Journal of Jewish Education

ISSN: 1524-4113 (Print) 1554-611X (Online) Journal homepage: www.tandfonline.com/journals/ujje20

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To cite this article: Yaakov Jaffe (2023) Four Approaches to the Instruction of Halakha, Jewish Law, Journal of Jewish Education, 89:2, 94-117, DOI: 10.1080/15244113.2023.2216114

To link to this article: https://doi.org/10.1080/15244113.2023.2216114

Published online: 25 May 2023.

JOURNAL OF JEWISH EDUCATION
2023, VOL. 89, NO. 2, 94–117
https://doi.org/10.1080/15244113.2023.2216114

Routledge
Taylor & Francis Group

Four Approaches to the Instruction of Halakha, Jewish Law

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ABSTRACT
Jewish Schools spend a significant amount of time on the teaching of Halakha—Jewish Law, custom, and ritual. The practice is most prevalent in Orthodox schools, although in truth all Jewish schools spend some time on the instruction of this discipline. Schools differ widely as to the approach they take in the teaching of Halakha, and this submission investigates the different approaches taken to this teaching in Jewish Day schools, with a focus on real quantitative research as to Halakha education in Orthodox Schools.

KEYWORDS
Halacha; Halakha; Halakha education; Jewish education; Jewish law

Halakha, or Jewish Law, is one of the major curricular areas in United States Jewish Education. Most students—in all denominations and in nondenominational schools—have moments in which they study the performances, rituals, and customs that Jews practice as part of their Jewish living, often called Halakha. The word *Halakha* is used colloquially and in some of the research to refer to a body of *required* laws and rituals, but the process of learning any type of Jewish practice is identical, be it customs, performances, laws, or requirements. Thus, the same educational considerations and constraints apply widely. This study focuses on the study of formal, legal Halakha in the Orthodox community, but the research outcomes can be applied to all types of Jewish schools.

Halakha is least suited to conventional classroom instruction from any discipline in Jewish education as it focused on living life through Jewish religious and cultural traditions. Halakha is particularly concerned with student behavior outside the classroom, perhaps even more than the study of content, in contradistinction to the study of Jewish texts (such as Bible, Talmud, or Rabbinics), philosophy, or history. Thus, the insights into the teaching and learning of Jewish customs and traditions apply even to summer camps, synagogue youth groups, and Jewish schools for any age.

The study of Halakha has been a part of Jewish education in some form for centuries, although it is only in the last few decades that Jewish schools have begun to plan and carry out formal instruction in a specific, unique subject called Halakha, or Jewish law. The recent literature about the topic, mostly developed over the last 50 years, demonstrates various conceptual modes and

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models for how schools can engage in Halakha instruction, with each model coming from a different point of departure as to the nature and even ultimate purpose of Halakha teaching and learning. This essay will illustrate what those modes are and consider the implications those modes have for intended student outcomes and broader alignment.

One initial caveat: The term *Halakha* has been used to mean different things over the centuries of Jewish teaching and learning and also in the modern literature. Halakha is sometimes used as a modifier to convey the method through which Rabbinics, Oral Law, or Talmud are studied—namely, when the texts of the Talmud are studied in an effort to extrapolate actionable, legal content. Consequently, some of the literature that may at first seem to be about Halakha, the subject, is in fact about Halakha, the style of Talmud study, and so is outside the scope of this paper (see Levisohn, 2010; Lichtenstein, 2003). Similarly, it is also outside the scope of this discussion to consider the hotly contested contemporary question about the teaching of Rabbinics and Talmud more generally: whether they should be studied from an analytical/philosophical mode (sometimes called Conceptual Gemara) or as an artifact of Halakha (sometimes called Halakhic Gemara), because then too Halakha is the modifier or method of Talmud and not its own subject. Instead, this paper will focus on the instruction of Halakha, Jewish law and custom, by which we mean the study —as its own discipline—of Jewish laws and custom that are practiced by Jews.[1]

This analysis will be of interest to Halakha educators: those who work in the teaching and learning (both formally or informally) of performances, rituals, and customs, as we shall surface unstated assumptions about the teaching and learning, consider the models schools use, and the consistency and alignment within those models. Slightly more broadly, this paper will be of interest to those who develop and analyze other types of Judaic Studies curricula (such as Bible or Rabbinics), as we consider how schools, scholars, and theoreticians address similar, though slightly different, questions in a parallel discipline. Even most broadly, it will be of interest to those who study alignment in Jewish Education, as we consider the extent to which the theory or vision within Jewish Education corresponds to the actual classroom applications and student outcomes.

The central finding of this study about the state of Halakha education in Orthodox Jewish high schools in this country is that schools generally have little alignment between the larger curricular goals and vision of Halakha education and the classroom choices involved in Halakha education. Lacking

[1]Some schools will forgo a formal class named Rabbinics or Talmud and instead offer a class named Halakha, or Jewish Culture and Custom, which is a class in Rabbinic literature under another name. The title on a student's schedule doesn't determine the nature of the class; the nature of the discipline does. Thus, a survey of Rabbinic literature taught through the prism of Halakhic questions is essentially a Talmud class; the focus of this paper is on classes whose focus is on Jewish practice, law, and custom, not the survey of the Rabbinic texts.

clear models, exemplars, or textbooks that explain the relationship between goals and applications, schools tend to make decisions about Halakha almost blind to what their ultimate outcomes might be. My hope is that this paper will offer insight into and context for schools' desired outcomes in Halakha instruction and the choices that impact whether the desired outcome is achieved.

Introduction: Four Approaches

The prevalent and predominant approach to Halakhah education in the literature sees Halakha as a subject whose purpose is to teach students the content knowledge they will need to apply in practice outside the classroom (Eisenberg, 1975–1976; Goldmintz, 1996; Harari & Wolowelsky, 1987; Jaffe, 2014). Stated differently, 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, keeping all the laws and customs of Judaism correctly. This approach exists in the literature in various nuanced forms, with different nuances as to textbooks, topics, and pace of study, but the general approach is the same across numerous essays and studies. By way of shorthand, this approach can be referred to as "learning for future practice," as the desired outcome of Halakha learning is applying that learning in future practice.

