

TEACHING HALAKHA IN THE MODERN
ORTHODOX HIGH SCHOOL CLASSROOM:
EDUCATIONAL CHALLENGES AND A PROPOSED
CURRICULUM FOR HILKHOT MOADIM

NATHANIEL HELFGOT

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Mandel Center
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MS 049
P.O. Box 549110
Waltham, MA 02454-9110
www.brandeis.edu/mandel

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ABSTRACT

The teaching of halakha plays a central role in most, if not all, Modern Orthodox schools, both in the US and in Israel. Anecdotal evidence, conversations with educators, and the minimal published literature on the pedagogy of this subject area point to some of the dilemmas facing educators. This paper outlines some of the inherent structural, curricular, pedagogic, and conceptual dilemmas and challenges, and presents a model for the teaching of hilkhot moadim (the laws of holiday observance), as well as a discussion of the rationale for this approach as a response to those challenges.

I. INTRODUCTION

In 1967, the noted Israeli educator, Moshe Ahrend *z"l* penned a small essay² on the topic of teaching halakha in the Israeli as well as diaspora religious school system. At the outset of that essay, Ahrend noted that most teachers do not enjoy teaching this discipline, and many assiduously avoid having to teach it. To this observation we can readily add the corollary that, in many settings, this sentiment was (and is) also shared by the vast majority of students.

This sentiment behind these realities also appears to be reflected in the fact that, in many Modern Orthodox schools in North America, the specific discipline of halakha or *dinim* is allocated little time in the overall curriculum. The study of Torah, *Nakh* (Prophets and Writings), and Talmud take up

Nathaniel Helfgot is chair of the Bible and Jewish Thought departments at Yeshivat Chovevei Torah Rabbinical School in New York City. He has published numerous essays in English and Hebrew in the areas of Bible and exegesis, and is the editor of Community, Covenant and Commitment: Selected Letters and Communications of Rabbi Joseph B. Soloveitchik (Toras HoRav Foundation/Ktav Publishing Co.). Rabbi Helfgot taught in various yeshiva high schools for 15 years, and is an occasional consultant to schools throughout the country. He is an alumnus of the Mandel Jerusalem Fellows program.

¹My sincere thanks to my good friends and esteemed colleagues, Rabbi Jack Bieler and Rabbi Scot Berman for their comments on an earlier draft of this paper.

²*Horaat Dinim: Keitzad?* in *Netivot* 11: 31-38 and reprinted in M. Ahrend, *Pirkei Hinukh ve-Horaah* (Jerusalem, 2001), pp. 89-96.

more than the lion's share of time devoted to Jewish studies, with halakha relegated to a small portion of both time and resources. This phenomenon is also reflected in the paucity of reflective and analytical essays or books on the discipline of teaching halakha in the Jewish educational literature that has been published in Modern Orthodox circles.

To take two small examples: In the twenty-plus years that the education journal *Ten Daat* (published by Yeshiva University) has been a voice of Modern Orthodox education, a total of three essays on the discipline of teaching halakha have been published. This is in contrast to the dozens and dozens of essays that have been written on the teaching of Bible, Talmud or Jewish history. Also, in perusing the table of contents of two compendiums of essays on issues in contemporary Jewish education in Modern Orthodox settings published in the last decade, *Derekh ha-Avot* (2001) published by Michlelet Herzog and *Wisdom From All My Teachers* (2003) published by ATID, there is not one essay devoted to the teaching of the discipline of halakha.

This paper will suggest some reasons for this phenomenon, and reference some past efforts in the last decade to improve the quality and effectiveness of the teaching of halakha. It will then offer a model for a four-year curriculum of teaching *hilkhot moadim* as an example of the type of study of halakha that can more productively engage our students, and ourselves as teachers.

II. THE DILEMMAS IN TEACHING HALAKHA

In addition to the general challenges of teaching rabbinic texts that cut across all Jewish studies—i.e. lack of command of rabbinic Hebrew by many students, lack of punctuation in the texts, unstated assumptions of and technical terminology in many of the texts that are not readily known by the students—there are a number of issues unique to the discipline of teaching halakha:

The corpus of halakha is vast, and ever-expanding. Many of its details are complex, and intricate. Grounding in a vast array of source materials is often required in order to truly comprehend the topic. To do such study justice, a wide range of important skill sets in navigating basic halakhic texts such as *midreshei halakha*, Mishnah, Talmud, novellae of medieval commentaries, responsa literature and the works of the *abronim* would be required.

