

## CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

### FIVE CHOICES ABOUT TEACHING HALAKHAH

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*Note: This essay is adapted from Rabbi Klapper's podcast "Tea Halakhah", featured on LOOKJED.*

"CONTENT" and "PROCESS" are often presented in a zero-sum relationship. If the goal is for students to know, for example, Hilchot Chanukah, and you only have, say, four periods, then really there's no time to do anything but teach them the facts. So schools and teachers say: we're only going to do "CONTENT".

This is FALSE. There is no way to do CONTENT without PROCESS. The only choices are what aspects of process to teach, what to teach about those aspects, and how well or badly to teach them.

One reason for this confusion is that we instinctively define PROCESS as "the way that poskim develop halakhah". But a more useful definition would be "the way that people decide what to do when they want to follow halakhah". That makes clear that each of us has our own "halakhic process". Our fundamental goal should be to shape students' halakhic processes.

For example – which book (if any) you choose to teach from will influence students' conceptions of authority, usefulness, and process. Whatever **your** source is, will likely become their source. If you cut and paste from Chabad.org – that's how they will look up new things. If you teach them Mishnah Berurah, they'll use Mishnah Berurah. If you dictate without giving them sources – they'll look for someone who will give them unequivocal and absolute answers.

All this assumes that you teach effectively. But, for example, if you teach them Mishnah Berurah, but don't teach them which things will be in Mishnah Berurah and which not, and how to find the things that are there – their future process will be dysfunctional, looking for halakhah in all the wrong places. We need to think about what sort of background information, textual ability, and **PRACTICE** a student needs in order to be able to use a Mishnah Berurah effectively **ONCE THEY GRADUATE**.

In any case, a Mishnah Berurah is only useful for Orach Chayyim, so if that is the process we set out, we may need to figure out how a student can learn to usefully abstract from it a process for dealing with hilchot kashrut. Or perhaps we want them to have different processes for different kind of issues? We must also account for the reality that students will probably access most materials online once they graduate – Mishnah Berurah on Bar Ilan or Sefaria may be a very different experience than in a book (to begin with, it gets rid of "Rashi script"). But we also need to account for Shabbat, when they will need to access Torah without the internet.

A second, related educational choice is whether to teach halakhah "SYNCHRONICALLY" or rather "DIACHRONICALLY".

Synchronically means presenting all positions as if they existed and came into being at the same time. Usually that time will be Maamad Har Sinai or yesterday.

DIACHRONICALLY means presenting the positions as they come into being over time.

For example: A class which uses Kitzur Shulchan Arukh as its primary text does not naturally develop any sense of halakhah as existing in time. But a class which uses Mishnah Berurah will naturally see the movement from Shulchan Arukh to Mishnah Berurah, and can easily be taught more about the achronim.

What is true of time is also true of space. A class that uses the Kitzur as its base text does not naturally develop any sense of halakhah as having geographic coordinates. But a class which uses Mishnah Berurah, and therefore Shulchan Arukh, will naturally see the difference between "Ashkenaz" and "Sefarad".

Teachers and schools may see the relevance of time and space to halakhah as opportunities, or rather as challenges to overcome (or differently depending on the maturity and background of their students). My point is that the choice of base text matters for process, even if you are focused on

content. So if your goal is for students to conceive of halakhah as existing outside of time and space, you are better off choosing the Kitzur, or dictating, than using Mishnah Berurah. Whereas if your goal is to develop students' sense of halakhah as developing in time and space, Mishnah Berurah offers opportunities.

The question of whether halakhah exists in or rather outside of time and space has implications not only for students' conception of the past of halakhah, but also for their conception of its future. So a third choice is: Do we wish students to understand and experience halakhah as static and uniform, or as changing and diverse?

Many Orthodox teachers instinctively shy away from making halakhic change and diversity explicit in the classroom. They see this question as a field of denominational battle, in which their job is to hold the line against the "historicism" of Zechariah Frankel and/or Conservative Judaism. Or they worry about individual students whose faith in the system may be shaken because they automatically identify pluralism with uncertainty and change with error.

These concerns are legitimate. But there are also students for whom the reality of halakhic change is so evident, whether as the result of nature or of nurture, that ignoring it leads them to question a teacher's integrity, and to lose faith in the system generally. For yet other students, the prospect of change gives them both energy – they have a purpose in this system! and hope – the things they see as spiritually/morally/ethically troubling about Halakhah may go away.

A fourth choice is whether we want our students to relate to Halakhah primarily as the unmediated Divine Will, or rather as the product of human mediation of that Will. We need to acknowledge the ideological and denominational backdrop; that there are many formulations of both/and rather than either/or; that different faculty members will legitimately take different positions; and that schools can seek either to eliminate or to leverage diversity.

A fifth choice is whether we want students to adopt a "Pan-Halakhic model" or rather a model of "Limited Halakhah".

By Pan-Halakhism I mean the position that every practical choice in life can be and ideally should be decided halakhically.

By "Limited Halakhah" I mean that there are practical choices in life that halakhah simply has no relevance to, and others that could be decided halakhically but should not be.

Let's illustrate these positions via the thought processes of twin sisters Gilah and Ditzah.

Gilah has thoroughly imbibed pan-Halakhism. For example: Yesterday she decided which brand of orange juice to buy for Shabbat. You might see this as a religiously neutral choice; but Gilah was trained to find the halakhic aspects of her options. So Gilah thought as follows:

I like Tropicana more, but the generic brand is cheaper. To what extent do I have a *chiyyuv* to spend more for *oneg* Shabbat? If I would use the money I save to buy dessert – is it a better *kiyyum* of *oneg* Shabbat to have more foods that I like, or to have only foods that I like very much? But what if, when I'm honest with myself, I realize that I would spend the money on dessert anyway, but there's a chance that I'll give the money I save to *tzedakah* – can I pass over better *oneg* Shabbat on the chance that I'll do a different *mitzvah* later? What if I take a *neder* now to give the *tzedakah* – is that real, or will I just give less *tzedakah* outside the *neder*? What if Ditzah, the older twin, also likes Tropicana better – do I have an obligation of *kibbud* toward her, and does it extend to paying more for the food she likes? What if my father always gets that worried look when he sees Tropicana, because it makes him think that we're making poor financial decisions?

Ditzah, by contrast, believes that Halakhah covers well-defined areas of life, and anything outside those areas is termed *RESHUS* and permits or requires different decisionmaking tools. As she was sent shopping without any specific instructions, it never occurs to her that halakhah as such enters into the decision. She thinks: I like Tropicana, but I'd rather have the money. But my twin Gilah really likes Tropicana better, and I really like seeing Gilah smile, especially on Shabbat. Yes, Abba will worry – but Abba also likes seeing Gilah smile, and I'll find some other way to show him that I'm being fiscally responsible.

Gilah and Ditzah probably think the way they do because they were taught that way, not in a formal halakhah classroom, but rather from the way Torah teachers in all disciplines responded when students raised practical questions from their own experience (or from watching their parents' halakhic lives). Each of them found a mentor whose approach resonated with them; each of them sometimes struggle with what they learned from their sister's favorite teachers. But all of this vital spiritual development happened essentially accidentally from the point of view of their parents and their schools. I think and hope that we can do better.