A second approach to the subject focuses more on the real-life learning of Halakha, the learning of procedural knowledge in the real world and not in the classroom (H. Soloveitchik, 1994; Krakowski et al., 2012). This "observational learning" approach sees the quintessential Halakha class as a teacher-led trip to purchase food from Starbucks or to immerse vessels in a Mikvah, as an engineering exercise to build a Succa or route an Eruv. It looks at a daily prayer service or a Purim Megilah reading as a prime example of Halakha education. This approach involves two basic nuances: learning mimetically through observational learning and learning through crafted and preplanned problem-based learning activities; but the core insight is the same: Jewish law and custom must be taught authentically, through student practice and real-world Halakha activity. Historically, this approach to Halakha education is the oldest one, even explicated in the Talmud (Succa 42a). Most schools adopt this approach, at least in part, when considering the prayer services conducted in school.

I have previously devoted attention to a third approach, alluded to elsewhere in the literature, that sees Halakha education as part of general Jewish "cultural literacy" (Jaffe, 2009)[2] and as the learning of important content that

[2]This view can take many subforms. For the Ultra-Orthodox, Halakha is part of Jewish cultural literacy because it is part of the large corpus of "Torah," which they believe descended from the Almighty, Himself, at Sinai. In contrast, others might consider Halakha part of Jewish cultural literacy because the system of Halakha is a central facet of the corpus of literary accomplishment of the Jewish people over the last two thousand years. Still others might take a more Maimonidean approach that Halakha is the repository that captures the inner core of Jewish worldview (see Temurah 4:13, Mekhilta to Shemot 18:20, J. B. Soloveitchik, 1983).

students should master, not on the eventual future practice of the Halakha. Just as students study Bible, Rabbinics, or Jewish History, because these topics are important for Jewish living, they also study the content of the subject Halakha.

Still others take a fourth view and argue that the primary purpose of Halakha study is to enable students to acquire perspectives, beliefs, and values about Judaism through the study of Halakhah, rather than to study Halakah itself. By way of shorthand, the fourth approach can be summarized as a study of Halakha as philosophy. Adherents of this view believe that the most critical aspect of Jewish practice and ritual is the way it expresses underlying philosophic ideas, and so the study of Halakha is conducted in a way that unpacks the underlying theory, morality, and spiritual lessons behind laws and practices.

Ironically, a school's selection of one of these four models (learning for future practice, observational learning, cultural literacy, and Halakha as philosophy) do not neatly divide into type of school or denomination of students. For example, ultra-orthodox schools often engage in less observational learning around holidays (such as Purim, Passover, or Succot) as they anticipate the student body engaging in observational learning at home; in contrast, it is community, pluralistic, or nondenominational schools that are most likely to have school on and leading up to the holidays and more likely to model Halakhic practice through observational learning. Meanwhile, the cultural literacy approach is also championed by Orthodox Jews (Jaffe, 2018) and is not limited to schools that are less invested in Halakha as an essential practice.

A somewhat lengthier summary of perspectives can be found in Schwartz (2012). His work is a valuable review of the recent literature, especially of essays written in Hebrew, but it suffers from two significant problems. First, he fails to maintain the distinction between the discipline Halakha and the related disciplines Mishnah and Talmud (his fifth and sixth approaches to teaching Halakha seem to be Mishnah or Talmud classes that merely bear the name Halakha). Second, he often bifurcates similar approaches to a degree of nuance or subtly that is distracting, as some of his approaches overlap with each other nearly completely. To give one example: He fails to fully explain how his second, third, and fourth approach would differ in the classroom, calling these approaches learning sources and applications, learning details, and learning modern applications. It is more fruitful to consider four approaches to teaching Halakha that are drastically dissimilar and in which the different choices made come into clearer relief.

Contrasting the Four Approaches

What are the practical differences between the various approaches? The literature provides some illustrations of areas in which the different approaches contrast and what the tradeoffs, positives, and negatives of each specific approach are.

One of the earlier attempts to map a program of Halakha instruction for the American day school movement was undertaken by Yehudah Eisenberg of the Torah Education Department of the World Zionist Organization with the Board of Jewish Education of New York in 1975–1976 (Eisenberg, 1975–1976). His introduction clearly reveals his assumptions about the nature of Halakha teaching in the day school. Eisenberg notes that the objective of the discipline is "to study the laws well in order that they be put into practice" (1975, p. 8; 1976, p. 5): The primary goal of Halakha teaching is to teach content to students that can enable them to produce a desired behavior as a student outcome. The focus is not on the teaching of pure content, and it is does not merely consist of watching adults; instead, content is studied for the sake of using it in future practice. The curricular decisions made by Eisenberg are governed by this assumption as well.

Eisenberg notes that in the early 20th century, Halakha teachers generally taught the same basic Halakhic content each year. Teachers would attempt to cover the full corpus of Jewish law and custom every year to review all the relevant laws and customs with enough regularity for students to have instant recall of the laws to be able to put them into practice. Eisenberg himself retains the system in which the entire corpus of Jewish law and custom is meant to be covered multiple times across schooling, in place of learning those topics more deeply. He makes minor tweaks to the previous system but avoids a major revision: Topics are covered in detail every 3 to 4 years (instead of every year) and are reviewed three times in a K–12 system (instead of 12 times). But there is no major break from the assumption that Halakha is the teaching and learning of a large corpus of basic content that is intended for practice. More recently, Meir Yacobobitz detailed a similar system for Israeli schools, focused on learning for future practice (Yacobobitz, 1996). The two major concerns with this approach, raised repeatedly by Eisenberg and elsewhere in the literature, are that this superficial study lacks the depth to facilitate the development of lasting structures and deep understandings of the discipline and can also be a cause for boredom in the classroom.

Supporters of observational and experiential learning of Halakha are drawn to it because it addresses two unique challenges posed in the study of Halakha. First, the classroom study of Halakha involves the application of a large amount of background knowledge to a case in question, but students confront the situation before acquiring the background knowledge, constituting a major barrier for even entry into basic Halakha study. This is true on two levels—

both that students do not know the structures of the *specific* subtopics of Halakha and also that they do not know *general* principles of Halakhic decisionmaking (see Goldmintz, 1996, p. 57; Krakowski et al., 2012, p. 6). Thus, when evaluating the propriety of ripping paper towels on Shabbat, students are often blind to both the structures of the laws of Shabbat (for example, measured cutting and tearing with the intent to sew are prohibited, but destructive actions are lesser prohibitions) and also to general principles of Jewish Law (such as which normally proscribed behaviors are permitted to preserve human dignity). The second challenge is that Halakha classrooms promote high levels of passivity as they involve less student originality. Halakha classes at many Orthodox Jewish high schools set out to teach the appropriate, best, conventional way of Jewish acting in a given situation, assuming that every question has one best answer, and consequently there is less room for student originality within that particular educational framework. The range of acceptable options is narrower in Halakha than in other areas of Jewish life, so students' own views or instincts are often rejected in the end, even when there is a difference of opinion among earlier authorities. Thus, an experiential learning approach helps students remove the passivity in Halakha study and the need for background knowledge, because Halakha is liberated from classroom format; to the contrary, it is learned in a way that is alive and applied to real life.