This makes the in-depth study of even the basic areas of halakha within the times constraints of the day school simply impossible. Thus, most schools traditionally opted to make use of the later codes of Jewish law and halakhic digests that lay down the bottom line “law” in a concise and precise fashion. Works such as the *Shu'lan Arukh* and its digests, however—precisely because they are so “lean”—basically eliminate all discussion of the judicial process leading up to the final result. These works thus eliminate the rich and pulsating world of “exegesis, interpretation, derivation, controversy...[as well as] all discussions of ideology, theology and teleology.”⁵

⁵J. Goldmintz, “On Teaching Halakha” *Ten-Daat* Vol. 9:1 , pg. 57 (1996).

Moreover, as Ahrend points out in that essay cited above, digests such as *Hayeh Adam* or *Mishneh Berurah* present the halakha in a “dogmatic fashion”, both in terms of content and form. The person reading the text is told: “do this”, “refrain from doing this”, “this is admirable to do” — without leaving much room open for discussion, exploration and debate, which are the natural stimulants for excitement in learning and creativity in thought. Moreover, these texts are formulated as legal codes, point after point, in the dry legal fashion of apodictic law codes, not case law codes.

This situation might be addressed by educationally sound and engaging textbooks for the teaching of halakhic material. However, except for the pioneering efforts of the Yeshiva of Flatbush that created its own halakha curricula and sourcebooks in the early 1990s, as well as the recent efforts of Michlelet Herzog and the Ramaz school in producing a workbook on *Hilkhot Shabbat*, there have been few efforts to produce effective and reflective materials for the teaching of halakha. In this context, special mention should be made of the work of Rabbi Yosef Rimon who is at the forefront of creating user-friendly materials, pamphlets and workbooks that incorporate flowcharts, graphics and other methods in teaching halakha in both for students and laypeople.

A third reason that is often cited in conversations with students who have gone through twelve years of yeshiva education is the repetitious nature of much of what is taught in the various grades in relation to halakha. Many students have the impression, though it is not always accurate, that they have “already learned this material in previous years”, even if the teacher has added a new level of complexity or an additional discussion of the topic from the works of later halakhic commentaries. This is an especially challenging issue in relation to the teaching of *bilkhot moadim*, in which most practice indeed does not change from year to year and the temptation to simply review the core halakhic elements can be very great.

A fourth area that is discussed both in the selected essays on this topic and in conversation with educators in the field is the area of affective education — namely the internalization of the concepts, information and values that are being taught. In the Modern Orthodox context, that internalization must by its very definition be one that should inspire and lead students to a life of practice and observance of the halakha. Any Orthodox educational system aspires not only to teach its students Judaic knowledge, but also hopes to see its students live by the normative and prescriptive elements inherent in the texts and content taught. For the Orthodox educator or parent, one of the ultimate goals is always “*lilmod, le-bavin, lishmor, v’la’asot*”, as so eloquently articulated in our daily liturgy — to learn, to understand, to observe, and to perform. It is here especially that many educators point to that critical commonplace, to use Schwabian terminology, of the student and parent body in the average Modern Orthodox school in North America. This is so for a number of reasons:

a) A meaningful percentage (though one that is probably dwindling with the establishment of more and more Reform, Conservative and community day schools) of students and families in the average day school are not Orthodox in their practice of Judaism. Thus, the teaching of many elements of halakha can potentially be a moment of conflict or tension in the classroom context.

b) For a good number of students who do come from Orthodox homes, the a priori commitment to practice shaped by halakha is certainly not part of the fiber of their being. An exploration of the reasons why this is so are far beyond the scope of this essay, but they include the nature of modern society in general and the place of religion in it as developed in the writings of Peter Berger, the pull of Western popular culture, and the rise of materialism and affluence. Be that as it may, as Scot Berman has put it:

Generally, students who attend a modern Orthodox day school have no a priori commitment to halakha. At best, they may observe most mitzvot. Nevertheless, the basis of their commitment is a mixture of rational thinking and considerations of conscience.⁴

While the canvas he paints may be a little too broadly pessimistic for my taste, the sentiments Berman expresses reflect a definite reality that is a significant part of the landscape.

