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# A qualitative study on how traditional Yeshiva education prepares students for law school

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## ABSTRACT

This qualitative study explores the potential ways that a traditional Yeshiva education (TYE) helps prepare students for entering and succeeding in law school. The researcher interviewed five rabbi-law professors for their take on this phenomenon and compared the results of those findings with the scholarly literature on the topic to date. Much of that existing scholarly literature focuses on how a Yeshiva education might help students who later switch to law school because of the Yeshiva's focus on Talmud study, as well as the Yeshiva's use of the Socratic Method and dyadic *Chavrusa* study models. To that end, this study sheds light on the various aspects of traditional Yeshiva education that could be beneficial for those pursuing a legal career. The findings demonstrate that there is a broad consensus that Yeshiva education fosters critical thinking and analytical skills through its emphasis on Talmud study, which can be advantageous in comprehending complex legal concepts and arguments. Moreover, exposure to aspects of the law school culture and methodology during Yeshiva education can arguably prepare students for its use by law teachers in law school, contributing to their ability to productively engage in thoughtful and probing discussions.

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**KEYWORDS** Jewish education; law school; Socratic Method

## Introduction

A 1985 article in Yeshiva College's student newspaper boasts of that New York City school's success in preparing its graduates for law school. They reported to have achieved a 100% acceptance rate among students who applied to law school.<sup>1</sup> More than a decade later, that same newspaper reported that close to one-third of Law School Admissions Test (LSAT) takers from Yeshiva College scored in the 95th percentile or above.<sup>2</sup> This paper takes a closer look at the factors that contribute to the apparent correlation between the background and sort of educational system to which Orthodox Jewish students (like those in Yeshiva College) are exposed and the ability to succeed and thrive in law school.

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<sup>1</sup>Peretz Hochbaum, "1985 Witnesses Impressive Pre-Law Acceptances" *The Commentator* (New York City, 3 April 1985) 1.

<sup>2</sup>Martin Pritikin, "The Value of Talmud Study to Modern Legal Education" (2007) 21(2) *Temple International and Comparative Law Journal* <<https://ssrn.com/abstract=1844708>>.

The Hebrew word *Yeshiva* – from which the name Yeshiva College derives – colloquially refers to a religious institute for the study of traditional Jewish texts.<sup>3</sup> A traditional Yeshiva education (TYE) centres on the study of the Babylonian Talmud, along with the relevant commentaries, legal codes and *Halachic* (“Jewish legal”) responsa. Neusner characterises the Yeshiva world as “the sole venue for authentic and sustained learning in this writing [ie in the Talmud and Judaic jurisprudence]”.<sup>4</sup> This mode of study is broadly shared by various Orthodox Jewish communities. Yeshiva College is a prime example of a Modern Orthodox institution, while other Yeshivas service the Ultra-Orthodox and Centrist Orthodox communities.

The ongoing contemporary phenomenon of North American Yeshiva students excelling in law school is not limited to graduates of Yeshiva College. Anecdotally, I have personally witnessed an inordinate number of classmates and acquaintances who transferred to law school after studying in Yeshiva and now serve as professional lawyers. For example, from my 2002 graduating class at a Centrist Orthodox elementary school in North America, at least four of my 17 classmates are currently practising attorneys. This anecdotal evidence over the last quarter century suggests a correlation, and perhaps even causation, between TYE and achievement in law school.

## Research questions

This exploratory study seeks to examine the nature of the possible causal relationship between TYE and success in law school. The question at this study’s focus can be further broken down into *which specific element(s)* of TYE are conducive to the study of law. As such, this study is more “interested in insight, discovery, and interpretation, rather than hypothesis testing”.<sup>5</sup>

That said, the core hypothesis of this paper argues that the study of the Talmud and Jewish Law is a central factor in Yeshiva students’ future successes in law school. The hypothesis maintains that because TYE focuses on the study of a specific legal tradition (ie *Halacha*), such a mode of education prepares students more generally for law school, which likewise relates to a specific legal system. This suggests that it is the *content* of TYE (ie the Talmud and Jewish Law) that readies Yeshiva students for law school.

The presence of this phenomenon in the State of Israel would be rather unsurprising and would align with expectations, due to the utilisation of Talmudic law rulings as admissible legal precedents within specific contexts in the Israeli court system.<sup>6</sup> However, the occurrence of this phenomenon beyond the confines of Israel in other countries – like the United States of America, Canada, Australia and England – warrants a more comprehensive investigation.