There are two challenges posed to the observational learning approach. First, on a practical level, it is not always possible for schools to provide real-world opportunities for students to watch and learn about each arena of Jewish law and custom. How can a school that is closed on Passover authentically provide observational learning for the complete family Passover seder? Beyond this practical reason, which does not render this model nonviable but would only limit its applications, others raise concerns on a theoretical level by invoking the problem of transfer. In Halakha, students are asked to "transfer" the localized rulings they have experienced in the past to new situations that arise in their own lives in the future (see Niedelman, 1991, pp. 322–329). Students learn one example of a law and are expected to extrapolate from that example to real-life cases that are similar but not identical to the situation studied. Yet, no matter how many modern-day cases are experienced in school, there are an almost infinite number of cases and applications that students are never presented with. Can students be expected to transfer the customs of a Passover seder that takes place on a Wednesday night to the customs of the seder on a Saturday night? Or the customs of the 9th of Av that commences on Monday night as opposed to the end of Shabbat? If they have never been sick on a Shabbat or a fast day, if their stove pilot light has never gone out, if they have never paid attention to the order of the Torah reading on the 6th day of Chanukah, then the student has no observational learning experience of these situations and no way to transfer

the old knowledge learned to new, but analogous, situations when they first occur.

In an effort to respond to some of the concerns with the first two approaches, the cultural literacy approach changes the primary student outcome and sees the study of Halakha as a pure content discipline within Jewish Education, totally divorced from any sort of preparation for practice. It believes that Halakha is a vital part of the study of Judaism, and students should learn this content even if they will never observe the specific laws and customs. E. D. Hirsch originally coined the term *cultural literacy* in the 1980s and applied the term to the modern American context. Hirsch noted that a key part of education is helping students acquire the "underlying domains of content" and "assumed knowledge" that stand behind the words, terms, references, allusions, and quotations used in a particular society (Hirsch, 1983, pp. 163–164, 1987, pp. 3, 13). Hirsch felt that each tradition had its own cultural literacy (Hirsch, 1983, p. 167, 1987, p. 17). In Judaism, Halakha is part of the essential, assumed knowledge that students should have, even when it relates to laws that they will never practice. Other Jews might practice or talk about these laws and customs and other texts might talk about them, and as a result Halakha may be considered part of Jewish cultural literacy.

The content is studied for its own sake, and students master the unique structure and grammar of the discipline, not merely learning as a means to the end of practice. This allows the teacher to overcome the focus on superficiality and breath-over-depth that plagued the earlier approaches, thereby, increasing retention and meaningfulness of the material studied. Teachers present the Halakha in a way that maximizes engagement and understanding and not in the way that maximizes exposure to every last detail. The primary cost of this approach is that students study fewer topics as a cost of the focus on deeper structures. But adherents of this approach are less concerned with student behavioral outcomes and more focused on learning and knowledge goals, so they are less concerned with studying fewer topics.

Fundamentally, this alternate perspective sees Halakha as a corpus of declarative knowledge (see Rosenak, 1987, p. 39). Most educators in previous decades have granted that Halakha exists in two planes (as declarative knowledge and as procedural knowledge) but argued that its role in the Jewish school was primarily as utilization or procedural knowledge, learning "rules and regulations" and when they apply. Jay Goldmintz once summed up the earlier approaches to Halakha teaching as "the teaching of the commandments geared as it is to the very question of actions and beliefs in day to day life" (Goldmintz, 1996; although contrast Goldmintz, 2005 in Rimon, 2005). The cultural literacy approach breaks with this understanding and sees Halakha mostly as declarative knowledge. In this regard, an apt parallel would be science instruction. Science instruction includes both declarative content knowledge and also

laboratory procedural knowledge; but most schools spend more time or energy on the former not the latter; when it comes to Halakha, schools in the past would focus on the procedural knowledge and not the underlying principles.

According to this approach, the teaching and learning methodology for Halakha would also include the underlying structures and grammar of the discipline and the generalization of rules and concepts to new cases, so students will be prepared to conduct this transfer process on their own. This sets a higher bar for teachers, who will require extra effort to teach concepts in such a way that students can truly acquire the concept and then be able to apply it correctly to new cases not addressed in the studied case law. But the story of education is replete with examples of how deep structures yield better long-term outcomes than a blind focus on complete, comprehensive breadth.

Recently, Yosef Tzvi Rimon has advocated widely for this approach to the teaching of Halakha, (Rimon, 2008, p. 11). Rimon has authored many Halakha curricula for United States use and argues that his curricula move the study of Halakha forward since it "makes the study more interesting and enables us to study principles and not just details" (Rimon, 2005). However, though the explicit *claim* of Rimon's program is to revolutionize the study of Halakha into the study of a content discipline instead of a study of practical Halakha for life, the curriculum Rimon actually develops does not differ greatly from the work of earlier curricularists in its emphasis on the procedural knowledge that is focused on practice. Rimon's curriculum is a cautionary tale for us, then, about how schools can claim or even plan to have one approach to teaching Halakha, which is later belied by the curriculum they actually put into place.

Lastly, many schools focus their Halakha curricula around beliefs and attitudes, creating a class in which Jewish *values* are taught and presented as normative, in lieu of technical Jewish law and custom. These Halakha classrooms are prone to focus on topics like the history of Halakha (the study of the religious and historical process wherein old debates are resolved and new realities are tackled), philosophy of Halakha (the philosophic constructs that explain why the Halakha remains a relevant corpus through the passage of time), reasons for the Mitzvot (the explanation of the deeper reasons why Jews chose particular practices), and "Jewish ethics.[3] Adherents of the first three views in the literature would not countenance these topics becoming the dominant focus of a class entitled Halakha. These topics might be addressed as special asides within the regular Halakha class but could not dominate the

[3]"Jewish Ethics" is rarely studied for the purpose of students learning procedural knowledge to carry out in their own in life but is instead studied to promulgate philosophic values of Judaism. Moreover, the ethic is rarely codified in traditional legal texts, but is instead derived by modern authorities or the students themselves from the values promulgated by nonlegal traditional texts, so the study becomes one of ethical/moral/philosophical values and ideals, not discrete legislated laws and customs. Student discussion dominates much more than the reading and study of classical texts. Prizmah's Moot Beit Din program is a particularly current example of a Halakha program whose focus is not on the law but on the derived ethics.

