

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

In the Matter of

PARENTS FOR EDUCATIONAL AND RELIGIOUS LIBERTY
IN SCHOOLS; AGUDATH ISRAEL OF AMERICA; TORAH
UMESORAH; MESIVTA YESHIVA RABBI CHAIM BERLIN;
YESHIVA TORAH VODAATH; MESIVTHA TIFERETH
JERUSALEM; RABBI JACOB JOSEPH SCHOOL; YESHIVA
CH'SAN SOFER – THE SOLOMON KLUGER SCHOOL;
SARAH ROTTENSREICH; DAVID HAMMER; ABRAHAM
KAHAN; RAPHAEL AHRON KNOPFLER; and ISAAC
OSTREICHER,

Petitioners,

For a Declaratory Judgment and a Judgment Pursuant to Article 78
of the Civil Practice Act and Rules

-against-

BETTY ROSA, as Chancellor of the Board of Regents of the State
of New York; and MARYELLEN ELIA, as Commissioner of the
New York State Education Department,

Respondents.

AFFIDAVIT OF ROBERT JOHN AUMANN

1. I am a Mathematics Professor Emeritus at the Hebrew University of Jerusalem, a recipient of the 2005 Bank of Sweden Prize in Economic Sciences in Memory of Alfred Nobel (popularly known as the “Nobel Prize in Economics”), and a graduate of the Rabbi Jacob Joseph School (“RJJ”) when it was located on the Lower East Side of Manhattan.

2. I submit this declaration to advise the Court of the excellent education that I received at RJJ, and the exceptionally positive impact my experience with RJJ's dual curriculum has had on my life.

BACKGROUND

3. I was born in Frankfurt am Main, Germany in 1930. In 1938, when I was eight years old, my family fled Germany for the United States. We left three months before Kristallnacht.

4. After arriving in the United States, I attended the Hebrew Institute of Boro Park (Eitz Chaim Yeshiva) for elementary school, and RJJ for High School.

5. It was at RJJ that I first developed my love for mathematics. RJJ also prepared me well for my academic career.

6. I graduated from the City College of New York in 1950 with a B.Sc. in Mathematics. I received my M.Sc. in 1952, and my Ph.D. in Mathematics in 1955, both from the Massachusetts Institute of Technology.

7. In 1956, I joined the mathematics department of the Hebrew University of Jerusalem. I was made an Associate Professor in 1964, a full Professor in 1968, and Professor Emeritus in 2000. I have held visiting professorships at Stony Brook University, the University of California, Berkeley, Stanford University, Universite Catholique de Louvain and Yale University.

8. In 2005, I received the Nobel Memorial Prize in Economic Sciences for my work on conflict and cooperation through game-theory analysis, an award I shared with Thomas Schelling.

RJJ'S DUAL-CURRICULUM SHAPED MY LIFE IN A WONDERFUL WAY

9. After graduating from elementary school, I was admitted both to RJJ and to Stuyvesant High School. I attended Stuyvesant for one day, but decided it was not for me. I chose instead to go to RJJ. To this day, I remain very happy that I made the decision to attend RJJ instead of public school.

10. When I attended RJJ, the school utilized a dual curriculum, with religious studies in the morning and secular studies that began at about 2 pm each weekday afternoon. It is my understanding that RJJ has maintained the dual-curriculum system to this day.

11. I had wonderful experiences with both secular and religious studies at RJJ. On the secular side, it was at RJJ that I first developed my love for mathematics. More specifically, Abraham ("Joey") Gansler was my math teacher at RJJ. I still recall how Mr. Gansler would gather students around his desk to talk about mathematics. The discussions of geometry, theorems and proofs were especially interesting to me. In my view, the credit for my success belongs to Joey Gansler and the introduction to mathematics I received at RJJ.

12. While at RJJ, I also had excellent Jewish Studies and Talmud teachers. The high school teacher who had the greatest influence on me was Rabbi Shmuel Warshavchik. He had spent the years of the Second World War in Shanghai, where his yeshiva escaped *en masse* from the Nazis. After the war he made his way to the United States.