In preliminary considerations of these research questions, this paper also entertains the notion that the *pedagogical methods* traditionally used in Yeshivas also help prepare students for law school. Additionally, it considers that perhaps the prevailing *school*

<sup>3</sup>Baruch Schwarz, “Authoritative or Authoritarian Voices in Traditional Dyadic Learning in Jewish Institutions” in Tania Zittoun and Antonio Iannaccone (eds), *Activities of Thinking in Social Spaces* (Nova Science Publishers Inc 2014) 133–34.

<sup>4</sup>Jacob Neusner, “How the Talmud Works and Why the Talmud Won” (1996) 17 *Nordisk Judaistik – Scandinavian Jewish Studies* 118, 131.

<sup>5</sup>Khairul Baharein Mohd Noor, “Case Study: A Strategic Research Methodology” (2008) 5 *American Journal of Applied Sciences* 1602.

<sup>6</sup>See Joseph Laufer, “Legal Education in Israel: A Visitor’s View” (1964) 14 *Buffalo Law Review* 232.

*culture* in TYE that encourages diligence and work ethic makes that mode beneficial to future law students.<sup>7</sup> For example, scholars have documented that Yeshiva students often study for 9–12 hours per day.<sup>8</sup> These long hours could be a factor in making TYE especially advantageous for future law students.

## Existing literature

Owing to lack of consensus as to the best way to prepare students for entry into law school, pre-law curricula can vary widely.<sup>9</sup> Even though admissions to law school in North America are largely based on grade point averages and scores on the LSAT, law school admissions officials also expect students who apply to have taken “clearly demanding analytical courses”.<sup>10</sup> In light of the phenomenon that this study describes, it seems likely that Talmud study in a TYE fits that description. Yeshiva graduates with no other schooling credentials than a high school diploma and often a nominal Bachelors of Talmudic Law (BTL) granted by their Yeshiva, are often accepted into the most prestigious law schools in North America. As Gonen puts it, “The fact that law schools are willing to admit graduates of important Lithuanian yeshivas speaks for itself”.<sup>11</sup>

When asked about why Yeshiva College was unusually successful in preparing undergraduate students for law school, then-Associate Dean Dr Michael Hecht replied:

there can be only one explanation. An unanticipated, but nevertheless very real consequence of intensive [T]almud study is the development of analytic skills and sensitivity to textual nuances which are so important in the study of law and which the LSAT attempts to identify.<sup>12</sup>

Subsequently, Hecht again mentioned a causal connection between the nature of Talmud study and students’ success in law school: “[T]he skills one develops while studying Talmud, namely the ability to scrutinize complex material and to conduct a careful textual analysis, are exactly what the LSAT is testing”.<sup>13</sup>

Pritikin expands on the different skills conducive to studying law that studying Talmud typically imparts:

The skills that one develops while studying the Talmud are precisely those sorts of skills that are essential to success on the Law School Admissions Test (LSAT), during law school, and in the practice of law itself. Typical skills include engaging in close textual analysis; appreciating the subtlety and inherent ambiguity of language; identifying, clarifying, and questioning factual and

<sup>7</sup>For a clear definition of school culture, see La Tefy Schoen and Charles Teddlie, “A New Model of School Culture: A Response to a Call for Conceptual Clarity” (2008) 19 *International Journal of Research, Policy and Practice* 129.

<sup>8</sup>Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 1070; Baruch Schwarz, “Authoritative or Authoritarian Voices in Traditional Dyadic Learning in Jewish Institutions” in Tania Zittoun and Antonio Iannaccone (eds), *Activities of Thinking in Social Spaces* (Nova Science Publishers Inc 2014) 137.

<sup>9</sup>Ian J Drake, “The Value of an Interdisciplinary Education for Prospective Law Students” (2013) 2(1) *Journal of Interdisciplinary Studies in Education* 18.

<sup>10</sup>Ian J Drake, “The Value of an Interdisciplinary Education for Prospective Law Students” (2013) 2(1) *Journal of Interdisciplinary Studies in Education* 18, 21.

<sup>11</sup>Amiram Gonen, “From Yeshiva to Work: The American Experience and Lessons for Israel” (The Floersheimer Institute for Policy Studies 2001) 45.