Halakha lessons. Yet, many schools demur and say that Halakha's true purpose in a Jewish school is the promulgation of beliefs and values, and not preparation for a life of enacting certain behaviors.

The tradeoffs of this approach are self-evident: Imagine a biology class wherein the focus of the class is not the corpus of biological knowledge known to scientists but instead the history of important figures in biology and their views. Surely the students in the class would emerge more knowledgeable in the fields of intellectual history and the history of science but they would also have less knowledge of the science itself. They would be very well prepared to study the religious and cultural assumptions of 16th century Italy but not very well prepared to do further research into the field of biology. Similarly, the history of Halakha is an appropriate topic for a Jewish history class (it highlights the role of authority in the Sephardic world, the role of mysticism in Jewish life, and the orientations of the divergent academies in different generations, etc.), but it runs counter to the goals of Halakha per se. Yet, adherents of this fourth approach reply that Halakha retains its meaning for the modern audience only when it is treated as a manifestation of Jewish philosophy, and they ask teachers to engage with this approach and not with the ones that speak to students less.

Appendix A to this paper provides an illustration of the way the four approaches might tackle the Jewish practice of affixing a Mezuzah on a doorpost to provide further illustration.

Materials and Methods

This study investigates the extent to which a school's stated vision or approach to Halakha instruction impacts or aligns with the curricular, school structure, or classroom decisions that relate to Halakha. Though this study focused on Modern Orthodox high schools[4] in the United States, the general problem of the alignment between conceptual framework and curricular/classroom choices is applicable to all types of schools and all ages in all countries.

Surveys were sent via email to all 44 Modern Orthodox American Jewish high schools that existed at the time of the study. 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) and 14 single gender. 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; 38 surveys were returned from 28 schools. The demographic distribution of the class of respondents roughly

[4]Which we define as schools that express commitment to both (a) the normative, traditional practice of Jewish law and (b) either (i) the value of secular knowledge or (ii) the State of Israel.

approximates the distribution in the population at large, with 14 schools outside the New York metropolitan area and 14 inside responding and with 23 of the schools who responded being coeducational (82%) and five of the schools being single gender (four of them male and one female).

In light of the analysis in the previous pages, we hypothesized that a school's stated approach to Halakha instruction would impact a series of other instructional choices, as illustrated in the table below:

Learning for Practice	Observational Learning	Cultural Literacy	Halakha as Philosophy
Topics studied practical for students at some point in lifetime	Topics studied practical for students when studied	Topics chosen based on interest (practical or not), or illustrative capacity	Nonpractical topics chosen to illustrate ideals and values
Standard exams, focused on practical	Performance-based assessments	Standard exams, focused on theory	No assessments, journaling or essays
Legal-handbook texts	No textbook used	Theoretical texts	No textbook used
Standard instructional time	No scheduled classroom time	Standard instructional time	Informal discussions or regular classroom time
Teacher teaches material	Teacher arranges activities	Teacher develops/organizes material	Teacher leads discussion
Some theory, much detail	Little theory/ background	Little detail when topics are covered	Focus on theory, less rules or details

The survey first asked each respondent what their approach to Halakha education was—both primary and secondary visions—and then asked various questions about classroom, structural, or curriculum choices that may have reflected that choice. The survey was addressed to the administrator in each school who was most involved in the Halakha program and was filled out by that administrator or a lead teacher in the department, or sometimes by both. The text of the Halakha education survey appears as Appendix B.

Results

As expected, the same dominant visions that were prevalent in the literature were the ones held by most schools, with some of the more minor visions and approaches in the literature accepted only by a smaller number of schools. Specifically, we found more schools adhering to the first two visions on the conceptual map ("observational learning" and "learning for practice") than the second two ("cultural literacy" and "Halakha as philosophy"). Thirteen respondents (39%) considered the primary purpose to be the teaching of a corpus of knowledge that is critical to be eventually put into practice, while 12 respondents (36%) considered the primary purpose of Halakha to be to teach a certain set of behaviors and scripts for action. Thus, 75% of all respondents identified with one of the first two tracks or visions of Halakha education, both of which focus on Halakha practice as the primary purpose of the study of Jewish law and custom. A smaller number of respondents ($n = 7$, 21%) believed that the primary purpose of Halakha education was to convey

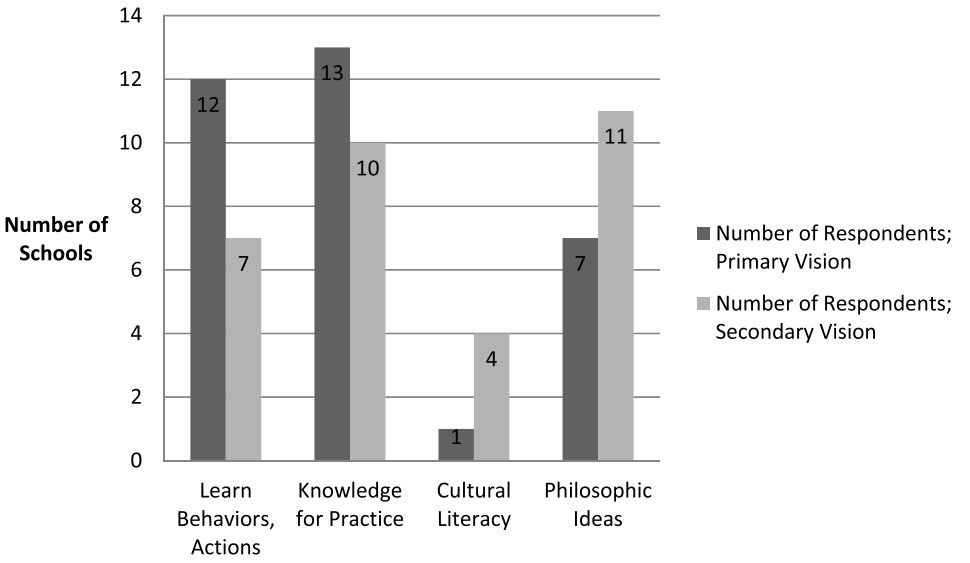

Figure 1. Primary and secondary visions of the nature of Halakha instruction. This chart illustrates the number of respondents who ascribe to each vision of Halakha instruction, as their primary or secondary vision.

a series of beliefs or philosophical notions about Judaism. Only one respondent adopted the remaining vision of Halakha education, seeing Halakha education as the study of critical texts that make up the corpus of Jewish knowledge. (Refer to Figure 1, which illustrates the different primary and secondary visions that were identified by the survey respondents.)