13. Rabbi Warshavchik had a tremendous influence on me. He attracted me to the beauty of Talmudic study and to the beauty of religious observance. Rabbi Warshavchik's enthusiasm and intensity—the fire in his eyes—lit a fire in me also. The religious education I experienced at RJJ has had an incredibly powerful, positive impact on my life.

14. In fact, the beauty of Talmud study was sufficiently compelling that I considered pursuing Talmudic study instead of mathematics.

15. I maintained a form of dual-curriculum education even after I began college. During my first semester at City College, I travelled from Brooklyn to City College in upper Manhattan for an early morning class, back to RJJ for Talmud study the rest of the morning and early afternoon, and then returned to City College where I studied until about 10:00 pm. The next semester I made the hard decision to leave the yeshiva and attend college full time.

**THE RELIGIOUS STUDIES CURRICULUM AT RJJ
HAS MADE A LASTING IMPRESSION ON MY LIFE**

16. The Jewish Studies curriculum that was taught at RJJ is what provided me with the full basis for living a meaningful Jewish life.

17. The immersive, time consuming experience of deep Talmud study in an educational setting such as RJJ is absolutely necessary for the continuity of Orthodox Jewish life and practice. We were taught not merely a religion, but a way of life. And in that way of life, we were taught—and to this day I repeat daily—“Talmud Torah Kenneged Kulam:” the study of Torah is as important as all other religious observance put together.

18. Another aspect of the religious education that I received and found compelling was the moral and ethical codes that it imposes on adherents. Religion—at least my religion—is a force, a commitment to a certain kind of conduct, which is good for the individual and good for society.

19. For example, the matter of chesed, of helping your fellow man, is very strong in religious communities; it is a commandment, like eating kosher and keeping the Sabbath.

20. Learning from Rabbi Warshavchik at RJJ and being exposed to his love and enthusiasm for learning inspired me to try to do the same, and has been a positive force that has shaped my entire life.

21. Intellectual discussion is pervasive in the Talmud. Indeed, quite a few passages in the Talmud presage modern economic theory. In fact, one of my stock lectures is entitled "Modern Economic Theory in the Talmud."

22. In sum, there is substantial intellectual, pedagogical and religious value to the study of Talmud. To this day, I regularly study Talmud and other religious texts with my children, grandchildren, and other study partners.

NYSED SHOULD NOT INTERFERE WITH THE YESHIVA CURRICULUM

23. In my experience, the religious study portion of the dual-curriculum program offered at schools such as RJJ is essential to the continuity of the Jewish people.

24. People who do not experience the intense, immersive experience of religious studies during their school years are far less likely to remain religiously observant or committed, and they or their families are far more likely to abandon religious practice entirely.

25. If I were asked today to advise Jewish fourteen-year-olds who have been admitted to both Stuyvesant High School and a yeshiva high school about which school to attend, I would absolutely recommend that they attend a dual-curriculum yeshiva such as RJJ.

26. I would counsel them that a yeshiva education would help make them different, better people. It would provide a depth of experience in a religious way of life that, if they are lucky, would remain with them for their entire lives. It would be a transformative experience that is different from what they would experience elsewhere.


27. Finally, I would tell them that had I stayed in Stuyvesant and not gone to RJJ, I still might have pursued a career in mathematics and won a Nobel Prize. But had I stayed in Stuyvesant and not gone to RJJ, I would have been a very different person than the one I became. I am forever grateful for the Jewish educational experience I enjoyed at RJJ.

28. As I learned at RJJ, the Constitution of the United States guarantees the right of citizens freely to exercise their religion. It is impossible for us properly to exercise our religion without thorough, deep preparation; and this can **only** be achieved through a dual-curriculum yeshiva education. It seems to me that the state may have some rights with regard to the **outcome** of education. But regulating **how to achieve** that outcome — e.g. by prescribing the structure and content of the school day — is beyond the constitutional power of the state, as it interferes with the free exercise of religion without due cause.

29. Beyond the constitutional matter—substantively—prescribing the structure and content of the yeshiva school day would, in my view, be a grievous mistake.

I declare that the foregoing is true and correct to the best of my knowledge.

Executed this 27th day of March 2019 in Jerusalem, Israel


Robert John Aumann