III. A MODEST PROPOSAL

As noted earlier, in the late 1980s and early 1990s, the Yeshivah of Flatbush pioneered the first published systematic attempts in the North American Modern Orthodox high school system to create thoughtful and compact curricula in various areas of halakha. These curricula included clearly delineated topics for each lesson, key concepts and terms students would need to know along the way, presentation of all external sources in an attractive booklet, and standardized tests across the grade level. This work has been utilized in various permutations in other school settings, each faculty determining what areas should be covered, what sources to be included and the range and pace at which this material should be explored. This is certainly a welcome development in place of, say, simply thrusting a teacher the *Hayyeh Adam* or *Mishneh Berurah* and directing them to “teach *Hilkhot Shabbat*” this year. Reports on this work indicate that it has raised the professionalism and seriousness with which halakha as a discipline is studied.

The articulated goal of this product was to “teach a view of halakha and not simply halakhot”. The source material included exposure to a wide variety of halakhic materials beyond a basic text such as the *Mishneh Berurah*. In that context, the curriculum consciously attempted “to introduce specific texts such as the *Tur* and *Arukh ha-Shulhan* or specific personalities such as Rabbi Moshe Feinstein and Rabbi Ovadya Yosef”. In addition, it saw as one of its goals, though not in each and every topic, “showing the development of Halakha from *Tanakh* and *Shas* through contemporary *poskim*”.⁵ (One criticism that has been explicitly directed towards the curriculum, both orally and in print, is that there is no indication that the affective concerns have in any way been addressed in these curricular initiatives.)

It is important to note in this context that this small critique and expectation may simply not be a fair one. The affective area of a student’s commitment to halakha and its practice is bound up in so many personal, familial, emotional and cognitive factors that the expectation that revamping halakha curricula can transform behaviors is likely an unrealistic goal of the intellectual study of halakha. As many schools came to realize in the 1990s, affective education is most truly impacted by informal educational

⁴“Talmud, Text and Talmid”, *Ten-Daat* 5:1, pg. 18 (Fall, 1990).

⁵R. Harari & J. Wolowelsky, “Developing a Yeshivah High School Curriculum in Halakhah”, *Ten-Daat* 2:2, pg. 17-18. (Spring, 1988)

programs such as school and class *shabbatonim* and retreats, “color wars” and *shiriyot*, school trips, personal relationships with faculty members, *bagigot* and inspirational assemblies, a well-run counseling program, as well as many factors beyond the school walls. It can be said, though, with a measure of confidence, that “boring” halakha curricula and non-serious teaching of the material will most certainly not inspire students to greater commitment and observance.

IV. THE CURRICULUM

The proposal presented in short form below focuses on *Hilkhot Moadimm* and is in essence based loosely upon the model in used in the *Hilkhot Tefillah*, Shabbat and *Kashrut* curricula developed by the Yeshivah of Flatbush High School in the 1990s, with certain important differences. While the Flatbush curriculum was geared towards covering an area of halakha each semester and moving on, this curricula specifically addresses the challenge of teaching *Moadim*, the holidays, as a recurring area of study over the course of four years of high school. This area is particularly susceptible to falling into the pattern of perceived or actual repetitive teaching and learning.

Much of the approach outlined below was implemented from 1996-2001 when I served as Judaic Studies coordinator at the Maayanot Yeshiva High School for Girls in Teaneck, NJ. I have since developed it further, and expanded the source material for each unit for use with older students in college and beyond. It is currently being used as a required independent-study course by semicha students as a review and supplement to their regular learning at the Yeshivat Chovevei Torah Rabbinical School in New York City.

The curriculum assumes that the basic elements of the practice of the holidays are well known to the overwhelming majority of Modern Orthodox high school students, through observance and experience in the home, synagogue and/or camp setting. For that minority of students who do not live in such an environment, the teaching of those basic elements in the lower grades and the acculturation in the school system will have given them familiarity with the baseline practices of Modern Orthodox observance of the holidays. As a final stop gap, the Halakha department in each school should prepare a two- to three-page summary handout, to be distributed to students before each holiday, reviewing its basic *halakhot* in short form (e.g. from which direction one lights the Hanukah candles or in which direction one reclines for the eating of Maror), coupled with some intelligent and meaningful *divrei Torah* and *mahshavah* (philosophical conversations) about some of the *halakhot* discussed.

At the beginning and at the end of each of the eight semesters, a number of lessons (four to five in total) should be devoted to exploring the meta issues of why one should observe halakha and its meaning and relevance to the individual. On one level, of course, any Orthodox day school begins with the assumption that halakha should be observed because it is the will of God as interpreted through the authoritative voices of the tradition. This rock-bottom approach of standing before God as committed “*avdei Hashem*” is the bread and butter of both the explicit and the implicit messages of any Orthodox educational system. And yet, the notion that the reiteration of and exhortation to this goal or value ensures short- or long-term commitment of our students is naïve at best.