<sup>12</sup>P Hochbaum, “1985 Witnesses Impressive Pre-Law Acceptances” *The Commentator* (New York City, 3 April 1985) 1.

<sup>13</sup>Martin Pritikin, “The Value of Talmud Study to Modern Legal Education” (2007) 21(2) *Temple International and Comparative Law Journal*.

legal assumptions; creatively searching for and supplying missing information; reconciling seemingly conflicting cases; making inferences and deductions; and recognizing and articulating competing arguments.<sup>14</sup>

More specifically, Pritikin explains that “by presenting a series of cases and demanding students try to generate logical, consistent principles to explain the outcomes and, moreover, by demanding that they not only answer questions but ask their own, the Talmud helps students develop the very skills that are at the core of modern secular legal education”.<sup>15</sup>

Moreover, Kanarek shows how, in general, studying the Talmud helps students accrue higher-order thinking skills and cognitive abilities, albeit he does not specifically address about how those skills might later aid students in law school.<sup>16</sup> To support his assertions, Kanarek uses test scores from Israeli *bagrut* (“matriculation”) examinations to demonstrate that students with Talmudic backgrounds have advantages over other students in textual analysis and reading comprehension (but not in mathematics).<sup>17</sup>

The scholarly literature thus far points in the direction of a causal relationship between Talmud study and accruing the requisite skills necessary to succeed in law school.

Two particular aspects of TYE will be examined more closely: TYE’s relationship with the Socratic Method and TYE’s utilisation of the *Chavrusa* (Aramaic for “friend”, ie dyadic pair) system.

### **Socratic Method**

The Socratic Method is a learning process by which the learner is subjected to a series of questions that lead her to certain logical conclusions. Through constant and persistent questioning, the learner begins to understand the ramifications of her own position and, ultimately, why it either is incorrect or can be soundly defended. This teaching method has long been associated with the academic study of law.<sup>18</sup>

The Talmud and its traditional commentaries make connections and draw conclusions using the same forms of dialectical analyses and argumentation as put forth by Socrates.<sup>19</sup> As Gallagher sums up this point, “... Both [the Platonic dialogues and the Talmud] are presented in dialogical form, utilizing open-ended questions to draw the reader into the conversation”.<sup>20</sup> Hill demonstrates how an important part of the Socratic Method typically used in law school is the process of questioning,<sup>21</sup> which Klein has shown to also be quite essential to the rabbinic learning ethos.<sup>22</sup>

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<sup>14</sup>ibid.

<sup>15</sup>ibid.

<sup>16</sup>T Kanarek, “*mechkarim u-maamarim*” (2013) <<https://web.archive.org/web/20131015043951/http://old.lifshiz.macam.ac.il/talmud1/index.html>> accessed 20 February 2024.

<sup>17</sup>T Kanarek, “Do the Use of Talmudic Thinking Skills and Higher Order Thinking in Talmud Study Enhance Student Achievement in Different Disciplines?” (2003) 16 *Ten Da’at* 56.

<sup>18</sup>Joseph A Dickinson, “Understanding the Socratic Method in Law School Teaching after the Carnegie Foundation’s Educating Lawyers” (2009) 31 *Western New England Law Review* 97.

<sup>19</sup>Jacob Neusner, “How the Talmud Works and Why the Talmud Won” (1996) 17(1–2) *Nordisk Judaistik – Scandinavian Jewish Studies* 118, 121.

<sup>20</sup>Daniel B Gallagher, “Plato and the Talmud” (2012) 50 *Journal of the History of Philosophy* 452.

<sup>21</sup>Joan Buchanan Hill, “Questioning Techniques: A Study of Instructional Practice” (2016) 91 *Peabody Journal of Education* 660.

<sup>22</sup>Reuven Chaim Klein, “The Passover Seder as an Exercise in Piagetian Education Theory” (2023) 118 *Religious Education* 312.

