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DEFINING THE GOALS OF DAY SCHOOL EDUCATION



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HALAKHAH EDUCATION: FOR THE PRESENT OR THE FUTURE?

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Yaakov Jaffe present the results of his study of halakhah programs in Modern Orthodox high schools, with some fascinating results.

A significant majority of American Modern Orthodox Jewish high schools have a formal program for the study of *halakhah*, or Jewish law. The conventional high school Judaics curriculum, in addition to the study of the *Humash*, *Navi* and Talmud, contains a class in Jewish Law (or at least a sub-class in Jewish Law). Out of schools surveyed, in a survey to be discussed below, most schools (63%) offered an independent class of *halakhah*, where students have a specific teacher and specifically scheduled time for the study of this discipline, and a smaller number (24%) did not offer a specific *halakhah* class, but instead taught *halakhah* as part of the Talmud class.

Much has already been written regarding the primary purpose of *halakhah* education and its role within a general curriculum (Eisenberg, 1976; Goldmintz, 1996; Harai and Wolowelski, 1987; Krakowski, Kramer & Lev, 2012; Schwartz, 2012; Soloveitchik, 1994). Suffice it to say that many of those discussing *halakhah*

argue that the purpose of the study of *halakhah* is to prepare students for a life as adherents to Jewish law, enabling them to live a life when they can keep all the laws and customs of Judaism correctly, instead of teaching general Jewish cultural literacy, as I had once argued (Jaffe, 2009), or Jewish philosophic constructs (see Schwartz, 2012).

It follows, then, that the kinds of topics studied in Jewish day schools would need to be topics which have application for the modern American Jew. Clearly laws of temple service or eating the Paschal Lamb would not be relevant in preparing students for modern Jewish living. Thus, Harari and Wolowelsky advocate for the study of Shabbat, *tefillah*, *kashrut*, mourning, usury, and respecting parents as a sample curriculum. The primary criteria for study is not how interesting the topic is, how complex it is, or how moving it is – the primary criteria is whether that area of *halakhah* is practical and relevant for the modern Jew.

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In this essay, we seek to measure how “presently relevant” *halakhah* topics must be to be included in schools’ *halakhah* curricula. Our results will demonstrate that schools take an extremely narrow view for what is meant by “presently relevant,” which has serious implications for the students’ preparedness for future Jewish living and learning.

Survey demographic

Surveys were sent via email to all forty-four Modern Orthodox American Jewish high schools. Two thirds of the schools (n=30) were coeducational (some may have had separate classes for boys and girls, but had one administration and leadership for boys and girls divisions), 7 schools were all-boys schools (either independent all-boys schools or schools where boys’ divisions of larger school programs had independent campuses, websites, and administrations), and 7 were all-girls schools (many, the sister schools of the above boys’ programs). These 44 schools were naturally divided equally between the New York metropolitan area (22 schools) and the rest of the United States (also 22 schools). Thirty schools (68%) indicated a willingness to participate in the study program; 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 inside; and with 23 of the schools who responded being coeducational (82%), and 5 of the schools being single gender (although four of them male, and one female).

Thirty-three respondents answered questions about topics studied in their school’s *halakhah* program, and the result of said surveys are discussed below. Clearly, the results demonstrate the dominant view in the literature, namely that the primary goal of *halakhah* study is to prepare students for Jewish living.

Areas of *halakhah* focus

As we might expect, those topics that are practiced in the regular life of the American Jewish high school student dominate current *halakhah* curricula. Topics that are not relevant to students because of their location, because of their Jewish-status, or because of their ages and life circumstances are generally left unstudied – even when controlling for the religious significance of the law (Capital Law v. Regular Law, Biblical law v. Rabbinic law and Custom, Ubiquitous Law v. Rare).

Some *halakhah* topics are passed over for *geographical* reasons, because they are not necessary for regular Jewish life in America. Some authors in the literature have discussed the importance of studying laws related to life in Israel, either because those laws will become practical for students in the year of study in Israel and upon Aliyah or because the study of those laws leverages the *hal-*

akhah program in service of the philosophical goals of the school to raise a sense of connection and commitment to the Land of Israel. In practice, however, few American schools study laws only relevant in the land of Israel. Only thirteen addressed any laws related to Israel, with most of them addressing only one small sliver of the laws of Israel: laws of *terumah* and *maaser* (n=3), the *mitzvah* to live in Israel (n=5), laws of serving in the IDF (n=1), or laws of *shemittah* (n=2). Only four schools studied multiple sub-groups of Israel laws. The laws of *orlah*, even applicable outside of Israel, were studied by only one school, ostensibly because teenagers generally do not engage in agriculture.