In addition, there is a long-standing and honorable strand in our tradition of *fides quarrens intellectum* (faith seeking understanding) that encourages the human being to attempt to find meaning and value in his or her acceptance of the “yoke of Heaven”. In that context, the introductory and capstone lessons are opportunities for students to explore and discuss rabbinic and modern sources that speak to these issues. Students should be exposed in these lessons to sources that touch on rationalistic, mystical, ethical, moral, psychological, symbolic, national-historical and existential perspectives on the meaning of various elements of the *mitzvot* and halakha. These lessons should also have a heavy component of discussion to allow students to reflect on which perspectives speak to their heart, soul and mind.

Moving to the heart of the curriculum, this approach attempts to address the study of all of the major holidays and fast days that occur throughout the calendar year. (Some topics, including *Rosh Hodesh*, *Hol ha-Moed*, and *Yom haShoah*, are not incorporated into this iteration of the curriculum, but will be developed in future versions.) The major holidays and fast days of the Jewish calendar amount to ten discrete areas of study during the course of the year : Rosh Hashanah, Yom Kippur, Sukkot, Hanukkah, Purim, Pesah, Yom HaAtzmaut, Yom Yerushalayim, Shavuot, and the “Three Weeks” culminating in Tisha b’Av.

Each of these areas is subdivided into four distinct units for use over four years, such that each covers a main aspect of each of the holidays. The topics for the units for each holiday were chosen because of their centrality to the holiday’s observance and treatment in halakhic literature. (See appendix A for the unit outlines, and appendix B for an example of the sources for a specific unit.) This yields a total of 40 units for the four-year high school curriculum. In constructing the trajectory of the units for each holiday from year to year, I employed two principles:

- a. Moving chronologically—e.g., in the Sukkot unit, we go from building the sukkah (year one) to dwelling in it (year two) and the practices around the lulav and etrog (year three), and ending with Hoshana Rabbah and Shemini Atzeret/Simchat Torah (year four).
- b. Moving from more central areas to less central areas—e.g. in the Hannukah unit, we go from the creation and halakhic status of Hanukkah (year one) to candlelighting (year two) and other prayers and minhagim of the holiday (year three), concluding with Hallel (year four)

Each unit explores the basic biblical and rabbinic, and occasional historical, sources on each major topic, tracing the topic from the original sources through the contemporary rabbinic discussions in the responsa literature. In addition to the fact that each year students study a different and distinct aspect of the holiday, basic conceptual understandings that are at the heart of the key issues are explored in depth, giving the learning an intellectual depth, excitement and variety from year to year. Students are engaged in studying both straightforward halakhic material and some of the analytical discussions on that material, as well as certain contemporary and relevant cases, applications and issues that arise in the practice of those *halakhot*.

The curriculum assumes that the students will devote approximately five to six lessons (usually leading up to the holiday) in learning each unit. Students follow the unit topic through the primary sources— from any relevant biblical verses or passages, through the *gemara* and the various *sugyas*' treatment of those verses, to how the issue plays out in the medieval commentaries, concluding with contemporary halakhic practice as reflected in the codes and *responsa* literature, as well as modern issues that have emerged in our own time.

Depending on the level and background of the class, students examine as many sources as possible in a *hevruta* context to ensure active learning and engagement. *Hevruta* study is, of course, guided by a set of study questions and tasks that have been outlined by the teacher in advance to make it focused and meaningful. In addition to the knowledge acquired through this type of study of the layers and development of the halakha, the various and cacophonous voices in many areas of halakha can be heard and appreciated. This adds a measure of recognition that the halakhic process, even in the yearly routine of *hilkhot moadim*, has a good measure of diversity and spectrum in its contours. This helps students appreciate various nuances and customs within the halakhic universe. While students do not cover every detail of the *halakhot* in question, they do explore the most significant areas, together with important conceptual underpinnings, with a depth and breadth that is rarely achieved in other *hilkhot moadim* program. In each unit, students also get to the practical halakhic conclusions of various elements of their topic, with reference to some of the contemporary debates and *responsa* literature.