Another noteworthy feature of the Socratic Method is that “one can utilize Socratic techniques to criticize Socrates’ thought”.<sup>23</sup> This too parallels Talmudic study in that “one can utilize Talmudic modes to critique Talmudic concepts” (there).<sup>24</sup> In fact, Halbertal characterises the Talmud as a “self-propagating organism” in the way that Talmudic commentaries (like those of the commonly studied *Tosafos*, written by the Franco-German Talmudists who flourished from approximately 1100 to 1400) critique the Talmud and create Talmud-like discussions, which, in turn, are critiqued by later commentaries, *ad infinitum*.<sup>25</sup>

These parallels suggest that studying Talmud – a mainstay of TYE – would be an effective way of preparing to study law because it helps familiarise students with the sort of pedagogical methodology typically used in law school. Although familiarity with the Socratic Method does not seem to be a criterion associated with entry to law school, it may be cogently argued that such familiarity can be beneficial for law students if this method is indeed implemented in their school.

Nevertheless, the extent to which the Socratic Method has been employed in law schools in recent decades remains debatable: Kerr documents the decline of the Socratic Method at Harvard University,<sup>26</sup> while Madison feels that even a decade later, it is still being overused.<sup>27</sup> Alternative methods used in law schools include clinical legal education,<sup>28</sup> game-based learning<sup>29</sup> and authentic assessment,<sup>30</sup> but these modalities are not discussed or mentioned by the participants in this study.

### **Chavrusa study**

One facet of TYE that has recently caught scholarly attention is the modality of *Chavrusa* learning. Schwarz defines *Chavrusa* study as “a traditional Rabbinic approach to Talmudic study, in which a pair of students autonomously learn, discuss, and debate a shared text”.<sup>31</sup> This dyadic model is the “predominant mode of study in orthodox/haredi yeshivot”.<sup>32</sup>

Segal describes three advantages to *Chavrusa* study: students learn better when they expect to serve as a resource for others, students sharpen and practise their textual

<sup>23</sup>Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 1070, 594.

<sup>24</sup>Moshe Halbertal, *Nahmanides: Law & Mysticism* (Yale University Press 2021) 11. See also *ibid* 67–68.

<sup>25</sup>*ibid*.

<sup>26</sup>Orin S Kerr, “The Decline of the Socratic Method at Harvard” (1999) 78 *Nebraska Law Review* 113.

<sup>27</sup>Benjamin V Madison, “The Elephant in Law School Classrooms: Overuse of the Socratic Method as an Obstacle to Teaching Modern Law Students” (2008) 85 *University of Detroit Mercy Law Review* 293.

<sup>28</sup>George S Grossman, “Clinical Legal Education: History and Diagnosis” (1974) 26 *Journal of Legal Education* 162; Anthony Amsterdam, “Clinical Legal Education – A 21st Century Perspective” (1984) 34 *Journal of Legal Education* 612.

<sup>29</sup>Irina Chebotareva and others, “Motivational and Educational Value of Game-Based Learning Technology in Law Students Training” (2020) 447 *Advances in Social Science, Education and Humanities Research* <<https://doi.org/10.2991/assehr.k.200723.017>>.

<sup>30</sup>Toni Collins, “Authentic Assessment – The Right Choice for Students Studying Law?” (2022) 32(1) *Legal Education Review* <<https://ler.scholasticahq.com/article/34707.pdf>>.

<sup>31</sup>Baruch Schwarz, “Authoritative or Authoritarian Voices in Traditional Dyadic Learning in Jewish Institutions” in Tania Zittoun and Antonio Iannaccone (eds), *Activities of Thinking in Social Spaces* (Nova Science Publishers Inc 2014) 135.

<sup>32</sup>Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 408.

skills, and reading aloud aids in memory.<sup>33</sup> Other studies point to this mode of study's advantages for "peer collaboration and critical thinking".<sup>34</sup> Later studies focus on the benefits of argumentative interactions typified by *Chavrusa* study because they:

involve greater intellectual, cognitive-linguistic and interactive *work* on the part of student participants than in the case of more irenic exchanges, possibly involving facile acceptance and/or compromise. Thus, students who find their views contested would be lead [*sic*] to reflect, to explain, to critically examine their opinions and creatively find (counter-) arguments ... such intense activities are beneficial in educational terms.<sup>35</sup>

The literature does not explicitly link the mode of *Chavrusa* study to success in law school, but positing such an association is logically sound, as one can plainly see how many of the advantages of a TYE, especially its enrichment of general cognitive skills, can be useful in the law school milieu. Further study of this point might compare the literature on law school pedagogy and law school educational outcomes with the benefits of *Chavrusa* study.

