears that my proposed dilemma-discussions may detract from this fundamental aim.

When the teacher asks students, “Why would you keep law X in situation Y?” she fully expects that at least some of the students will answer that they would not keep law X—because they do not believe in God or His relevance to their lives and because they do not see intrinsic value to the law. This response, in fact, helps to create the cognitive dissonance necessary for a productive discussion, and if the students themselves do not suggest it the teacher may suggest it herself in order to provoke discussion.

Within each class there will be voices proclaiming that they would not observe Jewish law in a given situation, or in any situation. Because these voices are expressed in the context of what is supposed to be an honest and open discussion, the teacher will not and should not attempt to quell, silence or disprove their claims. In some classes, the NO voices will be more persuasive than the YES voices, and they may convince some students who previously had decided that they would observe Jewish law NOT to do so in the future. At the end of the discussion there may be a larger percentage of students deciding NOT to observe Jewish law, which certainly runs contrary to the goals of Torah U’Madda education.

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20 This approach is also consonant with the school culture I described earlier, in which individual students are valued and respected regardless of their attitude toward religious practice.
These are real risks involved in my proposed dilemma-discussion method, and they must be analyzed and addressed. However, before proceeding further it is important to note that, in fact, any truly open discussion poses certain risks from a traditional Jewish perspective. All such methods allow students free rein to express and persuasively argue their opinions—which may run contrary to the messages that the teacher would like to impart. Moreover, any teacher who creates an open and trusting atmosphere in her classroom and engages students in discussions about their attitudes towards Judaism brings this risk specifically into the area of students’ Jewish education and development.

By noting the commonality of these risks to any open-discussion methodology, I do not intend to minimize the risks posed by my appropriation of Kohlberg. Rather, I intend to argue that the mere fact that such an appropriation entails risks should not automatically lead us to reject it, but rather to engage in a careful cost-benefit analysis of the possible risks and potential gains tied to this approach.

In order to analyze the possible risks and gains of implementing my appropriation of Kohlberg for Jewish education, I must carefully examine how these theoretical risks may come into play when my appropriation is implemented in a school setting. To pursue such an examination, I delineate a curriculum that provides the framework for the dilemma discussions and, together with the school culture described earlier, fundamentally modulates the risks and the benefits of such an implementation.
Course Context

The course context shapes how teacher and student perceive the dilemma-discussion, and therefore plays a pivotal role in determining whether the discussions have the desired outcome. I describe the parameters of this course below and provide a model unit in the following chapter.

In designing a course to maximize the benefits of my appropriation effort while minimizing the risks involved, I must be careful not to short-circuit the dilemma-discussions by providing the “answer” in advance. I must also insure that time be allotted in the course schedule for discussions to take place at meaningful intervals (i.e., to include at least 10-15 discussions per year, which have been shown likely to exert a significant impact on students’ level of moral reasoning.)

Kohlberg and Blatt’s research shows that dilemma-discussions are equally effective in stimulating moral growth in students ranging from age 11 to age 16. Galbraith and Jones expand this age range, describing how dilemma-discussions can be used just as effectively in the elementary school, and Earl Schwartz directs the first unit of his curriculum to kindergarten or first grade students. However, the curriculum that I will describe can be implemented only within the more narrow age range of sixth grade

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21 This problem is discussed at length in Chapter Four in relation to the three curricula analyzed there. In “A Jewish School Model for Moral Education,” 37-39, Jerry Friedman sums up the issue by noting that when Jewish sources are introduced, and these sources are presented as an authoritative answer to the dilemma at hand, there is simply no longer any room for student discussion.


23 Ibid. Unlike the question of gender or cultural differences, the question of students’ age has not been a prominent issue in the discussion surrounding Kohlberg’s theory.

24 Galbraith and Jones, Moral Reasoning, 148-156. Unfortunately, Galbraith and Jones provide only theoretical and anecdotal evidence that the dilemma-discussion method will be effective in the elementary school classroom.
and above. This is due to the traditional Jewish sources, including many selections from
the Talmud and later Rabbinic literature (such as Maimonides’ and Bahya Ibn Pakudah’s
works mentioned above), which I envision as an integral part of the course. On both a
linguistic and a conceptual level, these texts are more difficult to understand than are
Biblical or Mishnaic texts; in a typical traditional Jewish school students do not learn
Talmud until at least the sixth or seventh grade. It is not feasible to teach students the
curriculum I describe here until they have some familiarity with these genres of source
material. Although they may not be able to understand the source material independently,
students in sixth grade and above have the textual skills and background knowledge to
comprehend it with the help of a teacher, and this makes possible the implementation of
my proposed curriculum. In addition, it is at this age that students begin to develop the
abstract reasoning abilities which are necessary to engage meaningfully in my dilemma-

discussions.

The first consideration in constructing a course framework for the dilemma-
discussions is that in order for students to meaningfully address the question, “Why
would you or would you not observe law X in situation Y?” they must first be familiar
with the basic details, meaning and purpose of the laws in question. Therefore, a unit
introducing the requisite content knowledge must precede each dilemma-discussion. For
example, before engaging her students in a discussion of why they would or would not
choose to give a portion of theoretical lottery winnings to tzedakah, the teacher must

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25 In fact, the Mishna itself in Avot 5:21 recommends that Talmud study begin at age 15.

26 Of course, within the broad outline described below I will need to adjust the curriculum depending on
which grade and level student is the specific target group: lower grade levels will need to focus on fewer
and more easily comprehensible source material while higher grade levels can learn more challenging texts.
introduce the relevant content through a unit outlining the basic details of the obligation to give tzedakah.

Perhaps even more important than the basic details of the law, this content unit must address the meaning and purpose of the laws to be discussed. An in-depth exploration of the Why (the meaning and purpose) of the areas of the law being studied should be the centerpiece of each content unit. This exploration should be tailored to the moral developmental stages of the students in each class, and should focus on those rationales and reasons for the laws which the students can understand (i.e., those comprehensible to their stage of development or to a one-higher stage).²⁷

As I mentioned in my review of the literature, Dorothy Rubenstein demonstrates how such a unit might be constructed.²⁸ Taking as her example the biblical commandment for the Jewish farmer to bring the first-fruits of each year’s harvest to the Temple in Jerusalem, Rubenstein presents rationales for this law that are appropriate to each developmental stage. These rationales flow from the biblical verses themselves, as well as from Rabbinic literature (Mishna) and medieval commentaries. As I will demonstrate in my sample module, a similar unit can be constructed for other laws by drawing on biblical and rabbinic sources as well as medieval and modern works whose primary goal is to elucidate the rationale behind various laws and commandments (ta’amei hamitzvot).²⁹ Many of these texts, such as the aggadic (non-legal, narrative)

²⁷ See Rubenstein, *Teaching Morals and Ethics*, 71. For Rubenstein, this stage-appropriate exploration of the reasons for the commandments is the central contribution that Kohlberg’s theory can make to Jewish education. In my presentation, this contribution is a single part of the larger appropriation process.

²⁸ Ibid., 72-101.

²⁹ Yitzhak Heinemann’s classic work *Ta’amei haMitzvot beSifrut Yisrael* chronicles the development of this body of literature from the Talmud, through medieval and modern Jewish thinkers. Among the most significant works that deal with ta’amei hamitzvot directly are Sa’adya Gaon’s *Emunot V’Deot,*
sections of the Talmud, and the *ta'amei hamitzvot* literature, are currently underutilized in traditional Jewish education.

These content units, including both the details of the law and an exploration of its meaning and purpose, should be timed to span an average of two school weeks each. This insures the opportunity for at least 15 dilemma discussions per year (based on an average 30 week school year). At the conclusion of each content unit, students should understand the basic details of the law and its application to the scenario at hand. As such, they will be poised to discuss why they would or would not observe the laws in question. During the discussion they will be able to draw on their understanding of the law’s meaning and purpose, and on their own moral reasoning for why or why not they should observe Jewish law in general.

Covering the material of each content unit in two week’s time necessitates devoting an average of one period per day to this dilemma-discussion course. The already overburdened administrations of Jewish day schools may cringe at the thought of adding another course to their curriculum. But there is no alternative; it is impossible to seriously pursue the enterprise of moral education without devoting serious time to the effort. Given that the content units of this course will include details of Jewish law, as well as many biblical and rabbinic texts and commentaries, one possible solution may be for the school to replace or combine their current Jewish law course (or part of their Bible, Talmud or Jewish philosophy curriculum) with this moral education course. As James Beane notes, the central goal of curriculum integration is to address the “problems,

Maimonides’ *Guide to the Perplexed*, and Judah HaLevi’s *Kuzari*, none of which are studied systematically in traditional Jewish schools today.
issues, and concerns posed by life itself.”\textsuperscript{30} My proposed course offers an opportunity for just such integration, replacing a Jewish law course with the curriculum I describe here would allow Jewish schools to bridge the gap between ancient and medieval sources and students’ modern lives.

These content units do create a cognitive-developmental concern because of their assumption of Jewish law as normative. The biblical and rabbinic sources that students will study take for granted that choosing to adhere to the law is the correct choice and commend that option. As a result, students who would personally choose not to adhere to a given law may hesitate to voice their thoughts in the discussion, thus compromising its effectiveness. To counter this danger, the teacher should reiterate (throughout the course, and certainly prior to each discussion) her call for open and honest discussion. If students have a sense that the teacher genuinely respects them as individuals, then they will likely respond to her call and express their sincere points of view.

In truth, it seems to me that whether students continue to express themselves honestly throughout the course will depend primarily on how the teacher reacts to and interacts with each student. If students feel that they are in a safe space where their opinions are taken seriously, they will be more likely to continue to express them honestly. In order to create such a safe space, the teacher may need to actively reinforce specifically those students who express opinions contrary to Jewish law.\textsuperscript{31}

In addition, the teacher must clearly communicate that the dilemma-discussion is not a test of what the students have learned in the content unit. If it is necessary to assign

\textsuperscript{30} Beane, “Curriculum Integration and the Disciplines of Knowledge,” 642.

\textsuperscript{31} I will demonstrate this and other various aspects of the teacher’s role in the dilemma-discussion in my sample unit in Chapter Seven.
grades for the content learned in class, these grades should be based on assessments that are not tied to the discussion in any way (e.g., a separate test or assignment that focuses only on the content of each unit). If the teacher must assign a grade for the discussion portion, she should make it clear to the students that this grade corresponds to the level of their earnest and honest participation, not to the content of their answers.