There was no relationship between espoused primary vision and espoused secondary vision, and the further analysis below will focus on the stated primary vision for Halakha education espoused by the survey responder. To be sure, the visions that were more popular as primary visions experience some drop off when respondents were asked to share what their secondary vision was, because none could select their primary vision as the selection for their secondary vision.

Not a single classroom or curricular choice in the entire survey correlated with any of the visions of Halakha instruction expressed in the survey. Even composite scores that were developed to sum together questions in an effort to create greater statistical power for statistical analyses failed to yield any significant correlation with any of the espoused visions. Espoused vision had no effect on other measures, including the total number of topics studied ($p = .182$), number of years of Halakha study ($p = .852$), number of minutes of instruction per week ($p = .647$), a composite score for time spent on study ($p = .767$); whether there was a dedicated classroom teacher ($p = .618$), the learning speed ($p = .525$), type of text used ($p = .957$), whether exams involve supplying law for

prompted cases ($p = .384$), whether exams asked students to reply to unknown scenarios ($p = .260$), whether exams asked students to merely summarize the material learned ($p = .284$); how the school conceptualized the role of the teacher ($p = .325$), how the school conceptualized the role of the student ($p = .904$), and a composite score asking how much time was spent on extra excursuses into the deep structures and grammar of Halakha beyond the mere study of the practical laws ($p = .870$). In sum, the results demonstrate varied choices of general approaches to Halakha instruction but no alignment between classroom choices and underlying vision.

Most of these Modern Orthodox schools offered an independent class of Halakha, wherein students had a specific teacher and specifically scheduled classroom time for the study of this discipline ($n = 24$; 63%). A smaller number did not offer a specific Halakha class but instead taught Halakha as part of the Talmud class ($n = 9$; 24%); a still smaller number had no formal classroom-based Halakha program at all ($n = 5$; 13%). Yet, contrary to the expectations borne out of the literature, having no formal classroom-based Halakha program had no relationship with the espoused vision of Halakha instruction. Evidently, schools' choices about their master schedules were largely uninformed by the conceptual approach they espoused regarding the discipline of Halakha.

When taught as a class, Halakha was almost always treated as a regular class in the schedule, with more than an hour of instruction per week—be it two periods ($n = 12$, 32%) or more than two periods ($n = 18$, 48%). Only one respondent said their Halakha program met for merely one 45-minute period per week, less than the standard number of meeting times for a regular high school class.

A small number of respondents ($n = 2$) used no textbook or sourcebook at all in their teaching of Halakha, relying on teachers' lecture or modeling for course content. This choice also showed no correlation with the espoused approach to Halakha instruction. Most schools use a classical text composed before the year 1900 (15 respondents) for the class or used handout sheets or sourcebooks that provided excerpts of many of those same classical sources (14 respondents). A very small number ($n = 2$) used contemporary handbooks of Jewish law and custom intended for the student or lay audience (one school used *Halichot Olam* and other books by Rabbi Forst). In this regard, we see that the instruction of Halakha is approached as other Judaic studies subjects, wherein students study using *classical* texts rather than a contemporary text such as would likely be used in general studies subjects such as science or history. When we asked which classical texts were used, we learned that *Mishnah Berurah* or *Shulhan Arukh* were most prevalent; a few schools used *Arukh Hashulhan* or Rambam as a point of departure. The textbook chosen

had no statistical relationship with the self-identified vision for Halakha education; many surveys were misaligned on this point.

Further statistical analysis sought to compare respondents' responses to questions not related to vision and to determine a relationship between responses to those questions. Here, a series of relationships was evident. Number of topics studied was related to type of text being used ($p = .037$), with the use of a more rigorous text (e.g., a classical text as opposed to sourcebooks or handouts) statistically related to a greater number of topics studied. As we noted earlier, use of a text, especially a rigorous one, is indicative of a school adopting the learning-for-practice vision or the cultural-literacy vision, and the selection of more topics, even ones not practical to students at the time of study, was further consistent with the school having an unarticulated, unstated, affinity toward a vision of learning for practice or cultural literacy. Types of textbook and number of topics are not connected on a *practical* level, and thus it is reasonable to attribute the relationship to an underlying commonality in *conceptual* approach that drives both questions.

Number of topics studied also correlates with frequency of analysis of deep structures ($p < .05$). As noted earlier, we predicted that schools espousing the observational-learning vision would study fewer topics and fewer extended structures, and schools espousing the Halakha-as-philosophy vision would also study fewer topics and on the aggregate fewer extras than schools espousing learning for practice or cultural literacy. These analyses indicate that schools do have a consistent unstated or subconscious vision about Halakha that leads those schools toward certain curricular and classroom decisions, even if school leaders are not themselves aware what their underlying visions might be.

The questions that were correlated (text used, number of topics studied, and also exams with prompts of situations, time spent for study, and use of extras) are a cluster of questions that are indicative of those that subconsciously see Halakha as "material studied by students to use later in life" (learning for practice)—though the responders did not all mark the same vision for study in the first section of the survey. This leads schools to either move toward more-rigorous textbooks, more time for Halakha instruction, and a greater number of topics to be studied or to move away on the spectrum all these questions: away from text, moving instead toward study of fewer topics, using less time, and learning in a more superficial way.

This finding corroborates the hypothesis that structural, curricular, or classroom Halakha decisions are linked to each other; schools have radically different ways of thinking and conceiving about Halakaha instruction, and this *does* impact how they structure their Halakha programs. Schools do, indeed, answer these specific questions in different ways, based on how they understand the purpose of Halakha instruction, but this understanding is only inchoate for many of the schools and not reflective in their enunciated vision or approach to Halakha study.

Discussion

Why do we find so little alignment in Halakha education between vision and practice? One answer suggests itself. Whereas the literature and educational research in the fields of Bible study and Rabbinics is vast and robust, the literature around Halakha education is far so. There are few journal articles on the topic, no standards and benchmarks from the Melton Research Center, and no degree in the field in Israel's Herzog College. Consequently, most Halakha educators and school administrators must make choices around Halakha based on practical considerations, instinct or hunch, or their own experiences, without having a clear sense of the larger goals and the way smaller choices inform those goals. The problem is exacerbated when some of the more recent contributions to the literature, such as Rimon and Schwartz, have lack of clarity or alignment around the way classroom choices relate to larger vision. Teachers are in the dark without a guide as to how to make choices and decisions.