## Methodology

### Data collection

The present study aims to explore the contemporary phenomenon of Yeshiva students succeeding in law school, and gain comprehensive insights into the complexities, nuances and underlying factors behind this ongoing occurrence. Because the research questions at the core of this study explore a phenomenon over which the researcher has no control, it is appropriate for the researcher to heavily rely on targeted interviews to collect information. To achieve this objective, a qualitative research approach using semi-structured interviews with individuals directly involved in the phenomenon has been chosen. Thus, the data for this study derives straight from the researcher's "intensive interviews"<sup>36</sup> with specific informants who have first-hand knowledge on the questions at the centre of this study. As Yin notes, "Well-informed interviewees can provide important insights into such affairs or actions".<sup>37</sup>

Thus, this descriptive study's purpose is to *describe* the above-mentioned phenomenon in its real-world context,<sup>38</sup> thereby making information about it more accessible to researchers.<sup>39</sup> By conducting interviews directly with individuals involved in the phenomenon, the study adopts a participant-centric approach. This enables the inclusion of diverse viewpoints, perceptions and experiences related to the successes that Yeshiva students meet in law school, thus contributing to a comprehensive and more holistic understanding of the subject matter.

Owing to the very narrow nature of the phenomenon in question, it was decided that a purposive sampling strategy will be employed. Participants were chosen based

<sup>33</sup> Aliza Segal, "Havruta Study: History, Benefits, and Enhancements: Notes from ATID 2003" <<https://files.eric.ed.gov/fulltext/ED482366.pdf>> accessed 20 February 2024.

<sup>34</sup> Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 411.

<sup>35</sup> Michael J Baker, Jerry Andriessen and Baruch B Schwarz, "Collaborative Argumentation-Based Learning" in Neil Mercer, Rupert Wegerif and Louis Major (eds), *Routledge International Handbook on Dialogic Education* (Routledge 2018) <<https://www.taylorfrancis.com/chapters/edit/10.4324/9780429441677-8/collaborative-argumentation-based-learning-michael-baker-jerry-andriessen-baruch-schwarz>> accessed 20 February 2024.

<sup>36</sup> Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 161.

<sup>37</sup> Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 164.

<sup>38</sup> Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 350.

<sup>39</sup> Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 325.

on their direct involvement in the phenomenon at hand, namely individuals who have experienced that phenomenon first-hand and/or could be expected to possess specialised knowledge relevant to the phenomenon. Accordingly, the ideal participants for these semi-structured interviews would be rabbis with Talmudic training who also teach/taught on law school faculty. By focusing its data set on interviews with rabbis who double as law professors, this study was able to draw from these individuals' dual experiences in their capacities as both former Yeshiva students who attended (and excelled in) law school, and as law teachers who taught students that had previously attended Yeshiva.

To that end, the researcher invited six rabbis associated with the Rabbinical Council of America (RCA) who are also professors in law schools to be interviewed about the research question of this study. The RCA is "the largest and most influential Orthodox rabbinical body in the United States".<sup>40</sup> The organisation's membership comprises a cross-section of American Jewish Orthodoxy, thus serving as an appropriate pool from which to find rabbi-law professors from varied backgrounds/contexts to participate in this study. The six rabbis recruited for this study were all members or former members of the RCA, who are currently or were previously professors in law schools in North America. In practice, only five interviews were conducted, because the sixth interviewee was unable to participate due to personal matters.

Including representatives of the different factions of Orthodox Jewry among the interviewees allowed this study to somewhat mitigate the selection bias described by scholars<sup>41</sup> as a weakness of the sort of methodology that this study followed.

Semi-structured interviews offer a balance between structured and unstructured approaches, providing flexibility in exploring the phenomenon of Yeshiva students excelling in law school, while maintaining a focused inquiry. This flexibility allows the researcher to probe for detailed responses and delve deeper into participants' experiences and perspectives, offering a nuanced understanding of the phenomenon. Moreover, the modality of semi-structured interviews can potentially generate rich qualitative data, allowing for the capture of participants' thoughts, emotions and personal narratives related to how a traditional Yeshiva education affects students' abilities to thrive in law school. Such data provides valuable insights into the lived experiences of those directly affected, shedding light on the phenomenon from an insider's perspective. These interviews inherently permit the exploration of variations in participants' responses. The approach allows for open-ended questioning and accommodating diverse perspectives/variations in the experiences of the interviewees. This adaptability ensures that a broad range of factors relating to the phenomenon under scrutiny can be thoroughly investigated.