The curricular progression of this course should begin with Jewish laws whose intrinsic value is easily accepted and understood in modern American culture (i.e., tzedakah, bal tashhit – concern for the environment, etc.), and progress towards those laws whose intrinsic value is more uniquely Jewish and, as such, more directly linked to respect for divine authority (dietary laws, Sabbath and holiday observance, prayer rituals, etc.); the curriculum can then culminate with a general discussion of the student’s relationship to Jewish law.\(^{32}\)

As Americans, students will already be quite comfortable with those values common to traditional Judaism and the western world. Therefore, at the beginning of the course the teacher will share a common ground of understanding with the students, which will facilitate her ability to engage them in an open and honest discussion. When the course progresses to laws more unique to the Jewish tradition, at which point some students will likely differ from the teacher’s perspective, teacher and student will have already established a rapport and a respectful relationship, which will enable them to engage the more difficult issues in honest discussion.

If used as a framework for my appropriation of Kohlberg’s methodology, this course can maximize the possible benefits of dilemma discussion while minimizing the

\(^{32}\) The meaning and purpose of individual laws will not enter this discussion, which will force students to focus on their relationship to the authority of Jewish law as a whole.
risks. As mentioned earlier, the dilemma discussions themselves may inspire cognitive
development in students, but do not directly encourage their observance of Jewish law.
Nor do they, on their own, specifically guide students towards my adapted Stage 5* and
6* (as opposed to Kohlberg’s broader Stage 5 and 6). The content units of my suggested
course, if implemented correctly, fill this gap. The in-depth exploration of the meaning
and purpose of the laws at hand, and of Jewish law generally, that is the centerpiece of
each content unit is tailored to the moral developmental stages of the students in each
class. In the context of this exploration, the teacher can facilitate and inspire student
growth in observance of Jewish law and encourage their development towards Stage 5*;
she does this not by direct exhortation but rather by using the content units as an
opportunity to expose students to the beauty and logic inherent in their tradition and the
rationales behind its laws. The more students are exposed to stage-appropriate rationales
for observing Jewish law, the more compelling a life of traditional observance becomes.
As always, the teacher must preserve the honest and open atmosphere of the class; she
should express her own love of Jewish law and respect for the tradition strongly, but she
must also treat students with differing opinions kindly and respectfully.

A course such as the one just described—including both the content sections and
the dilemma discussions—is only one part of what must be a comprehensive approach to
religious and moral education. It is beyond the scope of this work to describe all the
various other programs necessary to complete such a comprehensive approach. Some of
these additional programs should include experiential education in a semi-formal or
informal setting, as well as role modeling—in a variety of contexts—and moral, religious
and personal guidance in the context of teacher-student relationships. All of these
programs must be guided by the school’s central philosophy of respecting the individual and linking the individual to Jewish tradition.

Conclusion

In this chapter, I have used my appropriation of Kohlberg’s theory as a foundation on which to base a practical adaptation of his methods for use in a traditional Jewish classroom. Having reviewed Kohlberg’s original methodology, I formulate an adjusted dilemma-discussion model for use in Jewish education. I then note both the advantages and the risks that this model entailed from a traditional Jewish perspective as well as from my Jewish cognitive-developmental perspective. To maximize the benefits of this model while minimizing its risks, I describe a course context that can serve as a framework for the dilemma-discussions and a school culture that can provide a fertile ground for the implementation of this type of program.

As I note above, the appropriation of Kohlberg’s methodology in a traditional Jewish school is only one part of what must be a comprehensive approach to moral education. However, within the framework I have suggested in this chapter the appropriation of Kohlberg’s methods constitutes a valuable pedagogic tool. As such, it appears that with the careful consideration I outlined in Chapter Five and the thoughtful implementation I began there and concluded in the present chapter, it is indeed possible to effectively appropriate Kohlberg’s methodology for use in traditional Jewish moral education.
Chapter VII

SAMPLE CURRICULUM UNIT: THE LAWS OF TZEDAKAH

To implement my appropriation of Kohlberg’s methodology, I earlier described both an adaptation of Kohlberg’s dilemma-discussion and a curricular framework for these discussions. Based on my description and analysis of this implementation, I concluded that it is indeed possible to appropriate Kohlberg for use in Jewish education. In this chapter I demonstrate how such a curriculum can be constructed by presenting a sample unit on the topic of *tzedakah* (charity).

Each unit of my proposed curriculum prepares students for the dilemma-discussion with a content section taught for one to two weeks preceding the discussion. I intend the content sections of the curriculum (1) to convey the basic details of the laws that underlie the dilemma to be discussed, and (2) to examine the reasons behind these laws in a stage-appropriate manner. The content unit is divided into two parts, each of which addresses one of these goals. The first part presents the basic details of the laws based primarily on codes of Jewish law such as Maimonides’ *Mishneh Torah* and R. Yosef Karo’s *Shulhan Arukh*. The second part examines various source-texts that present rationales for the laws, these source texts are chosen taking students’ various developmental stages into account.

In this chapter, I present samples of each of these portions of my proposed curriculum. I begin by presenting a selection of sources on the basic content of the laws.

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1 As mentioned in Chapter Six, *tzedakah* literally means righteousness. In biblical texts the word is used to refer both to *tzedakah* specifically and to a more general concept of righteousness. In rabbinic literature, the term *tzedakah* is generally used to refer to charity specifically, as will become evident in the sources I present in this chapter.
of tzedakah. I then present a selection of sources that suggest possible rationales for these laws. I categorize these sources by development stage, noting why each source is most appropriate for a given stage. Finally, I present a three-part teaching plan for the dilemma-discussion in this unit. This plan includes a dilemma story, alternative dilemma formulations and questioning techniques for facilitating and enhancing the discussion.²

Basic Content of the Laws of Tzedakah

The basic content section of my unit on tzedakah is made up of two primary sources: Maimonides’ Mishneh Torah and R. Yosef Karo’s Shulkhan Arukh, which includes the glosses of the Ashkenazic authority R. Moses Isserles.³ These two codes of Jewish law present an organized and complete understanding of the laws of tzedakah. Such an understanding is more difficult to extract directly from Talmudic sources on the topic because the details of the laws of tzedakah are scattered in numerous different places in the Talmud.⁴ This material is intended for an average 9th grade class, which falls in the middle of the 7-12 range for which I propose my curriculum. In attempting to teach all this material within the allotted time some teachers will need to further pare down my selections, and I recommend they do so by choosing to teach either the Mishneh Torah or the Shulhan Arukh material, but not both. On the other hand, if a teacher’s class has the requisite skill and interest level to delve into greater detail, the teacher can make use of commentaries on Mishneh Torah such as R. Vidal of Tolosa’s Maggid Mishneh or R.

² This three part plan is discussed by Galbraith and Jones, Moral Reasoning, 44.

³ In keeping with the traditional presentation, these glosses are italicized within the text of the Shulhan Arukh.

⁴ Sefer HaHinukh notes this in Mitzvah 479, saying that the mitzvah of tzedakah’s “details are [mentioned] spread out in many places in the Talmud.”
Yosef Karo’s *Kesef Mishneh*, which trace Maimonides’ legal decisions back to the sections of the Talmud that provide their foundation. The teacher can also make use of commentaries on the *Shulhan Arukh*, such as R. Abraham Zvi Hirsh Eisenstadt’s *Pitchei Teshuva*, a digest of halakhic responsa relevant to each law in *Shulhan Arukh*, to lead the class to more recent discussions of the issue.

Maimonides presents the laws of tzedakah in the “Laws of Presents to the Poor” section of the Book of Seeds; R. Yosef Karo devotes a section to the laws of *tzedakah* within the *Yoreh Deah* section of *Shulhan Arukh*. I have selected laws from these two sources and organized them under four headings: (1) Foundations of the mitzvah, (2) How much to give, (3) How to give, and (4) The communal obligation to give. For each of these four sections, I give basic teaching directions and present the selected source material both in the original and in translation. (In consonance with the expectations for both the teacher and the students implementing this course, I recommend that the sources be presented to students in the original text.)

(1) **Foundations of the Mitzvah**

In beginning to teach the laws of *tzedakah*, the teacher must lay the foundation for the individual’s obligation to give *tzedakah*. This foundation is explained by Maimonides (7:1, 2) and by R. Yosef Karo (247:1), both of whom describe acts of *tzedakah* as required by a positive biblical commandment and the neglect of *tzedakah* as forbidden by a negative biblical commandment.\(^5\) Once we know a biblical obligation exists, we must

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\(^5\) It is interesting to note a subtle difference in how each of these sources defines an act of *tzedakah*. While Maimonides first defines *tzedakah* as giving the poor person what he needs, only afterwards limiting the obligation to what the giver can afford, R. Yosef Karo simply defines *tzedakah* as the individual giving what he can afford. This subtle difference is carried through to the “How much to give” section as well. In both cases Maimonides leans to the idealistic, while R. Yosef Karo is firmly imbedded in the pragmatic.
determine upon whom it devolves. In response to this need, I cite the *Shulhan Arukh*’s expansive delineation (248:1) of who is required to give *tzedakah*, which includes even the pauper who subsists on communal funds. Through these sources, the teacher should lay the conceptual foundation for the *mitzvah* of *tzedakah*. She should also highlight the importance of such a mitzvah as evidenced by the existence of both positive and negative commandments which are incumbent even on the poor themselves, and the strong rhetoric employed (particularly by the *Shulhan Arukh* in 248:1) in exhorting its observance.

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6 All Hebrew quotes are taken from the *Bar Ilan University Responsa Project*, Version 8, CD-ROM.

7 Translation from Birnbaum, *Mishneh Torah*, 155.
1. The Torah commands us to give tzedakah as we can afford, and many times it commands us to do so. The Torah also forbids us to ignore the poor, as it says “Do not harden your heart and shut your hand against your needy brother” (Deuteronomy 15:7). Anyone who ignores the plight of the poor is called Belial (a base fellow). When he ignores the poor it is as if he has worshiped idols. We must be very careful to follow this commandment, not doing so can lead to manslaughter for perhaps the poor beggar will die if he does not receive assistance immediately, as in the instance of Nahum Ish Gam Zu (the man who would always say, “this too is for the best”).

(2) How Much to Give

Having established the individual’s obligation to give tzedakah. Even a pauper who himself subsists on donations must give tzedakah from the portion that he receives…
the physical and the psychological needs of the poor person requesting assistance.

However, the giver need not donate more than ten percent of his own wealth, and even a magnanimous individual must not contribute more than twenty percent of his own wealth to *tzedakah*. These limits are set out of the obvious pragmatic concern that the giver himself not be impoverished by his charitable donations.

In teaching these sources, the educator should be aware of a contrast between a typical American attitude towards charity and the attitude expressed in these sources. In contemporary culture, charity is understood as a supererogatory act. As a result, the giver is expected to use her own discretion in determining the amount of her donation. In traditional Jewish law, the individual is understood to be *obligated* to give as much as necessary to help those in need and there is an objective definition of how much each individual must contribute.