Most educators and families in Jewish schools see Bible study and Rabbinics as more central to the educational experience of their children, and it is no surprise that teacher training programs, the scholarly literature, and ongoing teacher professional development focuses on those areas. But schools and teacher training programs might consider devoting more attention and energy to the training of Halakha teachers. True, it is less essential, but schools should still conform with best practices even for minor courses and topics. Jewish educators often need to teach more disciplines and in more different modes than a general studies teacher, but the solution is more-robust-and-targeted training, not forgoing the task entirely. Thus, even if a teacher plans on teaching Rabbinics or Jewish history, the teacher would be advised to spend at least one semester learning about the various ways to think about teaching Halakha.

School administrators might also consider whether Halakha teachers should be hired specifically for training, experience, or excellence in this area of teaching, instead of being hired based on other qualities, with Halakha class an add-on to their teaching schedule. Just as a science teacher might not have deep knowledge about math instruction, a Talmud teacher might never have given deep thought to Halakha instruction, an entirely different discipline. Administrators should be mindful of this distinction when hiring and assigning classes to teachers.

Appendix A highlights how Halakha instruction might look different in accordance with the different approaches, for school leaders and researchers who wish to continue developing teacher understanding of ways to teach and learn Halakha as a possible solution to this problem.

Though not central to the argument of this paper, it is noteworthy that this research has also uncovered many descriptive statistics about the way Halakha

is taught in this country at this time in Modern Orthodox schools. Some of these observations can be thought provoking for schools drafting new master schedules or classroom curricula. These questions do not relate to the primary research questions and hypotheses of this study, but they are still valuable for practical application. It is helpful to share a snapshot of some findings on the state of Halakha education as it also raises questions about the future of Halakha education.

The question of the most appropriate text for use in Halakha instruction is one gaining much attention in recent years. At the time of this research, classical texts were still used by the slim plurality of schools surveyed, but sourcebooks and source sheets of classical sources were used by a near equal number of respondents. Based on this research, we would recommend that schools committed to the teaching of Halakha as part of Jewish cultural literacy might want to continue to use classical texts or at the very least source sheets of classical texts, but schools that see Jewish law education in terms of providing students with the knowledge needed to live an adult Jewish life would probably have little reason to use complex texts and might instead prefer more succinct, colorful modern textbooks that restate the law in clear and accessible language. Schools seeking to focus on Jewish values and ethics might forgo use of a text entirely.

One question addressed throughout the literature, and summarized earlier, is the amount of time to be designated in a school week for the study of Halakha. In a short school week, often with fewer than 40 teaching hours, school schedulers must find time for at least four general studies subjects, along with Bible, Rabbinics, Halakha, and whatever other Judaic studies topics or electives schools wish to schedule. Some schools, particularly those that prefer the observational approach to Halakha instruction, take the attitude that no instructional time should be designated for Halakha (13% of schools), while others solve the scheduling problem by asking the Talmud teacher to cover the teaching of Halakha, without setting aside separate time for Halakha instruction (24%). Nearly half of schools that have formal Halakha classes alleviate some of the scheduling pressure by scheduling Halakha classes in fewer than 4 years of high school, offering a different subject area in the same time block in other years. Some also schedule Halakha for fewer class meetings per week in an effort to leave more time for other subjects. Schools are thoughtful in giving Halakha enough time for the subject to be credible, while also deprioritizing it compared to other traditional Judaic studies demands.

Conclusion

The clearest conclusion from this study is directly applicable to Halakha, although equally relevant to all Judaic studies. Jewish day schools must continue to devote time and energy to articulate and surface the unstated

assumptions around instruction that are underlying school choices if they wish for student learning and student outcomes to match their mission and goals for instruction. Were there no underlying common approaches to Halakha, even of the unstated variety, then the demonstrated consistency and correlation would be unthinkable or impossible. But since there is an intuited approach that does drive choices, schools must embark on a path toward surfacing and formulating their specific approach and vision that underlies curricular or classroom choices. These results are significant in that they ought to spur school leaders to become more mindful of the way they wish their school to approach Halakha instruction, to ensure what actually takes place in the school accurately reflects the desired outcomes of the underlying vision.

In their defense, educational leaders drafting school curricula may not be experts in each curricular area that they chose to plan and designate for their schools' study, and many of them may not have an awareness of the literature around the various discrete approaches to Halakha instruction. The literature on Halakha teaching remains small, especially when compared with the literature on Tanakh or Talmud study, and one hopes that increasing the published literature available for public consumption on the topic may increase awareness about the importance of alignment in Halakha education, thereby achieving greater alignment.

One final warning is important in this regard. Increasingly, publishing houses and national organizations have been generating new, externally developed curricular materials that they in turn market to schools on the basis of sharp graphics, eye-catching colors, or beautiful photo artwork. Purchasing curricular materials based on these characteristics fails to recognize that the underlying approach or vision about the teaching of the subject might be different among the schools and that the text or curriculum should vary by vision and approach instead. Because of the wide variety in approach among schools, publishers and external curricularists must be more transparent about their own theoretical constructs and how it impacts their own view of education and curriculum, before assuming that materials or curricula can translate readily from one environment or school to another.

Halakha instruction is often the forgotten subject in Jewish schools, hiding behind the more important subjects of Bible and Rabbinics and the more engaging subjects of Jewish thought and Jewish history. Yet, it continues to play an important role in Jewish education, and schools must give the discipline greater proactive attention, both in terms of the vision, approach, and alignment and in terms of the resultant curricular and classroom decisions. In many ways, the Jewish future will be built around the continued dedication of the next generation of Jews to Jewish law and custom, and Halakha education is the vehicle through which Jewish education reaches that critical place.

Disclosure statement

No potential conflict of interest was reported by the author.

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Appendix

Appendix A

Illustrations of Four Approaches to the Study of Halacha

This appendix gives models and descriptions of what a unit on the laws of Mezuzah might look like in a Jewish school.

