**The Yeshivat Har Etzion Approach   
to the Study and Teaching of Halakha:   
Its Application in American Modern Orthodox   
High School Classrooms**

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The study of Halakha is a vital part of the life of every Jew. From childhood until adulthood, we study Halakha as part of our regular study of classical Jewish texts and Jewish ideas. Yet, even as we take the study of Halakha as a given, there is still value in investigating the nature of Halakha education – why we study it, what the goals of the study are, and how to approach the range of texts on the topic in light of those goals. Through examination of the state of Halakha education in American Modern Orthodox High Schools, this essay will offer some suggestions about approaches to the study of Halakha in general, specifically examining the approach taken by Yeshivat Har Etzion alumni. The data demonstrates that teachers who studied in the Yeshiva have a unique approach to Halakha study and teaching that they bring to their classrooms.

Much has already been written regarding the primary purpose of Halakha education and its role within a general curriculum.[[1]](#footnote-1) Most maintain that the purpose of the study of Halakha is to prepare students to be adherents of Jewish law, enabling them to live lives in which they can observe all the laws and customs of Judaism properly. For decades, this has been the general approach of most authors writing about the topic, and in our survey of American Halakha educators, most educators identify this as their primary goal in the teaching of Halakha as well.

However, there is a minority approach and orientation to the study of Halakha that paints the discipline in a different light. Yehudah Schwartz noted that for some, the purpose of Halakha study is “to teach the student a complete culture and literature,” as part of the general study of the full corpus of Jewish texts.[[2]](#footnote-2) I have also previously presented the arguments for and conceptual underpinnings of this different approach to the study of Halakha.[[3]](#footnote-3) This second approach questions whether it is appropriate to conceive of the study of Halakha merely as a discipline designed to prepare students to engage in a set of behaviors. According to this vision, Halakha has inherent value as a set of content to be studied on its own as well. To be sure, students of Halakha at different levels of proficiency and different stages of life might put more stress on one approach or another, but it is important to note that both approaches exist, and they both contribute something unique to the study of Halakha.

Conceptually, Halakha exists on two planes. On the one hand, it is a set of declarative knowledge, mastery of which is vital for Jewish literacy; on the other hand, it is a corpus of procedural knowledge, needed to be able to act and live Jewishly. Most high school educators in previous decades have argued that despite this duality, the role of Halakha in the high school classroom is primarily as utilization or procedural knowledge, learning “rules and regulations” and when they apply. History or the sciences might consist primarily of declarative knowledge, but not so Halakha. The second approach to the study of Halakha debates this point. It views the study of Halakha as another facet of Talmud Torah, such that the knowledge of the content itself leads to a greater knowledge of the nature and will of the Almighty, even without an application to practice, just as the works of Blake or Coleridge are valuable even if they are not utilized in practice by 21st century Americans.

This vision echoes an older approach that appears in many classical texts, as far back as Rambam. In *Mishneh Torah*, Rambam’s summary of the entirety of Jewish Law is important not just because Jews are to *practice* all those laws; it is also valuable because Jews are supposed to *learn* all those laws, as they are all vital to the growth and development of the learned Jew both psychologically and philosophically. As Dr. Isadore Twersky put it:

While the jurist generally cares only about the law, the arena of actions and behaviors, the philosopher cares primarily about the rational principle and philosophic animus, the moral standard and the intellectual objective… Maimonides as jurist and philosopher combined both interests in all his writings.[[4]](#footnote-4)

There are numerous examples in Rambam’s code where laws are elucidated and elaborated upon not just because they are to be put into practice by the reader, but also because the knowledge of these laws is valuable for Jews to know as part of their Jewish lives. To quote but one example, Rambam’s vivid expansion of the requisite humility of a king in *Hilkhot Melakhim* (2:9-11) is clearly not intended to influence the *behavior* of any king of the Davidic line living in the modern era, as much as it is designed to become a critical part of the *knowledge* base of every Jewish adult living today.

This argument is further developed by the Rav in *Ish Ha-Halakha.* R. Lichtenstein summarized the Rav’s famous vision as follows:

He portrays Halakhic Man as building a comprehensive ideal construct that serves, *inter alia*, as a theoretical model for a correlative halakhic order relation to every aspect of mundane reality.[[5]](#footnote-5)

Halakha is studied for its ideas, principles, and influence on how the Jewish individual sees the world – not just to be put into practice.

With these two visions in mind, it behooves us to research the conceptions of Halakha education found among American educators. To what extent do educators incline towards the conventional, behavior-focused approach? And how open are they to the second approach, which sees a critical component of cultural literacy and Jewish learning in Halakha study and education?

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To test the state of American high school Halakha education, surveys were sent via email to forty-four Modern Orthodox American Jewish high schools. Two thirds of the schools (n=30) were coeducational. (While some have separate classes for boys and girls, they have one administration and leadership for the boys and girls divisions.) Seven schools were all-boys schools and seven were all-girls schools (either independent all-boys and all-girls schools or schools in which the boys’ and girls’ divisions of larger school programs had independent campuses, websites, and administrations). These 44 schools were divided equally between the New York metropolitan area (22 schools) and the rest of the United States (22 schools). Thirty schools (68%) indicated willingness to participate in the study program, and 38 surveys were returned from 28 schools. The demographic distribution of the class of respondents roughly approximates the distribution in the population at large, with 14 schools outside the New York metropolitan area and 14 within it; 23 of the schools that responded are coeducational (82%), and 5 of the schools are single gender.