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*Mishneh Torah, Gifts to the Poor, Chapter 7*[^footnote]

3. You are commanded to give the poor man according to what he lacks. If he has no clothing, he should be clothed. If he has no house furnishings, they should be

[^footnote]: Translation from Klein, *Code of Maimonides*, 155. Of Klein’s and Birnbaum’s translations of *Mishneh Torah*, Birnbaum’s is the more accessible. However, Birnbaum has not translated Maimonides’ work in its entirety. Where Birnbaum’s translation is incomplete I supplement it with those selections translated by Isadore Twersky in his *Maimonides Reader*, whose language is equally accessible. When neither of those sources has translated a selection, I make use of Klein’s work.
bought for him. If he has no wife, he should be helped to marry. If it is a woman, she should be given in marriage. Even if it had been his wont to ride a horse, with a manservant running in front of him, and he has now become poor and has lost his possessions, one must buy him a horse to ride and a manservant to run before him, as it is said, “sufficient for his need in that which he wanteth (Deuteronomy 15:8). You are thus obligated to fill his want; you are not, however, obligated to restore his wealth.

5. If the poor man comes forth and asks for enough to satisfy his want, and if the giver is unable to afford it, the latter may give him as much as he can afford. How much is that? In choice performance of this religious duty, up to one-fifth of his possessions; in middling performance, up to one-tenth of his possession; less than this brands him as a person of evil eye. At all times one should not permit himself to give less than one-third of a shekel per year. He who gives less than this has not fulfilled this commandment at all. Even a poor man who lives entirely on alms must himself give alms to another poor man.

Shulhan Arukh, Yoreh Deah, Section 249

1. The amount of the required donation is determined based on the need of the poor person (who is requesting assistance), so long as the giver can afford it. If the giver cannot afford the full sum, in choice performance of this commandment he should contribute up to one-fifth of his wealth; in average performance he should contribute one-tenth; less than this is considered stingy (literally: an evil eye). During the first year he contributes these fractions are determined based on his entire estate, in every subsequent year they are determined based on the profits he has amassed that year.

(3) How to Give

In this section, the beauty of Jewish law becomes most apparent. In addition to defining the amount an individual is required to donate, both Maimonides and R. Yosef Karo instruct the individual as to how she must contribute her tzedakah. The selections from Shulhan Arukh focus on the demeanor of the giver, exhorting her to be kind and
gracious both when she can contribute and when she is forced to decline a request for assistance. Finally, the *Shulhan Arukh* notes that in addition to our own donations we can fulfill the *mitzvah* of *tzedakah* by urging others to be charitable.

The selection from the *Mishneh Torah* presents Maimonides’ classic eight degrees of *tzedakah*. Here, Maimonides suggests a hierarchy of *tzedakah* in which each higher rung provides assistance in a more sensitive manner, limiting the embarrassment that the donation causes the recipient. This hierarchy should be familiar to most students from their elementary school education, and the teacher can use this opportunity to delve into greater depth by asking the students to suggest their own classification schemes and comparing these schemes to Maimonides’ original.

In teaching these sources, the educator should note that although Jewish law objectifies and formalizes the act of *tzedakah*, it does not objectify the recipient of *tzedakah*. As demonstrated here, the law takes great pains to preserve the dignity of the recipient by instructing the giver that *how* she gives can be just as important as *how much* she gives.

3. One must give *tzedakah* with a pleasant demeanor, in happiness and in good
spirit. He should empathize with the pauper’s pain and try to comfort him. If one gives tzedakah with an angry or mean demeanor, he has erased the merit of his contribution.

4. One who is approached by a poor person requesting tzedakah but does not have money to donate should not reprimand or berate the pauper. Rather, he must comfort the poor person, showing the pauper that he would like to help, he just does not have the means….

5. If one can cause others to give tzedakah, his merit is greater than the one who actually gives tzedakah directly.
7. There are eight degrees of *tzedakah*, each one higher than the other. The highest degree is to aid a Jew in want by offering a gift or a loan, by enterprising into partnership with him, or by providing work for him, so that he may become self-supporting, without having to ask people for anything. In regard to this it is written: “You shall maintain him; whether stranger or sojourner, he shall live beside you” (Leviticus 25:35); that is to say, maintain him so that he may not fall and be in need of help.

8. The next, inferior degree is when he who gives *tzedakah* to the poor is unaware of the recipient, who in turn is unaware of the giver. This is indeed a religious act achieved for its own sake. It is like the chamber of secrets within the Temple, where the devout used to put their gifts in secret and the poor of good family received a support from it in secret. Of a similar character is the one who contributes to a *tzedakah* fund. One should not contribute to a *tzedakah* fund unless he knows that the man in charge of the collections is trustworthy and intelligent and knows how to manage properly, as in the case of Rabbi Hananyah ben Teradyon [who administered the communal *tzedakah* funds so scrupulously that once when money of his own chanced to get mixed with the *tzedakah* funds, he distributed the whole amount among the poor].

9. The third, lesser degree is when the giver knows the recipient, but the recipient does not know the giver. The great sages used to go secretly and set money into the doorway of the poor. Something like this should be done, it being a noble virtue, if the *tzedakah* administrators are behaving improperly.

10. The fourth, still lower degree is when the recipient knows the giver, but the giver does not know the recipient. The great sages used to tie money in sheets which they threw behind their backs, and the poor would come and get it without being embarrassed.

11. The fifth degree is when the giver puts the alms into the hands of the poor without being solicited.

12. The sixth degree is when he puts the money into the hands of the poor after being solicited.

13. The seventh degree is when he gives him less than he should, but does so cheerfully.

14. The eight degree is when he gives him painfully (grudgingly).

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10 Birnbaum, 158-159.
(4) The Communal Obligation to Give

Finally, it is important to move from the individual obligation to the communal obligation to give tzedakah. Below, Maimonides emphasizes that every Jewish community is obligated to appoint a “gabai tzedakah,” a person responsible for collecting and distributing tzedakah on a weekly basis. The Shulhan Arukh deals with the equitable distribution of charitable obligations, ruling that communal obligations should be divided proportionate to the wealth of each individual (rather than as a flat fee). The teacher can take this opportunity to emphasize the general importance of the Jewish community participating together in the fulfillment of commandments, and the specific need for the community—as a community—to care for all of its members.

Mishneh Torah, Gifts to the Poor, Chapter 9

1. Every Jewish community must appoint collectors of tzedakah, who are trustworthy men of repute, to go about among the people each Friday, taking from every one what he can afford to give, or what he is assessed. They are to distribute the money from Friday to Friday, giving every poor man sufficient food for seven days. This is what is called kuppah (fund).

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11 Birnbaum, 156.
Shulhan Arukh, Yoreh Deah, Section 250

6. If the poor of the city are many, and the wealthy say, “let them collect door to door” [in which case, it is assumed that every homeowner will contribute equally], and the middle-class say, “let them not collect door to door, instead let the community as a whole provide for their sustenance, each person giving in accord with his personal wealth,” we proceed as the middle-class have suggested. R. Moses Isserles: This is because the obligation to give tzedakah [i.e., the amount of that obligation] is primarily determined by the wealth of the individual. There are certain cities sustain the poor based on voluntary donations, while others collect a required fee. One who gives tzedakah in proportionate to the wealth with which God has blessed him is himself most worthy of blessing.

Stage-Appropriate Rationales for the Laws of Tzedakah

Having completed a presentation of the basic details of the law, the teacher can delve into the underlying principles of the law, ta'amei hamitzvot. In this section I present sources that explore various rationales for the mitzvah of tzedakah, organized by developmental stage-appropriateness. The organization of sources by developmental stage should not be understood to imply that students will understand only those sources which speak in the language of their own stage. Students may understand all the sources listed below. However, students will be most receptive to sources appropriate to their stage or one stage higher, which they will be most likely to integrate into their own socio-moral perspective.

Students in any given class will be at a number of different stages. The teacher should present sources that are appropriate to each of those stages, including sources one stage above the highest student stage (to inspire the development of students in that highest stage). Early on in the course, the teacher may not be certain of the developmental stages of her students. Therefore, she should provide a wide range of
sources and pay careful attention to which sources are most compelling to each of her students. Based on students’ reactions to the sources presented in the first unit, the teacher can narrow the range of sources she presents in subsequent units.  

In citing each source below, I provide the lines that express the central theme of that source. Before teaching these sources, the teacher should review the source in-context in order to understand it fully. Teachers with advanced classes may want to learn the broader context (in the original text) and/or selected commentaries together with the lines I have quoted. I present all sources in the original together with a close translation. Unless otherwise noted, translations of the sources are my own.

**Stage 1**

Individuals functioning at Stage 1* are primarily concerned with avoiding punishment and attaining rewards. In accord with this perspective, I choose sources that emphasize reward and punishment as a motivation for performing the *mitzvah* of *tzedakah*.

Source #1:  

*Babylonian Talmud, *Ta'anit*, 9a*

Said Rabbi Yohanan: Why does the verse state “you shall tithe tithes” (Deuteronomy 14:22)? [To teach us that] you shall tithe so that you become wealthy. [The Hebrew for tithe, *te’aser*, can also be read *te’asher*, meaning to become wealthy.]

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12 In addition, the teacher will be able to determine students’ various developmental stages based on their comments during the dilemma-discussion. In order to facilitate such a determination, she may wish to tape-record the initial dilemmas so that she can review them as she prepares to teach future units.
In this source, the Talmud uses a play-on-words\textsuperscript{13} to teach that the biblically mandated commandment for a farmer to give one tenth of his produce to the Levites (who had no fields of their own) or to the poor will result in the giver attaining wealth.

Rather than losing money by giving \textit{tzedakah}, Rabbi Yohanan promises that those who give to the poor will be rewarded with even greater wealth. Such direct physical rewards appeal strongly to a Stage 1* student.

\textbf{Source #2:}

\textit{Vayikra Rabbah} (Margaliot edition) Section 34:11

R. Yehuda the son of R. Simon said in the name of R. Yehoshua the son of Levi: Do not take the \textit{mitzvah} of the poor \textit{[i.e., tzedakah]} lightly, for the punishment for its neglect is 24 curses and the reward for its fulfillment is 24 blessings. As it is written, “Set a wicked man over him…” (Psalms 109, 6) and the continuation of the verses there \textit{[which put forth a litany of curses]}. Why does the man mentioned in the Psalm deserve such severe punishment? “Because he did not remember to do kindness \textit{[and he persecuted the poor]}.” The reward for its fulfillment is 24 blessings, as it is written, “Share your bread with the hungry…” \textit{[and you will receive a list of blessings which culminates with]} “you shall find joy in God” (Isaiah 58:7-14).

This source warns strongly against taking our charitable obligations lightly.

Whether we take the 24 curses and blessings the midrash mentions literally or as rhetorical flourish, the point is clear: the fulfillment of this \textit{mitzvah} brings great reward and its neglect brings great punishment. Like the first source, the reward and punishment promised in this source are fitting for a Stage 1* student. However, in contrast to the

\textsuperscript{13} This play on words, based on two ways of vocalizing the same word in Hebrew, is a homiletic device typically used in Talmudic literature.
specific reward (wealth) promised by the first source, the vague nature of the reward and punishment in the midrash may not be an effective motivator for some of the concrete-thinking Stage 1* students.