Some *halakhah* topics were passed over because they are limited to only certain Jews. The limiting factor here is not *geography*; the limiting factor is *personal*. *Birkat kohanim*, despite being ubiquitous even in Jewish diaspora life, was only addressed by three schools, and the laws prohibiting *kohanim* from becoming impure, despite its significant impact on *kohanim* (limiting air-

line carrier choices, museum visits, and expressions of grief), was only studied by one of those three schools. This is consistent with our finding that many schools see their *halakhah* programs as a way to prepare students to observe *halakhot* directly relevant to their lives rather than as a significant corpus of the Jewish canon. Similarly, sub-sections of larger units of Jewish law that are of less importance to the layman who is not a rabbi, such as the laws of *mikvah* construction (n=7), *eruv* (n=10), and salting meat (n=5) were less commonly studied.

Lastly, some *halakhah* topics were passed over because – though relevant to the Jewish life of the American Jew – those topics were not relevant to the students at the time of study. Here, the limitation is not geographic or personal, it is *temporal*. The laws of circumcision were broached by only three schools, only two respondents indicated that they study the laws of mourning, and only two study the laws of *mezuzah*. Only two schools study the laws of making the fence around the roof. Even the laws of *tevilat keilim* – part of Jewish adult life – are only studied by nine schools. Though these *mitzvot* might be regularly applicable in adult life, they are generally not part of the regular life of teens.

In contrast, topics relevant to teenagers at the time of study were more commonly studied. All but two schools included the laws of prayer, and all but eleven included the meaning of the prayers. The laws of Shabbat were also discussed by most schools; all but six addressed the laws of cooking on Shabbat, and all but one addressed the positive *mitzvot* of Shabbat (such as candle lighting, *kiddush*, etc.). The more varied other prohibitions of Shabbat were addressed by all but nine schools. Even the more technical and dry portions of the laws of everyday life – the laws

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of hand washing and *berakhot* – were studied, respectively, by ten and eighteen schools, despite the fact that the obligation to perform these *mitzvot* is Rabbinic and not Biblical. All but seven schools study the laws of milk and meat.

Holidays

Not surprisingly, the laws of the holidays also are an area where schools devote much time. In all but five schools the laws of holidays were studied in one way or another. The laws of Purim and Hanukkah, times when school meets either the day of or the day before and after, were the most studied: each holiday-*halakhah* school studied Hanukkah, and all but two studied the laws of Purim. There was more drop-off concerning the holidays of Tishrei – which coincide with the start of the school year and often crowd each other out – so that five additional schools omit the laws of *lulav*, three omit the laws of the *sukkah*, six omit the laws of Yom Kippur, and seven omit the laws of Rosh Hashanah. Similarly, the laws related to specific holidays often crowded out generic laws of the holidays, leading only ten schools to address the laws of cooking and other forbidden practices on *Yom Tov*.

All but one of the holiday-*halakhah* studying schools studied at least one unit for the laws of Pesah. Schools were divided between studying the laws of *hametz* and its disposal (n=20), laws of preparing vessels for Pesah (n=12), and the laws of the seder (n=25, including 2 schools who apart from this never study the *halakhot* of the holidays).

These findings are not surprising, since as we have discussed, the literature demonstrates that schools are more likely to tackle topics relevant to students at the time of study, and to eschew topics that are just as relevant within the broader context of Jewish life, if it is not relevant for students at the time of study. (The one exception to this rule were the laws of family purity, which generally

are discussed despite not being relevant until a later time; likely as a result of the extreme gravity [*issur kareit*] of those laws or the centrality of these laws in commonly accepted definitions of Orthodox Jewish life. All but seven of the non male-only schools studied the laws of family purity, as did one all-male school.)

Yet, only one school studied the laws of *Tisha be-Av*, which carry the same religious weight as the laws of Hanukkah but which are not applicable during the school year. This finding is significant in that it indicates that schools make curricular decisions focused less on broader questions on what it is important for students to know than on immediate relevance to the students.

It behooves us to ask what the rationale might be behind eschewing the study of the laws of *Tisha be-Av*. Are schools assuming that high school students will just learn these laws in camp, or has the practice of *halakhah* curriculum planning become focused on laws that students can put into practice almost immediately after study, and therefore a law irrelevant till the summer should be ignored? One could also argue that schools are reluctant to study a topic which is depressing and sad in tone, although none of the earlier discussions in the literature raise this as a criteria for curriculum planning.

Closing thoughts

In sum, the survey data confirm that most if not all schools take the principle that “*halakhah* must be relevant to students” very seriously, and the entire *halakhah* curriculum is crafted in homage to this principle. As educators, we can understand the assumptions that lead to this principle, and understand why student engagement and memory of the material learned might be greater when the material is learned shortly near when it is put into practice.

However, the survey data also beg the important question of when the various stakeholders in school communities intend for students to learn laws that are relevant for later life, other geographical locations, or for the minority group of students. Many graduates will have no formal Jewish education following their high school, and so the choice to focus on immediate relevance deprives them of the learning material valuable for later in life. Perhaps school leaders and curricularists may include broader considerations and laws critical for later life as they formulate their *halakhah* program in the future.

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