Learning for Future Practice

- Textbook used for study: Rabbi Abraham Danzig's *Hayeiy Adam* Section 15.[5]
- Topics include the list/summary of locations and situations where a Mezuzah is placed, without much theoretical explication what requires a Mezuzah and why:
  - A mere 40 words are devoted to the theory behind this practice.
  - Students quickly learn about putting a Mezuzah in each room in a home (15:2), city gates (15:3), homes owned in partnership (15:4), room area (15:6), doorposts (15:7), ceilingless rooms (15:8), doors (15:9), synagogue (15:10), vestibules (15:12), bathroom (15:13), double doors (15:13), attic doors (15:14), cellars (15:15).
  - They also learn about use of a case (15:16), at shoulder length (15:17), on the right doorpost (15:18), rolling the scroll (15:19), after frame is placed (15:20), in cases of antisemitism (15:21), rentals (15:22), and sales (15:23).
- Each lesson will involve students reading and translating the textbook and the teacher explaining the situations where a Mezuzah is required or exempt.
- The unit will take 1 week of three classroom periods to read and understand all of these cases.
- On an exam, the teacher will ask students about specific scenarios, and students will explain whether a Mezuzah is required, customary, or is not required, and whether and when a blessing is recited.

Observational Learning

- No textbook will be used for this class; instead students will walk around the school buildings (and their homes), learning about Mezuzah by seeing where it is placed.
- Topics will focus on the physical placement of the Mezuzah in the doorway, which students can learn from observation and measurement. Students will make deductions about locations and situations but only ones that commonly occur:
  - on the right doorpost, at shoulder length, resting at a diagonal, in a case.
  - each room in the building, including synagogues and vestibules, but not bathrooms.
- Each lesson will involve students walking around the school with tape measures and note-taking guides to learn about the Mezuzah from a real-world environment in which the commandment is kept.
- The unit will take 1 week of three 45-minute exploratory or discovery periods.
- On a performance-based assessment, students will be tasked with correctly affixing a Mezuzah on a model doorway.

This section consists of 23 subsections, with an average of 50–60 words each.

Cultural Literacy

- Textbook used for study: Either the Talmud and commentaries to Menahot 32b-34a or *Aruch Ha-Shulchan* Laws of Mezuzah.[6]
- Topics include even aspects of Mezuzah that are not applicable, if they illustrate important structures about Jewish law. Students will learn about all of the above topics mentioned in the other exemplars and also topics like:
  - whether the Mitzvah is to write a Mezuzah, place a Mezuzah, or live in a home with a Mezuzah and the implications for the blessing on the Mezuzah.
  - whether the Mitzvah relates to ownership of the home or dwelling in the home with implications for hospitals, long-term rehabs, college dorm rooms, and Airbnbs.
  - the applicability of the Mitzvah to women and children.
  - whether the scribe makes etching lines in the Mezuzah and the legibility of the writing.
  - the five criteria to determine which doorpost is the correct doorpost for placement.
- Each lesson will involve considering multiple perspectives on essential questions, including students' perspectives and earlier Rabbinic analysis. Special focus is given to parallels between laws of Mezuzah and other laws in Judaism.
- Because of greater comprehensiveness and depth, this unit would take an entire semester if studied at the rate of three classroom periods per week, not just 1 week.
- Exam will involve long-answer questions for students to discuss essential structures of the laws of Mezuzah.

Halakha as Philosophy

- Textbook used for study: Maimonides *Mishneh Torah* Selections from "Laws of Mezuzah."[7]
- Topics include laws that illustrate essential philosophies of Judaism, even though these topics are not practical for students.[8] Learners might also consider how the personal philosophies or cultural milieu of the different Rabbinic authorities might influence their rulings on these topics:
  - Does the Mezuzah protect us or does God? Is it mere talesman? Can we add protective incantations into the Mezuzah? (5:4)
  - Is Judaism different in Israel and the Diaspora? How and why do the laws of Mezuzah change in the two locations? (5:10)
  - Should non-Jews have the opportunity to place a Mezuzah? (5:11)
  - Why are holy places exempt from Mezuzah? Why should the temple or a synagogue not have a Mezuzah? (6:6) What about a bathroom? (6:9)
  - Where is the Mezuzah placed and how does that relate to what a Jew should think about when encountering his or her Mezuzah? (6:12-13)
- Each lesson will involve students discussing the underlying ideas of the Mezuzah and of Judaism, with Maimonides' words as a jumping-off point for discussion.
- The unit will take 1 week of three classroom periods to discuss these topics.
- There is no formal exam, but students will keep a journal of reflections as the class discusses the topics and share with the teacher at the end of the unit.

Because this text is more theoretical and discursive, there are 105 subsections of more than 100 words each. Students will read seven subsections of Maimonides of about 40 words each.

Note how among the topics mentioned here, one of the topics is relevant only to scribes (adding protective incantations), one is only relevant to Jews living in Israel, and one is relevant only when the Temple stands in Jerusalem.

Appendix B Halakha Education Survey

I. Section One: Theoretical Approach to Halakha

For the next four questions, please rate how much this statement reflects your thinking about the purpose and nature of Halakha education:

1. The purpose of the study of Halakha is to expose, teach, and familiarize students with a series of behaviors and scripts of acting they need for their lives as religious Jews.
   Strongly agree somewhat agree neutral somewhat disagree strongly disagree
2. The purpose of the study of Halakha is to develop a set of beliefs, ideals, and perspectives about G-d and Judaism within the students.
   Strongly agree somewhat agree neutral somewhat disagree strongly disagree
3. The purpose of the study of Halakha is to teach students knowledge needed to live a Halakhic life
   Strongly agree somewhat agree neutral somewhat disagree strongly disagree
4. 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.
   Strongly agree somewhat agree neutral somewhat disagree strongly disagree
5. Of the approaches above in questions one through four, which approach best captures how you see Halakah instruction?
   1 2 3 4
6. Which approach does the second-best job in capturing how you see Halakha instruction?
   1 2 3 4

II. Section Two: Classroom choices for the teaching of Halakha

In this section, some questions ask for a selection from multiple-choice responses, others ask for a short, free response.

7. What grades do you teach Halakha to, if any? [Check all that apply]
   a. 9 b. 10 c. 11 d. 12
8. In your school, do students take an independent subject called Halakha?

(a) Our school does not have a formal Halakha class.
(b) Students study Halakha with their Talmud teacher, as a subsubject of Talmud.
(c) Students study Halakha as an independent subject with an independent teacher.

9. How many years of Halakha do your students take in high school?
   a. 1 b. 2 c. 3 d. 4
10. How many instructional minutes per week do students have in their schedule for Halakha?
   a. less than 45 min. b. 45 min. to 1 hr. c. 1 to 2 hrs. d. more than 2 hrs.
11. Do you use or read any sefer, text, or textbook for the study of Halakha?