Stage 2*

In Stage 2*, students begin to relate to Jewish law and to God not simply in terms of direct reward and punishment, but also in terms of an ongoing relationship that includes give-and-take (though in a very simplistic “you scratch my back and I will scratch yours” manner). Such students will be prone to making “deals” with God. Therefore, I choose sources that present the concept of *tzedakah* in the framework of such tit-for-tat “deals.”

Source #1:

Shemot Rabbah (רバレ) פרשה לא

She<hui, מנהג עם אשים עמוד בנסים שלך או שאר חכמיה מנסים אתך. העשיר מנסים אם הוא מעוהב

לעניון, ومنה יעש ואש יכל עמל וזריך וארת נשות (שלישית חול) הגרים מרגים התוכינו, ואש עומד

ונישר בנסים ותורשתاقتصادותיה היא לא אוכל פורש ועונה, ומשום כי לולע יאש התוכינו, ואש משלו

של נשים, נת儆אמר (החלמות מא) או שאר המשיכו אל דל בים רה משלו, ואש עומד עמיד בנסים וואני ממענה

אילו הוא דבר מצלמ קול לנד נسائر (ⓙ/החלמות/ז) כי אשת עני ועשיה... 

Shemot Rabbah, Vilna edition, Section 31

Happy is the man who withstands the test, for there is no creature whom God does not test. God tests the rich man to see if he will open his hand [i.e., give *tzedakah*] to the poor, and God tests the poor man to see whether he can accept his hardship and not come to anger, as it says, “you should bring the poor who are outcast into your house.” (Isaiah 58:7)  

If the rich man withstands his test and acts charitably, he will enjoy his wealth in this world and also receive rewards in the world to come, and God will save him from punishment in *gehinom,* as it says, “happy is he who considers the poor, God will

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14 The verse in Isaiah, as well as the larger context there, instructs the rich to share their wealth with the poor. The midrash does not cite a verse that demonstrates the poor man’s obligation to accept his hardship without coming to anger.

15 In rabbinic literature, souls that have sinned in this world are sent to *Gehinnom* to be cleansed before they can enter the world to come.
deliver him in the day of evil.” (Psalms 41:2) And if the poor man withstands his test and does not rebel against God he will receive a double-portion of reward in the world to come, as the verse states “God will save the afflicted people” (Psalms 18:27).

We can understand this midrash on a number of levels. On one level, it promises rewards for humans who withstand God’s tests, both the poor and the wealthy; this promise of reward will be attractive to Stage 1* students. On another level, this midrash presents a give-and-take relationship between God and the “rich man”: God gives the rich man wealth, but with the gift of wealth comes the obligation to act charitably. If they understand themselves as among the wealthy people being addressed by this midrash, the give-and-take it presents should motivate stage 2* students to accept their obligation to give tzedakah.16

Source #2:

Maimonides, Guide to the Perplexed, Section 3, Chapter 3517

The fourth class comprises the commandments concerned with giving alms, lending, bestowal of gifts, and matters that are connected with this—as for instance estimations and vows, the ordinances concerning loans and slaves, and all the commandment that we have enumerated in the Book of Seeds [in the Mishneh Torah] with the exception of those treating of the mingling (of diverse species) and the first products (of trees). The reason for all these is manifest for they are equally useful in turn to all men. For one who

16 The socio-economic class represented in a typical Modern Orthodox Jewish school is middle to upper class, and students could realistically understand themselves and their families to be counted among the “wealthy.” Of course, the teacher must be sensitive to the background of each student in her class. If some students in the class identify with the “rich man” while others identify with the “poor man,” the teacher should spend equal time examining each side of the midrash and exploring the advantages, challenges and tests involved in each lifestyle. Such a class should also spend more time discussing the earlier citation from the Shulhan Arukh that urges even the disadvantaged to participate in the mitzvah of giving tzedakah.

17 Twersky, Maimonides Reader, 336.
is rich today will be poor tomorrow, or his descendants will be poor; whereas one who is poor today will be rich tomorrow, or his son will be rich.

In this source Maimonides provides an explanation of tzedakah that draws on a different type of give-and-take. In contrast to the first source, which I presented as an exchange between humans and God, Maimonides emphasizes give-and-take between people. These laws “are equally useful in turn to all men,” because an individual who is wealthy today may need assistance tomorrow. Those capable of giving tzedakah are motivated to do so in order to insure that they or their descendants will be able to receive aid when they are in need. Thus, many Stage 2* students should be receptive to Maimonides’ arguments.

However, it is important to note that some Stage 2* students may not be motivated by the delayed gratification that Maimonides promises. The give-and-take he describes is not immediate; rather, the individual is urged to lend assistance today in return for the promise of some sort of reciprocation in the future. Concrete-thinking Stage 2* students simply may not be motivated by an abstract promise of payback. In order to respond to this difficulty, the teacher can describe various realistic, short-range scenarios in which the students may require assistance from others (e.g., a student catching the flu and needing friends to help with schoolwork, a student losing her wallet and needing someone to lend her lunch-money, etc.). Such realistic scenarios effectively translate Maimonides’ logic to the students’ worldview.

Stage 3*

Students who relate to Jewish law from a Stage 3* perspective focus on fulfilling the role-expectations associated with their image of a “good Jew”. The sources below speak to just such a motivation for observing the laws of tzedakah.
This [Jewish] nation has three distinguishing characteristics: They are merciful, bashful, and benevolent. Merciful, as it is written, “and [God] will should you mercy, and have compassion on you, and multiply you” (Deuteronomy 13:18). Bashful, as it is written, “in order that His fear be upon you” (Exodus 20:17). Benevolent, as it is written, “that he [Abraham] will command his children and his household to practice tzedakah” (Genesis 18:19). One who possesses these three characteristics is fit to join this [Jewish] nation.

This Talmudic passage, which is situated in the context of the laws of conversion, characterizes Jews as humble, giving and compassionate. Though these characterizations are stated as matter-of-fact descriptions of the Jewish people, they are understood to imply what the Talmud expects of a “good Jew.” (i.e., These three appellations characterize the best qualities of the Jewish people.) Fulfilling the expectations of a “good Jew” is a powerful motivation for Stage 3* students to give tzedakah.

Source #2:

This [Jewish] nation has three distinguishing characteristics: They are merciful, bashful, and benevolent. Merciful, as it is written, “and [God] will should you mercy, and have compassion on you, and multiply you” (Deuteronomy 13:18). Bashful, as it is written, “in order that His fear be upon you” (Exodus 20:17). Benevolent, as it is written, “that he [Abraham] will command his children and his household to practice tzedakah” (Genesis 18:19). One who possesses these three characteristics is fit to join this [Jewish] nation.
2. …If someone is cruel and does not show mercy, there are sufficient grounds to suspect his lineage, since cruelty is found only among the other nations, as it is said, “They are cruel and will not show mercy” (Jeremiah 50:42).

3. Whosoever refuses to give tzedakah is called Belial, the same term which is applied to idol-worshippers. With regard to idol worshipers it is said, “Certain base fellows [literally, children of Belial] have gone out” (Deuteronomy 13:14), and with regard to those who refuse to give tzedakah it is said, “Beware that there be not a base [Belial] thought in your heart.” (ibid. 15:9); and he is called a wicked man, as it is said, “The tender mercies of the wicked are cruel” (Proverbs 12:10); and he is called a sinner, as it is said, “And he cries to the Lord against you, and it be sin in you” (Deuteronomy 15:9). The Holy One, blessed be He, is close to the cries of the poor, as it is said, “You hear the cries of the poor” (paraphrase of Job 34:28). Therefore, one should heed their cries, for a covenant has been made with them, as it is said, “And when he will cry to Me I shall listen because I am merciful” (Exodus 22:26).

Here Maimonides provides the flip side of the Talmud dictum quoted above. If compassion is a natural characteristic of a Jewish person, then a person who ignores the poor raises suspicions about his Jewish ancestry. (This may be more of a rhetoric device than an actual question of identity.) Maimonides then characterizes one who does not give tzedakah as a wicked sinner. Stage 3* individuals will certainly seek to avoid such “bad boy/bad girl” characterizations, which impact heavily on their self-image and moral judgment.

Stage 4*

Stage 4* students relate to Jewish law from a systemic perspective; they understand it as a force that lends order to our society and as a law which must be impartially applied to all members of society. The sources listed below focus on these aspects of the mitzvah of tzedakah.

Twersky, Maimonides Reader, 135.
1. Every Jewish community must appoint collectors of *tzedakah*, who are trustworthy men of repute, to go about among the people each Friday, taking from every one what he can afford to give, or what he is assessed. They are to distribute the money from Friday to Friday, giving every poor man sufficient food for seven days. This is what is called *kuppah* (fund).

In this source, which I included earlier in the basic content section, Maimonides focuses on the responsibility of the community to collect *tzedakah*. The choice to give *tzedakah* is not a decision made solely by the individual, instead it is an obligation imposed upon the individual by society. Moreover, the community itself is obligated to insure that each of its members act charitably. Therefore, the community must appoint individuals responsible for the collection and distribution of *tzedakah*. This systemic, communal understanding of *tzedakah* appeals to a Stage 4* student.

Source #2:

Shimon the Righteous was one of the remnants of the men of the great assembly. He used to say: the world stands on three things, on Torah, on service, and on acts of kindness.

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19 Birnbaum, 156.
Shimon the righteous suggests that *gemilut hasadim*, which includes *tzedakah* as well as other acts of kindness, is one of the three pillars upon which the world stands. This source goes beyond the concept of *tzedakah* as a communal obligation to suggest that *tzedakah* is itself a necessary foundation for the existence of a community. The idea that society depends on the ordering force of the *mitzvah* of *gemilut hasadim* (a primary component of which is *tzedakah*) is a compelling reason for students at Stage 4* to commit themselves to this *mitzvah*.

**Stage 5***

The student entering Stage 5* begins to appropriate God’s will as his own. However, as the appropriation is not yet complete, he still values God’s will primarily because of the benefits it can give to society. In contrast to the student at Stage 4*, this student will relate to Jewish law not only as a force for maintaining an ordered society but also as a creative force which can improve and redeem society.

Source #1:

*Babylonian Talmud, Bava Bathra*, 10a

Turnus Rufus asked R. Akiva the following question: “If your God loves the poor, why does He not support them?” [R. Akiva] said to him, “So that through the merit of giving *tzedakah* to them we can be saved from the punishment of Gehinom.” “Just the opposite,” said [Turnus Rufus], “giving *tzedakah* to the poor condemns you to Gehinom. I will explain with a parable: A king became angry with his servant, imprisoned him in a dungeon, and prohibited anyone from giving him food or drink, and then a man went and fed the servant. When the king finds out, will he not be angry with that man? And the
Jews are referred to as “servants,” as it is written, “the children of Israel are My servants” (Leviticus 25:55). R. Akiva said to Turnus Rufus: “I will tell you a different parable. A king became angry with his son, imprisoned him in a dungeon, and prohibited anyone from giving him food or drink, and then a man went and fed the son. When the king hears what happened, will he not send that man a reward? And the Jews are referred to “sons,” as it is written, “you are children to the Lord you God” (Deuteronomy 14:1).