In my decade-long experience of using this curricular approach in various settings, I have seen it transform the study of halakha into an engaging area of *talmud torah*, allow for greater use of *hevruta* study and active learning, expose students to the process and dynamism of the halakhic endeavor, and avoid the pitfall of simply rehashing areas that have been already studied in previous years. Through such rigorous and engaging study, students can gain a critical mass of key concepts, classical conceptual understandings and analyses, and important details that are central to understanding and appreciating important areas of *hilkhot moadim*. Over four years, students are exposed to a wide range of sources from different periods, improve their cultural literacy and comfort level with various halakhic texts, and gain a better sense of the development of a given area of halakha as well as tools to apply such analyses to other areas of the halakhic system. Moreover, students come to appreciate the richness of the halakhic process, giving them incentive to further delve deeper into its study and become more learned, committed Jews. Finally, ideally, through this active learning of the sources, the practice of the mitzvot and customs of the various holidays becomes more meaningful and students—through their engagement with this material—develop a greater commitment to Jewish practice.

APPENDIX A:

ישיבת חובבי תורה
הרב נתנאל הלפגוט

תכנית לימודים-מועדים
ארבע שנים-לימוד עצמי

1. התכנית יכולה מקורות יסוד בעיקר, בהלכה ובשורשי המנהגים, אך גם יצורף הפניות למקורות יסוד במחשבה בכל נושא.
2. יהיו 3 מבחני חזרה -מדי פעם במשך השנה.

שנה א'	שנה ב'	שנה ג'	שנה ד'
ראש השנה	מנהגי אלול ויסוד החג-יום אחד או שנים-אופי היום	תקיעת שופר	ראש השנה שחל בשבת
יום הכיפורים	מנהגי ותפילות עשרת ימי תשובה	חמשת העינויים	מצוות התשובה
סוכות	בניית הסוכה וכשרותה	ישיבה בסוכה	הושענא רבא, שמיני עצרת, שמחת תורה
חנוכה	יסוד החג ומעמדו	הדלקת נרות	מצוות הלל
פורים	ארבע פרשיות והלכותיה	יסוד החג ומעמדו	מצוות היום
פסח	ביעור ובדיקת חמץ	חמץ ומצה	מצוות ליל הסדר-ב מצה מרור, והלל והגדה
יום העצמאות	יסוד החג ומעמדו- כולל הלל ביום העצמאות	מעמד מדינת ישראל בהלכה	מצוות התלויות בארץ-ב' תרומות ומעשרות וערלה
יום ירושלים	יסוד החג ומעמדו	קדושת ירושלים בהלכה	דיני מלחמת מצווה
שבועות	ספירת העומר	מנהגי אבילות בעומר	עשרת הדיברות
בין המצרים ותשעה באב	דיני תענית חוץ מתשעה באב	דיני בין המצרים	זכר למקדש וזכר לחורבן

APPENDIX B:

הרב נתנאל הלפגוט
ישיבת חובבי תורה

הלכות מועדים
ראש השנה
תקיעת שופר

תקיעה או שמיעה

- א. ויקרא כג: כא, במדבר כט: א
- ב. שו"ת הרמב"ם קמב
- ג. רמב"ם ה"ל שופר א: א
- ד. אוצר הגאונים ר"ה קא-קד
- ה. הררי קדם חלק א סימנים ח, יג
- ו. הגיוני הלכה חלק ב עמ' 30 ואילך

שופר כקיום תפילה

- א. גמ' ראש השנה כו: "שופר של ר"ה . . . טפי מעליי ורש"י שם
- ב. הררי קדם חלק א סימן ז

סדר התקיעות

- א. גמ' ראש השנה לג: "מתני' סדר תקיעות . . . (לד.) שביעי שביעי לגזירה שוה" "אתקין ר' אבהו . . . והדר יליל"
- ב. ר"ן (י. בדפי הרי"ף) ד"ה אתקין
- ג. טור או"ח תק"צ "שיעור תקיעה . . . וכן דעת אדוני הרא"ש"
- ד. שו"ע או"ח תק"צ: ג: משנה ברורה סעי"ק יד

תקיעות דמיושב – דמעומד

- א. גמ' ראש השנה טז. "א"ר אבהו למה תוקעין . . . כדי לערבב השטן" תוס' שם ד"ה תוקעים
- ב. שו"ע או"ח תקצ"א: א: משנה ברורה סעי"ק א
- ג. שו"ע או"ח תקצ"ב: א-ד משנה ברורה סעי"ק ב
- ד. תוס' ד"ה שיעור (ר"ה לג): "ובערוד פ' . . . והם מאה"

טעות בתקיעה

- א. רא"ש ראש השנה ד: יא "מעשה במגנצ"א . . ."
- ב. שו"ע תק"צ: ז

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