One of the advantages of qualitative methodology in general is that it allows for the use of multiple sources of data.<sup>42</sup> In this study, each interviewee represents a separate source, so that this study is akin to a multi-case study, whose evidence is "often considered more compelling"<sup>43</sup> than single-case studies. Finding trends within what the interviewees of different backgrounds say allows this study to triangulate the data

<sup>40</sup>Charles S Liebman, "Orthodoxy in American Jewish Life" (1965) *The American Jewish Year Book* 51.

<sup>41</sup>Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (8th edn, Routledge 2018).

<sup>42</sup>Robert Y Cavana, Brian L Delahaye and Uma Sekaran, *Applied Business Research: Qualitative and Quantitative Methods* (John Wiley & Sons 2001).

<sup>43</sup>Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 91.



with different perspectives on the same issue.<sup>44</sup> This allows the study to present a more descriptive and definitive picture of the sort of education offered in a TYE and how it may pertain to students' future ability to succeed in law school.

Thus, the utilisation of semi-structured interviews fully aligns with the research objectives of this descriptive study exploring the phenomenon in question more comprehensively. This approach facilitates flexibility, depth, participant-centricity and the exploration of variations in responses, providing valuable insights into how a traditional Yeshiva education prepares students for law school. Broadly through such data collection and analysis, this study aspires to contribute to understanding the phenomenon in question for the benefit of future researchers who can use the data to inform potential interventions or policies more effectively in light of the information presented.

### **Ethical considerations**

This study closely adhered to strict ethical guidelines which ensured participant confidentiality, informed consent and the sanctity of voluntary participation. The research proposal and interview protocol for this study were approved by the London School of Jewish Studies (LSJS) ethics committee, an institutional review board in the UK.

Nonetheless, as Yin<sup>45</sup> points out, one of the drawbacks of harvesting information from interviews, as opposed to direct observations, is that interviewees inevitably have their own personal predispositions. Such personal views may contribute to biased information. This study's interview protocol partially addresses this concern by purposefully choosing informants who are prominent figures in the dual worlds of rabbinics and law. This insistence on informants with dual specialisation was intended to ensure that the interviewees do not uncritically favour one part of the equation over the other. Moreover, it could be argued that respected personages would be less likely to risk their professional standing by proffering uncritically slanted data. Nevertheless, the researcher remains cognisant of the fact that one can postulate just the opposite, namely, because the interviewees in question built their lives on the assumption of a connection, they might be *more likely* to have bias.

Ethical considerations oblige this researcher to disclose his role as an insider researcher because he is a current member of the RCA and a Yeshiva graduate himself. Saidin and Yaacob offer a comprehensive survey of the advantages and drawbacks of insider research, concluding that "a researcher should always use the advantage he has as an insider . . . to gain as deep an understanding as possible of the topic of his study".<sup>46</sup> This researcher took that directive as an ideal to follow, while at the same time, endeavoured to suppress his own biases and present his findings as objectively as possible.

Data collection was conducted through virtual semi-structured interviews. Each interviewee received a participant information sheet and signed the consent form approved by the LSJS ethics committee. Interviews were audio-recorded with participants' consent and transcribed verbatim for analysis. Thematic analysis was employed to identify recurring patterns, themes and variations in participants' responses, contributing to a rigorous examination of the phenomenon in question.<sup>47</sup> The interviews

<sup>44</sup>Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 172.

<sup>45</sup>Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 164–65.

<sup>46</sup>Khaliza Saidin and Aizan Yaacob, "Insider Researchers: Challenges & Opportunities" (2016) 1 Proceedings of ICECRS 853 <<https://core.ac.uk/download/pdf/154353144.pdf>> accessed 20 February 2024.

<sup>47</sup>Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (8th edn, Routledge 2018).

broadly followed the interview protocol (see below) and were conducted via Zoom.<sup>48</sup> Each interview lasted an average of 46 minutes and the researcher himself functioned as the interviewer.

### **Interview protocol**

The interview protocol was carefully crafted to align with the research questions. The protocol consisted of a set of core questions related to the main research question, plus additional probing questions to explore variations and provide opportunities for participants to elaborate on their responses. To that end, the researcher planned to use open-ended questions about the phenomenon in question without explicitly mentioning the various factors hypothesised about above that may contribute to the phenomenon. This modality of questioning allows for the possibility that the participants themselves will be able to offer new possible factors that had not yet been considered.