This Talmudic story raises a classic question: How can a benevolent, omnipotent God allow humans to suffer the afflictions of poverty? Through his dialogue with Turnus Rufus, R. Akiva develops a complex answer. R. Akiva first claims that God allows some humans to suffer poverty so that others can play an active role in improving their world (by assisting the poor), thus meriting righteousness and reward.

Turnus Rufus objects to R. Akiva’s initial claim by arguing that if God has designated certain individuals to poverty, others have no right to interfere with the divine plan. R. Akiva responds by quoting a biblical verse which refers to the Jewish people as God’s children. A parent may become so upset with his child that he throws the child out of his house and refuses to support him, but that same parent will nonetheless be thankful to anyone who aids and supports the outcast child. So too, R. Akiva argues, we (those who are capable) must support the poor. Though God Himself does not currently choose to support them, they are to Him as children and He wants us to help them. In this way, R. Akiva’s understanding of our relationship to God as that of children to a parent lays the foundation for our permission and our obligation to act charitably. This understanding of the tzedakah as a method of improving God’s world commends the mitzvah of tzedakah to a Stage 5* student.

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20 We must be careful not to read R. Akiva’s metaphor as a condemnation of the poor as God’s outcasts. His comparison of the poor to rejected children is meant only to set up the conclusion that despite God’s decree of poverty, others have an obligation to give tzedakah.
What is the basis for your assertion that it is in the merit of *tzedakah* that the redemption will come and that the temple (in Jerusalem) will be rebuilt? Isaiah has stated, “Zion will be redeemed through justice, and those that return to her, with righteousness (*tzedakah*).”²² (Isaiah 1:27) “Redeemed through justice” refers to the redemption, and “those that return to her with righteousness” refers to the ingathering of the exiles, for in the merit of *tzedakah* the exiles will be gathered. And based on what do we know that giving *tzedakah* creates peace in the world? The verse states, “and the work of righteousness (*tzedakah*) shall be peace” (Isaiah 32:17).

In contrast to the first source, which presented the human ability and obligation to improve society through the natural means of *tzedakah*, this midrash first focuses on the metaphysical power of the *mitzvah* of *tzedakah*, which can bring eschatological redemption to the world.²³ The ability of *tzedakah* to hasten metaphysical redemption is undoubtedly tied to its ability to bring direct, natural improvement to the world.

In asserting that *tzedakah* creates peace in the world, the second part of this midrash bridges the gap between the physical and the metaphysical. On the one hand, peace and improved interpersonal relationships are direct, natural outcomes of *tzedakah*.

On the other hand, peace is often associated with the ultimate redemption and, in fact, the

²¹ Similar statements can be found in BT Shabbat 139a and Sanhedrin 98a.

²² Though I have translated *tzedakah* literally as righteousness, the midrash takes it to refer primarily to acts of charity; hence the expression “*matan tzedakah,***” the giving of *tzedakah*, in the second half of the midrash.

²³ In traditional Jewish thought, the coming of the redemption is conditioned on the performance of *mitzvot* (plural of *mitzvah*). This midrash suggests that the *mitzvah* of *tzedakah* is primary among those *mitzvot* which will hasten the coming of the redemption.
verse quoted by the midrash is stated by Isaiah within the context of a messianic prophecy. The complex message of this midrash will fascinate Stage 5* students who have begun to internalize God’s law as their own and who understand God’s law as an agent for societal change.

**Stage 6***

By Stage 6* the individual has internalized God’s will as her own. As a result, she does not understand Jewish law as a tool for society-building, but as an intrinsically moral law, and her moral decisions proceed directly from the now-internalized will of God. The sources quoted below emphasize the fulfillment and internalization the *mitzvah* of *tzedakah* as instrumental within the larger goal of internalizing God’s will. The Stage 6* individual recognizes the important of this goal and should be receptive to these sources.

**Source #1:**

*משנה תורה, הלכות חסד, פרק א*

6. The precept concerning walking in God’s ways (Deuteronomy 28:9) has been interpreted by the sages to mean: “Be gracious even as he is called gracious; be merciful even as he is called merciful; be holy even as he is called holy” (Shabbat 133b). Thus the prophets described God by all kinds of attributes, “slow to anger and abounding in kindness, righteous and just, perfect and mighty,” and so on, to inform us that these traits are good and right and man ought to adopt them for himself and thereby imitate God as much as he can.

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24 Birnbaum, 12.
In this source Maimonides describes the ultimate aim of perfecting one’s moral character, *imitatio dei*, which is a prevalent theme in Maimonides’ thought on ethics. The traits of mercy and kindness are primary among those that humans are instructed to cultivate in order to “imitate God as much as [they] can.” A Stage 6* student will be drawn to the *mitzvah* of *tzedakah* as an outgrowth of her internalization of God’s ethic of kindness and mercy. Stage 5* students as well should be receptive to this picture of *imitatio dei*, as they too have begun the process of internalizing God’s will.

Source #2:

R. Yosef Albo, *Sefer Halkarim* (The Book of Principles), Section 3, Chapter 5

This is the meaning of the verse, “[but let him that glories glory in this,] that he understands and knows me, that I am God who acts in kindness, justice and righteousness,” (Jeremiah 9:23). This is to say that I (God) act in kindness based on my wisdom, in justice based on my strength and in righteousness based on my wealth, though I have no need to do so. From this you should “understand and know” that I [God] find these actions favorable, and it is fitting for you to act in ways that I find favorable. You should understand and know that “I find these ways favorable, says God” (Jeremiah 9:23, completing the earlier quote from the same verse).

This second source as well focuses on the role of *tzedakah* in the pursuit of *imitatio dei*. R. Yosef Albo uses a verse in Jeremiah to make the explicit argument that humans should craft their actions in the mold of God’s actions, and their ethical character in the mold of His. It is again significant that *tzedakah* is one of the three actions chosen to exemplify God’s character. This presentation of *tzedakah* as a primary mode of making God’s will our own appeals strongly to Stage 5* and Stage 6* students.

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Sample Dilemma-Discussion

Having spent approximately one to two weeks teaching the basic content of the *mitzvah of tzedakah* and exploring stage-appropriate rationales for its observance, the teacher is ready to move forward to the dilemma-discussion. To demonstrate how the dilemma-discussion section of the curriculum can be implemented, I set out a three-part teaching plan, in which I will: (1) describe a dilemma, (2) provide alternative formulations of that dilemma (to increase the conflict in the original dilemma), (3) and suggest probe questions to facilitate and focus the discussion.²⁶

**Dilemma Story**

**David’s Luck**

For his fifteenth birthday, David wanted a bike more than anything else in the world. But there was a problem: David’s parents always managed to put food on the table for their children, but they did not have much extra money for things like toys and presents. David knew his parents could not afford to buy him the bike, so he did not even bother asking them.

Instead, David did something he had never done before—he went to ask someone else for help. David knew of a local agency called the *Tzedakah Society* that helped out poor people. He went to the agency and explained his situation. David told them he wanted the bike more than anything else in the world but his parents could not afford it, and he asked them if they could help him. The people at the agency told David that they

²⁶ This plan follows the basic structure set out by Galbraith and Jones, *Moral Reasoning*, 44-56.
were very sorry, but they could not give out money just so people could buy presents. They could only give out money for necessities, like food and clothing.

On his way home from the *Tzedakah* Society, David was feeling very sad. It was the day before his birthday and he only had one measly dollar in his pocket! As he passed a convenience store, David decided that his luck was bound to change. He went in to the store and gave them his last dollar in exchange for a lottery ticket. And David was right; his luck did change. David won the lottery and received $10,000 in cash! You can just imagine how excited he was. David ran straight to the sporting goods store and bought the bike he wanted and some toys for his brothers and sisters. Then he went to the bank and deposited the rest of the money.

A short time later, another charitable agency, the Poor People’s Society was going door to door asking people for money for the poor. They rang David’s doorbell and asked him to donate $1000 to help a poor family pay the rent for their apartment. The agency said that without the money, the poor family could be thrown out on the street. David was not sure what to do, so he asked the people at the door to wait and quickly called his Rabbi. David’s Rabbi said (correctly) that Jewish law required David to donate the agency the $1000.

Should David donate the money?

**Alternative Dilemmas**

These alternative formulations of the dilemma should be used to stimulate debate if at any point during the discussion the class unanimously (or nearly unanimously) agrees on the course of action they would choose in the original dilemma.27

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27 Galbraith and Jones suggest that at least a 70:30 split is necessary to sustain a meaningful discussion.
1) What if the Tzedakah Society (which earlier refused to give David money) asked David for a donation?

2) What if David had already promised to give his parents the rest of the money to help them make ends meet?

3) What if David really needed all the money he had won in order to buy the bike that he wanted?

4) What if David’s family was wealthy and he had just won 10,000 dollars?

5) What would you do if you were David?

Probe Questions

Galbraith and Jones identify “two primary tasks” that the teacher leading a dilemma-discussion should aim to accomplish: (1) “promoting student interaction,” and (2) “making certain that the discussion remains focused on the moral issues of the story.” Probe questions are teacher responses (in the form of a question) which facilitate the realization of these aims.

To promote student interaction, which is an important ingredient in any discussion, the teacher can use a number of basic probe questions. These probes encourage students to focus their attention on what other students are saying and to respond in an appropriate and meaningful manner.

For example: -Emily, can you summarize what Michael said for the class?

-Sam, do you agree with Jane’s suggestion that David should donate the money? Please explain.

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28 Galbraith and Jones, 46.
Jane and Sam disagree about whether David should donate the money. Who can state an argument in favor of one of their positions?

To focus the discussion on the moral questions at the heart of the dilemma and to stimulate the consideration of advanced levels of moral reasoning, the teacher can use a number of more specific probes. These include the issue-specific probe, the role-switch probe, and the universal-consequences probe, all of which I described in Chapter Six. The art of using these probes lies in determining which type of probe forms an appropriate response for each student statement.

In order to establish guidelines for using these probes, I will now list a number of possible student statements and teacher responses based on the “David’s Luck” dilemma. My goal is not to provide a set of pat responses for teachers to memorize but rather to illustrate how a teacher can make effective use of a variety of probe questions.