(a) Yes, we use a classical text of Jewish law written before the year 1900 (up to and including Mishnah Berurah).
(b) Yes, we only use a textbook written for use in schools, in the last century.
(c) No, we do not use any sourcebook or textbook at all; all sources shared are distributed via handout or are projected on the board.
(d) No, we do not use any sourcebook or textbook at all.

12. If you gave one of the first two responses to Question 11, please type the name of the primary text or sefer your students use in their study of Halakha _____
13. Does your halakha class include assessments?

(a) No, the class is not graded.
(b) The class is graded based on participation but not assessments.
(c) Yes, the predominant assessment is a traditional content-based exam.
(d) Yes, but we use projects and nontraditional assessments to gauge student achievement in this class.

14. Which statement is typical of your assessments? *Check all that apply*.

(a) Students are asked to summarize or restate what they have learned.
(b) Students are given a case or situation they studied and asked to supply the law.
(c) Students are given an unknown case or situation and asked to apply what they have learned to this new situation.

15. Can you give an example of what a typical question might be?
16. Besides what is done in your classroom, is there anything else that goes on in school that helps you achieve the goals of Halakha instruction? If so, explain what.
17. Do students ever study "History of Halakha" (how the forces of history caused the Halakha to come to be what it is today) as part of studying a particular topic?
(a) No (Students learn the laws, not where they came from.)
(b) Sometimes (Students learn it occasionally, but it is not a focus of the curriculum.)
(c) Regularly (Most of the topics students learn contain a lesson or partial lesson on historically how this Halakha came to be what it is.)

18. Do students ever study reasons why we follow one Halakhic position over others (Klalei Hapsak)?

(a) No (Students learn the laws, not the process of reaching Halakhic rulings.)
(b) Sometimes (Students learn it occasionally, but it is not a focus of the curriculum.)
(c) Regularly (Most of the topics students learn contain a lesson or partial lesson on the process for choosing one position to be the accepted one Halakhically.)

19. Do students ever learn why the Torah set up a particular Mitzvah or rule (Taamei Hamitzvot)?

(a) No (Students learn the laws, not their reasons.)
(b) Sometimes (Students learn it occasionally, but it is not a focus of the curriculum.)
(c) Regularly (Most of the topics students learn contain a lesson or partial lesson on reasons for why the Torah wanted us to follow one rule or another.)

20. Do students ever discuss general rules of Halakha? (such as what to do in case of doubt, or what becomes permitted in a case of duress, or how the law applies differently to minors, etc.)

(a) No (The class focuses on the main topics in each unit and doesn't spend time on general rules.)
(b) Sometimes (In the course of study of a particular topic, students learn how this topic relates to general rules of Halakha.)

(c) Regularly (e.g., Our year begins with a unit on general rules of Halakha.)

21. How often do you relate the Halakha that is the focus of your topic to other areas of Halakha that you are not studying at this time (like relating the laws of Pesach to the laws of separating Challah or eating in the Sukka)?

(a) Regularly (approximately once a week)
(b) Periodically (approximately once a month)
(c) Very rarely if at all

22. What statement best captures how you see your role in the classroom?

(a) I teach content that the students don't yet know.
(b) I describe problems and situations for students to contemplate and consider.
(c) I help students learn key texts on their own.

23. What are you looking for students to do in Halakha class?

(a) Read primary texts and predict what the law should be
(b) Respond to theoretical thought-questions with predictions of what the Halakah should be
(c) Learn the prescriptions for proper action that is found in classical sources

24. Halakha is a study of what to do in specific situations. How many specific or discrete situations will students study in any given lesson?

(a) One situation per lesson
(b) Multiple situations per lesson
(c) One situation takes more than one lesson

25. Do you feel your teaching of Halakha involves depth or is superficial? Which of the statements below best captures the goals of your class?

(a) Little depth (Students' focus is knowing what to do in specific situations, so we don't dig too deeply into the Halakha).
(b) Depth: Students learn the topics in depth so they will be interested, but the focus is that students should know what to do.
(c) Depth: Students study topics in depth so they understand the topic well, and are not just memorizing details of what to do.

26. If you provide depth, what does that include? Does that mean you spend time on reasons for Halakha? History of Halakha? Parallels and further applications of each Halakha? Give a brief illustration of how you dig more deeply into the Halakha.

III. Section Three: Topics that we study:

27. Questions 27 and 28 are the final questions of the survey. Please remember to click submit after answering these questions to submit your survey.

Please place a check box next to each topic that students study in your school's Halakha program, over the entire f4 years of high school. Please only include things that are actually studied, not things you might spend 15 minutes reviewing in advance of the holiday or special occasion.

Laws of Prayer
Meaning of the Prayers
Sanctity of the Synagogue
Laws of Tzitzit
Laws of Tefillin
Laws of Mezuzah
Laws of Netilat Yadayim
Laws of Brachot
Positive Mitzvot of Shabbat (Kiddush, Candles)
Cooking on Shabbat
Eruv and Carrying on Shabbat
Other Prohibitions on Shabbat
Laws of Cooking on Yom Tov
Laws of Chameitz and Cleaning for Pesach
Laws of the Seder
Laws of Kashering for Pesach
Laws of Rosh Hashanah
Laws of Yom Kippur
Laws of Sukka
Laws of Lulav
Birkat Kohanim
Laws of Tisha B-av and the 3 Weeks
Laws of Purim
Laws of Chanukah
Laws of Yom Ha-atzmaut
Separating Terumah and Maaser
Tearing Kriya When Visiting Israel
Laws Related to Serving in the IDF
The Holiness of Israel, Mitzvah to live in Israel
Laws of Shemitah

Eating Milk and Meat Together
Identifying Kosher Animals
Purchasing from Non-Kosher Venders
Eating Blood and Salting Meat
Gentile Cooking, Milk, Bread, Wine
Tvilat Keilim
Laws of Contact Between Genders
The Jewish Marriage Ceremony
Taharat Hamishpacha
Construction/Nature of a Mikvah
Kibbud Av Va-em
Laws of Children and Family Planning
Laws of Brit Milah, Pidyon Haben
Baby Naming
Charging Interest

Orlah, Shatneiz, Reishit Hageiz
Laws of Mourning
Laws of Zedakah
Hashavat Aveidah
Leshon Hara
Entering a Church
13 Principles of Faith
Making a Fence Around the Roof
Permitted Haircuts and Shaving
Medical Ethics, Organ Donation
Rabbinic Authority
Kohanim Entering a Cemetery

28. Essential topics: Having read the above list, can you check off the eight or fewer of the most critical topics you study in Halakha.