Survey responders were asked to select their primary and secondary goals for the study of Halakha. Among the potential responses, two presented Halakha study as focused on learning new behaviors: (1) The purpose of the study of Halakha is to expose, teach, and familiarize students with a series of behaviors and scripts of acting that they need for their lives as religious Jews, and (2) The purpose of the study of Halakha is to teach students knowledge needed in order to live a halakhic life.

Not surprisingly, these two formulations, which dominate in the literature, also dominate in the field as well. 12 respondents (36%) consider the primary purpose of Halakha education as being to teach a certain set of behaviors and scripts for action, while 13 respondents (39%) consider the primary purpose as being the teaching of a corpus of knowledge that is critical to know for life, to be eventually put into practice. Thus, 75% of all respondents identified our first track or vision as the primary purpose of the study of Halakha.

Besides these two selections, which elicited the most responses, respondents were also given the option to select a different approach to the study of Halakha. One other choice was consistent with the ideas developed above in the second cultural literacy approach that has its echoes in Rambam and the Rav. Specifically, educators could select that “the purpose of the study of Halakha is to teach students information and content of another branch of Jewish knowledge as part of the content of Judaism that they should know as literate Jews. It is a subject whose material and content is important just like any other subject.” By asking educators whether they consider this option to be part of their approach to Halakha instruction, we can gauge the extent to which the contrasting vision has made inroads in American Halakha classrooms.

This response was selected as the primary or secondary approach to the study of Halakha by only five of the thirty eight respondents. The respondents who indicated that they felt this vision was either their primary or secondary goal in the teaching of Halakha (100%, n=5) were alumni of Yeshivat Har Etzion. This suggests that a predictor and precipitant in encouraging these teachers to view the study of Halakha in this way was their studies at Yeshivat Har Etzion. Yeshivat Har Etzion is an institution in which faculty members describe the study of Halakha in terms of studying and learning critical content that is part of our religious corpus. The approach of the faculty members in the Gush had influenced others to express a similar sentiment when educating the next generation of students.

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Recently, R. Yosef Zvi Rimon has expressed a similar distinction about Halakha education and has sought to harmonize the two approaches. He distinguishes between studying “roots and reasons” – the second, more Maimonidean vision – and “learning as many laws as possible in order to know what to do in practice” – the first, more conventional approach.[[6]](#footnote-6) R. Rimon notes that though most educators or learners might instinctively lean towards the latter approach, R. Rimon personally strives to achieve both goals of Halakha study, as is consistent with what we have seen among other Har Etzion alumni.

With the internet and other technologies leading towards a great cross-pollination of ideas about Halakha education, it behooves us to monitor the further development of approaches to Halakha education in the upcoming years. Will Har Etzion alumni influence the dialogue within the institutions in which they teach, encouraging others to adopt their view, or will their approach remain in the minority in the coming years as well? It is important to consider the numerous publications on halakhic topics that have been published by Har Etzion alumni in recent years for the American high school market. Will the Har Etzion vision implicit in these works make inroads into the general population of American Halakha educators, or will the ideas conveyed in writing remain just words on the page, without continued effect upon the class of educators? In any event, one can clearly see that two visions to Halakha education exist – and that they will continue to work together, hopefully symbiotically in the years to come.

1. Y. Eisenberg, *Halakha Curriculum* (Hebrew) (World Zionist Organization, 1976); J. Goldmintz, “On Teaching Halakha,” *Ten Da’at* 9:1 (1996): 55-62; R. Harari and J.B. Wolowelsky, “Developing a Yeshivah High School Curriculum in Halakhah,” *Ten Da'at* 2:2 (1987): 17-19; M. Krakowski, J. Kramer, and N. Lev, “Empowering Students Through Problem and Project Based Learning,” *Jewish Educational Leadership* 10:2 (2012): 4-8; Y. Schwartz, “Approaches in Teaching Halakha” (Hebrew), *Shma’atin* 182 (2012): 85-98; H. Soloveitchik, “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy,” *Tradition* 28:4 (1994): 64-130. [↑](#footnote-ref-1)
2. Schwartz, ibid., 95-97. [↑](#footnote-ref-2)
3. Y. Jaffe, “Towards a New Paradigm for the Study of Halakhah,” *Ten Da’at* 20 (2009): 83-87. [↑](#footnote-ref-3)
4. I. Twersky, *Introduction to the Code of Maimonides* (Yale University Press, 1980), 359. [↑](#footnote-ref-4)
5. R. A. Lichtenstein, “Why Learn Gemara?” in *Leaves of Faith: The World of Jewish Learning* (Ktav, 2003), 5. [↑](#footnote-ref-5)
6. R. Y.Z. Rimon, *Shemita: From the Sources to Practical Halacha* (Maggid Books, 2008), 11. [↑](#footnote-ref-6)