As I mentioned in my description of the dilemma discussion in Chapter Six, there are two general lines of reasoning on the basis of which I expect students to formulate their responses to my dilemmas. They may either provide a rationale for observing or not observing the specific mitzvah in question, or suggest a rationale for observing or not observing Jewish law generally. I organize my statement-response pairs along these lines. The first set of student statements and teacher responses focuses on rationales for observing or not observing Jewish law generally, while the second set revolves around reasons for observing or not observing the specific mitzvah of tzedakah.
Rationales for Observing Jewish Law Generally

Example #1:

Student A: David should keep it; the Rabbi can not tell him what to do.

Teacher: What if the Rabbi was not part of the story? What if David had learned in the *Shulhan Arukh*, as we did in class, that we are obligated to help those in need by giving up to twenty percent of our wealth to *tzedakah*? Does David have to do what the *Shulhan Arukh* says?

Student A conflates Jewish law with the Rabbi who represents/explains it to David. The teacher uses an “issue-specific probe” to refocus the student on the primary moral issue in the dilemma story, David’s decision to or not to observe Jewish law (as opposed to the question of the Rabbi’s authority).

Example #2:

Student B: David should give part of the money, but he doesn’t have to give the exact amount that Jewish law says he should. He can give whatever he thinks is right.

Teacher: (A) If your parents specifically asked you to buy two quarts of milk from the store but you decided to buy only one pint, would that be okay? How is that the same or different from David’s situation?

Or

(B) Do you mean to say that David has to observe the general idea but not all the details of Jewish law? Why is that?
Student B suggests that David take general guidance from the principles of Jewish law, but that he disregard its details. In response (A) the teacher uses a variation of the “role-switch probe” to stimulate the student’s thinking. She asks the student to imagine David’s relationship to God and His instructions29 in terms of the student’s own relationship to his parents and their instructions. In response (B) the teacher uses an issue-specific probe to highlight the assumptions that lie beneath the student’s response. In her follow-up question (“Why is that?”), the teacher asks the student to justify these assumptions, thereby forcing him to examine them more closely.

Example #3:

Student C: David should give the amount that Jewish law tells him to, otherwise God might punish him by taking is money away.

Teacher: Can you think of any other reason for David to observe Jewish law?

Student C suggests that David observe Jewish law out of the fear of divine retribution, a classic Stage 1* response. The teacher uses an issue-specific probe to motivate the student to consider other possible rationales for observing Jewish law. In asking Student C to think of other possible reasons for observing Jewish law, the teacher does not expect him to immediately change his rationale to that of a Stage 2* student. Rather, she intends to stimulate the reflection which will eventually enable the student to develop to later stages of moral judgment.

Example #4:

Student D: David should give the money because the Rabbi said so. What the Rabbi says goes.

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29 Traditionally, Jewish law is understood to be God’s instructions to humans.
Teacher: Would that hold true for anything the Rabbi told David to do? What if the Rabbi told David to give away every cent he and his family had?

Like Student A, Student D conflates the authority of Jewish law with that of the Rabbi. However, in this instance the student unquestioningly accepts the Rabbi’s authority. In response the teacher uses a “universal consequences” type probe to stimulate the student to consider the possible implications of such a position.

Rationales for Observing the Mitzvah of Tzedakah

Example #5:

Student E: David should not give them money. When he needed money the other people didn’t give it to him.

Teacher: If you were one of the poor people who needed David’s donation, would you still feel the same way?

In contrast to the previous examples which focused on rationales for observing or not observing Jewish law generally, Student E focuses specifically on the act of giving tzedakah. In a response typical of Stage 2*, she suggests that David should not give tzedakah because he did not receive tzedakah earlier. The teacher counters with a role-switch probe. Instead of identifying with David, she asks Student E to identify with those in need of David’s tzedakah. This probe is intended to stimulate Student E’s perspective-taking abilities, a prerequisite for cognitive moral development.

Example #6:

Student F: David does not have to give them the money. It’s his money, and he has the right to do with it what he pleases.
Teacher: What if everyone felt that way? What would happen to all the poor people?

Student F expresses a Stage 1* or 2* individualistic perspective of society. In order to stimulate the student to take a broader perspective, the teacher uses a universal-consequences probe. In this type of scenario, the teacher could also use the role-switch probe from the previous example to stimulate the student’s perspective-taking abilities.

Example #7:

Student G: David should give the money because we all need to help the poor in our society. If we don’t help them there will be people dying on the streets.

Teacher: Shouldn’t the really wealthy people take care of the problem? After all, David and his family are not very well off in the first place. What if David had a wealthy next-door neighbor whom he knew would be willing to donate the money?

Student G presents a response typical of Stage 4*, in which he relates to Jewish law as an ordering force for society. The teacher responds with an issue-specific probe intended to help Student G clarify whether the purpose of tzedakah is merely to insure that the poor are cared for (in which case the wealthy neighbor can fill in for David), or whether there exists an independent moral obligation on each individual to respond to the call of the needy. Developing her ability to differentiate between the obligations of the individual and those of society as a whole will help this student move from the society-maintaining perspective of Stage 4* to the society-building perspective of Stage 5*. 


Conclusion

Though this sample curriculum unit on the mitzvah of tzedakah, I have demonstrated the exact manner in which my appropriation of Kohlberg’s methodology can be implemented in a traditional Jewish school. This supports the conclusion I reached at the end of the previous chapter: Based on the careful consideration I outlined in Chapter Five and the thoughtful implementation I began there, concluded in Chapter Six and demonstrated in this chapter, it is indeed possible to effectively appropriate Kohlberg’s methodology for use in traditional Jewish moral education.
Can Kohlberg’s theory and methods be appropriated for use in Jewish education? In my attempt to answer this question I present and analyze three Jewish moral education curricula that make use of Kohlberg’s approach. I focus specifically on the process of appropriation that each curriculum uses to enlist Kohlberg’s work in service of Jewish education, and I demonstrate the link between the appropriation process each uses and the curriculum he produces. My analysis leads me to suggest that there are problematic issues in each author’s curriculum, which can be traced to flaws in his approach to appropriation.

On the foundation of this analysis, I suggest a three-step process to facilitate a successful appropriation of Kohlberg’s theory and methods for use in Jewish moral education. In order to prove the efficacy of my proposed model, I implement its three steps: (1) I formulate an adapted version of Kohlberg’s philosophy. (2) I apply this adapted philosophy to create a modified version of his six-stage developmental trajectory, and (3) based on this adapted theory I propose a Jewish cognitive-developmental moral education curriculum. Finally, I create a sample unit of this curriculum to demonstrate the end product of my appropriation process.

In this chapter, I briefly review my analysis of each author’s approach to the appropriation process. Comparing their work to my own, I demonstrate the importance of an explicit focus on the appropriation process as a foundation for creating a successful

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1 For my original, more expansive analysis of these curricula see Chapter Four.
curriculum. On the basis of this review and discussion I explore some implications of my findings.

**Review of Findings**

**Amsel**

In appropriating Kohlberg’s theory for use in Jewish education, Amsel accepts Kohlberg’s methods while rejecting his philosophy. The strength of this approach is that it does not threaten traditional Jewish beliefs. While Jewish tradition has much to say about philosophy, ethics, morality and religion, it has relatively little to say about classroom pedagogy. As a result, as long as the appropriated pedagogy does not violate traditional Jewish behavioral norms, Jewish educators will not be ideologically opposed to its implementation.

The major weakness of Amsel’s approach is that it assumes pedagogic methods can be separated from their philosophical framework to pursue new and different goals. In fact, methods will always remain a product of the philosophy on the basis of which they were originally conceived, and the very essence of the pedagogy will inevitably favor the theory’s original goals.

This poses a problem for Amsel, whose goals differ starkly from those of Kohlberg. While Kohlberg’s primary goal is to further students’ cognitive moral development, Amsel’s central aim is that students learn to “‘think Jewishly,’...ask for and study the Jewish view” in response to a given moral dilemma.² Despite Amsel’s

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² Amsel, 52.
claims to the contrary, in order to pursue these different goals he does significantly alter Kohlberg’s original methods.

In contrast to Kohlberg’s open-ended, exploratory dilemma-discussions, Amsel designs each of his discussions in an effort to lead students towards predetermined conclusions, and he explicitly states his aim that students ultimately accept a traditional Jewish view on each issue. Amsel organizes every discussion around the conclusions that he would like students to reach: each conclusion is spelled out in a bold heading, under which are a series of questions intended to guide students to that conclusion. Finally, the lesson includes a summary of the basic conclusions and Jewish point of view that Amsel hopes students internalize. In this way Amsel transforms Kohlberg’s open exploration of a moral dilemma into a guided discussion designed to elicit specific reactions and to arrive at a predetermined conclusion.

The instructions Amsel gives to teachers are appropriate for just such a guided discussion. Though he concurs with Kohlberg’s focus on creating an honest and open atmosphere in the classroom, Amsel directs educators to teach specific attitudes as the focal point of each discussion. In Jerry Friedman’s words, Amsel situates the educator as “more of a teacher than a discussion facilitator,” thus minimizing her effectiveness from a cognitive developmental perspective.

Amsel himself does not seem aware that he significantly alters Kohlberg’s methods; he believes that he merely takes Kohlberg’s methods, separates them from their underlying philosophy, and transplants them into Jewish education. In truth, as I argue

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3 Ibid., 76.

4 Friedman, “Jewish Moral Education,” 8.
above, it is not possible to completely separate methods from their original philosophical
framework. Therefore, though he claims to simply use Kohlberg’s original methods to
pursue traditional Jewish aims, Amsel is forced to significantly alter these methods
before he can enlist them in the service of Jewish moral education.

The unexamined assumptions inherent in his appropriation process and Amsel’s
lack of awareness that he alters Kohlberg’s original methods point to a lack of reflection
on the process of appropriation. As a result of the flaws in his appropriation, Amsel’s
curriculum does not make meaningful use of either cognitive developmental theory or its
associated dilemma-discussion methodology.

Schwartz

In contrast to Amsel, Schwartz accepts Kohlberg’s philosophy together with his
methods. Schwartz justifies this approach by arguing that Kohlberg’s theory does not
contradict theories of moral reasoning and development found in traditional Jewish
sources. The strength of Schwartz’s approach is that it leaves Kohlberg’s work intact; as
a result, Schwartz stands a good chance of replicating the theory’s success in its original
context. The weakness of his approach is that if Kohlberg’s theory is not truly consonant
with traditional Jewish philosophy, Schwartz’s appropriation will do a disservice to the
Jewish aims he intends to promote. Therefore, the success of Schwartz’s curriculum
depends on the veracity of his assertion that Kohlberg’s philosophy is compatible with
traditional Jewish thought.

Schwartz formulates the theoretical justification for his approach as responses to
three questions a Jewish educator may ask before accepting Kohlberg’s theory. The first
two of these responses to are central to my analysis. Schwartz begins his discussion by asking:

1. Does the dilemma-discussion method threaten the norm-setting authority of the traditional sources?^{5}

Schwartz argues that it does not. He supports this argument by citing two influential medieval Jewish thinkers, R. Saadya Gaon and Bahya Ibn Pakudah, who subscribe to the traditional Jewish body of normative literature yet encourage rational inquiry to solidify and internalize the normative tradition. So too, suggests Schwartz, modern Jewish educators can use Kohlberg’s version of rational inquiry without threatening their allegiance to normative Jewish tradition.

In adducing this proof, Schwartz overlooks a fundamental distinction between the rational inquiry advocated by R. Saadya Gaon and Bahya Ibn Pakudah and the development of moral reasoning encouraged by Kohlberg. While Saadya and Bahya propose rational inquiry to facilitate the student’s growth towards service of God and include a content-specific end of rational inquiry defined by Jewish tradition, Kohlberg formulates his to inspire the student’s development towards moral autonomy, universal principles, and a rejection of any law or tradition that opposes them.

What is most striking is that Schwartz himself takes the side of the Jewish thinkers in this split. Schwartz explains that he too “presuppose[s] a set hierarchy of Jewish values…[but assumes] that it is preferable for students to develop an understanding of the function and need for these values.”^{6} Even so, Schwartz does not acknowledge the obstacle that this fundamental distinction poses for his chosen mode of

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^{5} Schwartz, 8.

^{6} Ibid., 9.
appropriation. By ignoring this important difference between Kohlberg and traditional Jewish thought, Schwartz introduces a significant flaw into his appropriation.

Schwartz continues his discussion with a second question:

2. To what extent do the stages of moral development, which Kohlberg has derived from his cross-cultural research, correspond with a classic Jewish hierarchy of values? ⁷

To address this question, Schwartz cites Maimonides’ description of the development of what motivates an individual to learn Torah. ⁸ Maimonides argues that physical rewards encourage young children to learn, psychological rewards (such as honor and respect) encourage young adults, and the intrinsic reward of knowledge itself motivates the mature learner. Based on this passage, Schwartz contends that for both Maimonides and Kohlberg,

1. Reasoning is an essential part of moral behavior.
2. Human beings pass through stages of moral development.
3. There is some correspondence between age and stage.
4. The thrust of moral development is from physical rewards, through ‘good roles,’ to principled behavior. ⁹

Based on these four similarities, Schwartz concludes that “Kohlberg’s hierarchy of values is essentially compatible with a classic Jewish value structure.” ¹⁰ Here too, Schwartz glosses over significant distinctions. Most important, Maimonides describes development in terms of an individual’s motivation for acting morally (in this case learning Torah) but the moral act itself remains constant throughout the development

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⁷ Ibid., 8.
⁸ Ibid., 13-15, quoting from Maimonides, Commentary on the Mishna, Introduction to the tenth chapter of Sanhedrin.
⁹ Schwartz, 15. Italics in original.
¹⁰ Ibid.
process; even at the highest stages, the individual remains committed to the specific values embodied in the Torah. Kohlberg takes an opposite approach, expecting the child to make potentially different decisions at different moral stages and allowing him the freedom to make those decisions; at Kohlberg’s highest stages, the individual is guided by autonomous reason rather than by the authority of tradition.

Based on my analysis, it appears that Schwartz does not succeed in his attempt to justify a wholesale acceptance of Kohlberg’s theory based on traditional Jewish sources. Nonetheless, he proceeds with his appropriation. The result is a moral education program that inspires cognitive developmental growth, but that is not viable for traditional Jewish educators. Schwartz does “expose students to the guidance of [Jewish] tradition,”\(^\text{11}\) but only as one of a spectrum of real possibilities for ethical decision-making within a Kohlbergian framework.

Sosevsky

Sosevsky appropriates Kohlberg’s methods together with a portion of their underlying philosophy but reconceives the ultimate ends toward which these methods are used. There are two primary benefits to this middle-approach. First, by reformulating the ultimate goals towards which Kohlberg’s methods are used, Sosevsky can create a moral education program consonant with traditional Jewish philosophy. Second, by accepting Kohlberg’s goals together with a portion of his philosophy, Sosevsky can preserve the original methods’ effectiveness. Whether Sosevsky can capitalize on these potential strengths depends on whether the portion of Kohlberg’s theory he accepts is (a)

\(^{11}\) Ibid.
compatible with traditional Jewish philosophy and (b) sufficient to insure the
effectiveness of Kohlberg’s methods.

In the introduction to his curriculum, Sosevsky demonstrates an unbending
commitment to traditional Jewish philosophy. He forcefully rejects Kohlberg’s
philosophy of autonomous morality as “inconsistent with the goals and values of moral
education from a uniquely Judaic perspective.”

Therefore, Sosevsky limits his appropriation of cognitive developmental theory; he accepts only Kohlberg’s basic focus on moral reasoning as a key component of ethics. Sosevsky integrates this focus into a Jewish framework by pointing to traditional Jewish sources that underscore the need for individuals to use moral reasoning to apply broad ethical principles (such as, “love your neighbor as yourself”) to everyday scenarios.

By accepting only Kohlberg’s basic focus on moral reasoning and not his broader philosophy of autonomous morality, Sosevsky creates an approach that is compatible with traditional Jewish philosophy. However, the small portion of Kohlberg’s theory that Sosevsky is willing to appropriate does not seem sufficient to insure philosophical support for Kohlberg’s methods. In fact, the understanding of moral development that flows from Sosevsky’s curriculum is radically different from Kohlberg’s original. Kohlberg chronicles the cognitive development of an individual’s moral judgment towards its ideal role as the autonomous arbiter of philosophically justified, universally applicable ethical principles. In contrast, Sosevsky describes the development of a

12 Sosevsky, 9-10.
13 Lev. 19:18.
14 Sosevsky, 11. Sosevsky relies on quotes from Nahmanides, Commentary on the Bible, Lev. 19:1, Deut. 6:18, and R. Vidal of Tolosa, Maggid Mishneh, Laws of Neighbors, Chapter 14, to substantiate this argument.
traditional Jew’s skill in using her moral reason to loyally apply the heteronomous norms of traditional Judaism to her daily life.

As a result of this altered philosophy Sosevsky is forced to modify the question at the heart of the dilemma-discussion model. Rather than asking students what *they* think the correct course of action is in a given situation, Sosevsky asks them what course of action *traditional Jewish ethics* would favor. Sosevsky expects students to respond to his dilemmas based on the traditional Jewish principles that they have learned in the extensive text-study units of his curriculum. Instead of as an arena for cognitive moral growth, his appropriation uses dilemma-discussions as a practice forum for students to hone their skill and accuracy in applying principles to general cases.\(^\text{15}\) Moreover, in a curriculum that Sosevsky designs for use over a full school year by a class that meets daily (110-140 total class periods), he includes only *five* dilemma discussions. The bulk of teaching time is devoted to text study, discussion, and activities designed to solidify student understanding of the primary sources. Such a course may be an important part of Jewish moral education, but it does *not* constitute cognitive developmental moral education.

The inadequacy of Sosevsky’s curriculum is linked to flaws in his appropriation process. As I emphasized above, Sosevsky adamantly rejects Kohlberg’s philosophy of autonomous morality. Nonetheless, Sosevsky lists “foster[ing] cognitive moral development towards the highest rungs of Kohlberg’s scale” as one of the six central goals of his curriculum. I believe that Sosevsky continues to refer to Kohlberg’s scale

\(^{15}\) It may be possible to argue that students’ ability to apply principles to specific cases goes through a series of qualitative stage transformations that parallel Kohlberg’s theory. Sosevsky, however, does not suggest this option.
even after he has rejected Kohlberg’s philosophy simply because he has no alternative. Sosevsky changes Kohlberg’s understanding of the role of moral reasoning to a traditional Jewish understanding, but he does not apply his reformulation of Kohlberg’s philosophy to create an adapted understanding of Kohlberg’s stages of development; Kohlberg’s original development stages have no place within Sosevsky’s moral philosophy yet Sosevsky does not replace them with a traditional Jewish parallel. As a result, Sosevsky creates a curriculum that promotes reasoning skills instead of cognitive development.

**A New Approach to Appropriation**

I argue that the reason none of these curricula succeed is that they do not focus explicitly on the process of appropriation itself as a foundation for their work. To support my argument, I attempt to demonstrate that with careful reflection on the process of appropriation I can successfully make use of Kohlberg’s theory to serve the aims of Jewish education.

I follow a three-step model in my appropriation process. (1) I reformulate Kohlberg’s philosophy in consonance with traditional Jewish thought. (2) I adapt Kohlberg’s stages of development in light of this new philosophy. (3) I adapt Kohlberg’s methods to suit my reformulation of his philosophy and his developmental stages.

In order to adapt Kohlberg’s philosophy, I examine the two categories he uses to define the relationship between morality and religion: divine command theory and natural law theory. Proponents of divine command theory equate “$X$ is good” with “$X$ is commanded by God,” while proponents of natural law theory believe that universal
principles of justice, which are known to humans independent of divine revelation, should guide society.

I argue that traditional Judaism defies Kohlberg’s divine command-natural law dichotomy and demands a third category, one which blends aspects of divine command and natural law theory together to create a new approach to morality. On the one hand, traditional Judaism cannot be reduced to natural law because its “laws are true by divine sanction,” and it is from God, not autonomous reason, that moral and ethical obligations devolve upon traditional Jews. On the other hand, traditional Judaism defies characterization as divine command theory and does not equate “X is good” with “X is commanded by God.” In traditional Jewish morality, God commands what is good, and divinely mandated ethics are imbued with intrinsic moral worth.

We can create a category that adapts Kohlberg’s philosophy to be compatible with traditional Jewish thought if we do not demand that a traditional Jew use her autonomous reason to create morality but only that she act as if she had created the morality to which she adheres. She accomplishes this by accepting God’s will as her own, acting as if she had created the Jewish law which she observes. A rational Jew can accept God’s moral will as her own without obviating her autonomous moral judgment, because she believes that God by definition commands the good (according to the natural morality to which He, as it were, is bound.) Having accepted God’s will as her own, where the Jew can understand the good in God’s commands she attempts to do so, and where she cannot, as in the case of Abraham and the binding of Isaac, she allows the “prescriptions of an
omniscient and omnibenevolent God [to] override those deriving from [her] more limited intelligence."\(^{16}\)

In my adaptation of Kohlberg’s philosophy, moral judgment plays a pivotal and evolving role through the development process. But this role, and the developmental stages that it implies, differ from Kohlberg’s original. In Kohlberg’s theory, moral judgment determines what an individual chooses as the morally correct course of action in any given moral dilemma. Within a traditional Jewish framework, moral judgment determines \emph{why} an individual will or will not fulfill God’s will as expressed in traditional Jewish law, and by extension \emph{how} she decides to do so (i.e., which understandings and interpretations of the law she accepts, how carefully she observes the law, how she fulfills the letter of the law versus the spirit of the law, etc.).

The developmental stages that flow from this adaptation trace the individual’s evolving motivation to fulfill or not fulfill the dictates of Jewish tradition. At the first two (preconventional) stages this motivation is concrete and physical, and human authority is very easily confused with God’s authority. At (conventional) Stages 3* and 4*, \(^{17}\) motivation becomes more generalized in the form of role expectations for the “good Jew” or in terms of the maintaining social order. For these first four stages, Jewish law and God’s will are seen as external to the individual’s own moral sense; the individual uses her moral sense to decide whether she will fulfill God’s will (the manner in which she does so depends on her moral stage). Finally, in the (postconventional) Stages 5* and 6*, the individual internalizes God’s will as her own. This internalization begins in Stage 5*,

\(^{16}\) Wurzburger, 21.

\(^{17}\) As in Chapter Five, the * indicates my adapted version of Kohlberg’s corresponding stage.
with the individual now understanding Jewish law as directed towards the creation of a moral society; the internalization is completed in Stage 6*, when the individual totally accepts God’s will as her own and understands it as intrinsically moral, disclosing the inherent worth of humans and her moral imperative to stand in a three-term relationship to the other and God. While in the first four stages the individual may use the logic and motivation I have described to decide to or not to observe Jewish law, in Stages 5* and 6* this decision fades into the background; by definition, an individual who has reached Stage 5* or 6* will aim to fulfill God’s will, which has become her own will as well.

On the basis of this adapted philosophy and stages of development, I construct a traditional Jewish cognitive developmental moral education curriculum. In Kohlberg’s philosophy, cognitive moral (justice) reasoning determines the course of action in any given situation. Therefore, Kohlberg engages students in dilemma-discussions whose central driving question is: “What do you think is the morally correct course of action in this situation?” In my adaptation, cognitive Jewish moral reasoning determines why an individual chooses to or not to follow Jewish law in any given situation, and how she understands that law. Therefore, the driving questions in my adapted version of the dilemma-discussion are “Why would you (or would you not) follow Jewish law in the following situation?” The discussion stemming from this question will focus on two main topics: reasons for observing Jewish law generally and reasons for observing the particular law in question (i.e., the meaning/purpose of the law, which may induce someone who does not subscribe to Jewish law generally to observe a particular mitzvah).

In order for students to meaningfully address the question, “Why would you or would you not observe law X in situation Y?” they must: (a) be familiar with the basic
details of the law in question, and (b) explore stage-appropriate traditional sources regarding the meaning and purpose of those laws. Therefore, to support and direct the dilemma-discussions, I design a curricular framework which situates each dilemma-discussion at the end of a content unit that addresses these two concerns, providing a basic introduction to the relevant laws and a stage-appropriate exploration of their meaning and purpose.

Discussion

Having formulated my own appropriation of Kohlberg’s theory to design a traditional Jewish curriculum, I can compare it to the efforts of Amsel, Schwartz and Sosevsky in order to prove my contention that based on an explicit focus on the process of appropriation I can successfully make use of Kohlberg’s theory in traditional Jewish education.

Unlike Schwartz’s curriculum, my appropriation of Kohlberg’s methods does not challenge or subvert the goals of traditional Jewish education. Schwartz, like Kohlberg, encourages the development of autonomous reasoning and implies that the individual’s moral judgment can and should determine the correct course of action in a given situation. In contrast, my curriculum explicitly acknowledges the authority of Jewish tradition. I do not ask the student to use her moral judgment to autonomously define a moral course of action. Instead, I acknowledge my assumption that traditional Jewish law defines morality, and I explicitly focus on the choice that each student in a traditional Jewish school must make (many times each day) about whether or not to observe the norms of Jewish tradition. My curriculum devotes extensive time to text-study,
connecting students with the beauty and power of Jewish tradition and acknowledging its authoritative role in their lives.

At the same time, my appropriation makes meaningful use of Kohlberg’s theory and methods. Amsel completely rejects Kohlberg’s philosophy, and Sosevsky rejects the overwhelming majority of it. Yet by accepting Kohlberg’s methods both assume that they are making significant use of his contributions to moral education. In truth, as I demonstrated above, both Amsel and Sosevsky are forced to alter Kohlberg’s methods to make them compatible with the new traditional Jewish philosophical framework to which they are transplanted. As a result, instead of a curriculum that encourages cognitive development Amsel produces a curriculum that uses discussion to inculcate specific Jewish values and Sosevsky produces a curriculum that helps students hone their skill in deriving case-law from the larger principles of Jewish tradition.

In contrast, my curriculum makes significant use of Kohlberg’s cognitive developmental theory as well as his methods. By reformulating Kohlberg’s philosophy and stages of development in consonance with Jewish tradition and using them as a foundation for my adaptation of Kohlberg’s methods, I create a curriculum which does encourage cognitive development, but in a Jewish context and directed towards traditional Jewish goals. Rather than just “learning values” or practicing his analytic skill, the student exposed to my curriculum will be stimulated to develop his cognitive moral reasoning, which he uses to decide why and how to observe Jewish law.

In addition, Amsel’s presentation of Jewish sources short-circuits the discussion by providing an authoritative answer to the questions which students have been asked to
address.\textsuperscript{18} Such is not the case in my curriculum. In creating my dilemma-discussions I assume that there are “authoritative answers” to the questions at hand. However, I realize that students must actively choose whether or not they wish to accept those authoritative answers. Therefore, it is specifically after students have learned traditional Jewish sources that it becomes most productive to ask them whether (how and why) they will choose to observe the guidelines presented by the sources.

I believe that the theoretical success of my curriculum as I have presented it is based on my explicit focus on the appropriation process. I traced the inadequacies in Amsel’s, Sosevsky’s and Schwartz’s curricula to flaws in each author’s appropriation process. These flaws, in turn, stem from the author’s lack of conscious reflection and examination of his appropriation process.

Amsel simply assumes that one can separate methods from their underlying philosophy, he does not examine or justify this assumption. As a result, he unwittingly alters Kohlberg’s methods to the extent that he obviates their cognitive developmental effectiveness.

Sosevsky realizes that he must have a philosophical basis for his methods. Therefore, he accepts a portion of Kohlberg’s original philosophy. However, he does not examine whether the portion he accepts can in fact support the implementation of Kohlberg’s methods. Moreover, he does not apply his reformulation of Kohlberg’s philosophy to create an adapted understanding of Kohlberg’s stages of development. As a result, he too alters Kohlberg’s original methods to the point that they no longer promote cognitive developmental growth.

\textsuperscript{18} Friedman makes this argument in “Jewish Moral Education,” 9.
Schwartz accepts Kohlberg’s philosophy entirely, justifying this acceptance based on Jewish sources. But Schwartz himself notes that there are significant distinctions between the role of moral reasoning in Kohlberg’s theory and that espoused by traditional Jewish sources. However, he does not examine the ramifications of these distinctions or allow them to influence the manner in which he makes use of Kohlberg’s work. As a result, his curriculum promotes cognitive development aims but not traditional Jewish goals.

In contrast, I believe that my efforts are marked by an explicit focus on my appropriation process. Before beginning my project, I study other processes of appropriation and analyze their strengths and weaknesses. I formulate a model for the appropriation process, examining the model to insure that it encompasses every step necessary to insure an effective product. I carry out a full appropriation of Kohlberg’s philosophical and theoretical framework as a basis for my adaptation of his methods. Once I formulate an appropriation of Kohlberg’s philosophy, I adapt Kohlberg’s methods, taking care to situate my adapted dilemma-discussions in a curricular framework that supports and guides them.

Perhaps most important, at each stage of the appropriation process I pause to reflect on my efforts. I keep in mind the critiques I leveled at the appropriation efforts of my three case study curricula in order to consider whether similar criticisms might apply to my own attempt. Were similar critiques to apply, I would need to adjust my appropriation or else be willing to abandon the project entirely. The credibility of any appropriation process rests on the appropriator’s willingness to admit in intellectual

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19 See for example my opening paragraphs of Chapter Five and Chapter Six.
honesty that it is not possible to successfully make use of his chosen foreign theory within the context of Jewish education.

Implications

The implications of my work in this dissertation lead in two broad directions. First, as I initially argued, the dialogue between Kohlberg and Jewish education has been prematurely cut short. As I demonstrate by my appropriation effort, Jewish educators have much to gain by using Kohlberg’s theory to enhance the cognitive developmental dimension of Jewish moral education.

In this dissertation I examine only the theoretical side of appropriating Kohlberg’s theory. In order to move forward with the implementation of this appropriation, we need to collect empirical evidence. Such evidence could be collected prior to full implementation of a curriculum, following the experimental study models used by Blatt and Kohlberg’s in their initial analysis. Ultimately, I hope that my theoretical foundation can be used as the basis for building a full curriculum that would be implemented in a Jewish middle or high school. The success of such a program would then have to be carefully evaluated with studies such as those conducted by Power, Higgins and Kohlberg.

I hope that my demonstration of the potential Kohlberg still holds for Jewish educators will inspire other Jewish to find ways to appropriate his works. At a time when character education and the direct inculcation of values are dominant forces in the world


21 In Kohlberg’s Approach to Moral Education.
of moral education, educators would do well to shift the balance by exploring Kohlberg’s focus on cognitive development. This is all the more important for Modern Orthodox Jewish educators who search for ways to counter misperceptions of Judaism as a religion of acts devoid of meaning. The curriculum I have proposed, or other projects that make significant use of Kohlberg’s cognitive developmental theory, will help these educators demonstrate that although traditional Judaism emphasizes the normative, it also inextricably links normative acts to reason and moral understanding.22

The second broad implication of this dissertation lies in the area of appropriation itself. I hope that my explicit focus on the process of appropriation will inspire educators to re-examine the manner in which we transfer methods from one educational context to another. In an era where educational standards and methods are applied indiscriminately to different schools across states and countries, educators need to carefully examine how pedagogy changes based on the context in which it is applied—and how we must change pedagogy in order to apply it effectively to different contexts.

Closer to home, I hope to highlight for both traditional and liberal Jewish educators the need to examine the pedagogy that we import into our classrooms. Rather than merely transplanting pedagogy, we need to carefully examine and appropriate foreign theories and methods in a manner that specifically advances the goals of Jewish education. Such appropriation efforts are a powerful strategy for adding new and enhanced dimensions to Jewish education.

22 See for example Twersky, “What Must a Jew Study—And Why?”, 82; and Wurzburger’s introduction to *Ethics of Responsibility*. 
Conclusion

From Biblical times until the present, Jewish educators have focused on moral education. So too, from the early days of the Republic, American educators have been concerned with moral education. And yet, American Jewish educators of the 21st century are still struggling to develop curricula, pedagogy, day schools and high schools well suited for the challenge of Jewish moral education. Jewish educators are searching for voices to guide them in their formidable task. I hope that the work of this dissertation helps Jewish educators make effective use of Kohlberg’s voice and that it guides us towards effectively using the voices of other educational philosophers, researchers and practitioners as a valuable resource for enhancing Jewish education.
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