The interview protocol was pilot-tested to ensure clarity, relevance and sensitivity to the participants' experiences. However, because of the nature of "intensive interviews", the researcher also planned to remain flexible and maintain the semblance of a normal conversation, rather than a strict interview that is super-focused on the issues at hand. This style of interview is sometimes known as an "unstructured interview",<sup>49</sup> and essentially resembles "guided conversations rather than structured queries" (there).<sup>50</sup>

Before formally beginning the interview, the researcher asked each interviewee to verify their "envelope information" (ie their participant profile questions) such as where they personally studied in Yeshiva and what their academic affiliation is/was. The interviewer also reviewed the various ethical policies related to this study to remind the interviewee of their rights and the terms of their participation.

The researcher planned to open the interviews with a personal anecdote about a classmate from his own Yeshiva days who went on to become a high-powered attorney in major urban centre in the USA. Presenting this anecdote was intended to serve as an ice-breaker and conversation-starter to open the discussion about Yeshiva students who go on to law school and prepare the interviewees for an open dialogue. This methodology borrows elements from the "prolonged case study interview" methodology described by Yin, who writes: "You can ask interviewees about their interpretations and opinions about people and events or their insights, explanations, and meanings related to certain occurrences".<sup>51</sup>

After allowing the informants to present their view of the matter at hand, the researcher planned for follow-up questions to flesh out their ideas. Those questions were not preconstructed, but were rather generated on the spot on a contingent basis, in reaction to whatever the interviewees themselves said.

Subsequently, each participant was to be faced with follow-up questions that explicitly mention the other possibilities for understanding the phenomenon that this study considers. As enumerated above, the different possibilities under

<sup>48</sup>On the benefits of using Zoom videoconferencing software for qualitative data collection, see Mandy M Archibald and others, "Using Zoom Videoconferencing for Qualitative Data Collection: Perceptions and Experiences of Researchers and Participants" (2019) 18 *International Journal of Qualitative Methods* <<https://doi.org/10.1177/1609406919874596>>.

<sup>49</sup>Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 161.

<sup>50</sup>*ibid.*

<sup>51</sup>Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018) 162.

consideration that may contribute to the success of Yeshiva students in law school are: the *content* of TYE (ie the Talmud and related works of Jewish Law), the *pedagogical methodologies* of TYE (eg the dyadic *Chavrusa* system or the Socratic Method) or the *school culture* of traditional Yeshivas. Another factor that might lead to this phenomenon is the more pragmatic consideration that law schools typically do not require specific undergraduate degrees, so a Yeshiva student holding a Bachelors of Talmudic Law (BTL) will have an easier time entering law school than other postgraduate schools. Throughout the entire interview, each informant was asked for their perspectives on all of these various possible factors.

More specifically, the researcher asked the interviewees to *rank* the various possibilities in terms of how much of a factor they might be. This would yield quantitative data on the topic, which can be used to better analyse the possibilities under consideration and pinpoint which ones are the most important.

Before closing the conversation, the researcher planned for giving the interviewees a chance to add any last points or modify anything they have already said. In one case, the researcher also followed up by email to clarify comments made by an interviewee.

## Research findings

The interviews with the rabbi-law professors centred on the research question at the heart of this paper, namely, how does a traditional Yeshiva education contribute to students' future success in law school. That research question reflects the researcher's initial presumption of a purported contribution of traditional Yeshiva education to the subsequent success of students in law school. However, part of this study's findings will include a critical re-evaluation of this phenomenon's very existence, prompted by insights from one participant interviewed, who cast doubt upon its veracity. Either way, the interviewees broadly helped clarify some of the initial ideas hypothesised about above, and contributed to a more nuanced understanding of the interplay between those various factors. The rabbi-law professors also suggested additional factors that the researcher had not yet considered in attempting to understand the phenomenon in question.

The data will be organised and presented following a thematic scheme that groups together related discussions that were previously coded for relevance. In presenting the relevant data gathered from the interviewees, the researcher also connects that information to related scholarship (some of which has already been presented above in the literature review). Direct quotes from the interviewees are taken from transcripts of the interviews generated by automatic transcribing software and corrected for accuracy against the audio-recording.

As per the recommendations of the LSJS ethics committee (detailed in this study's participant information sheet), the interviewees will be quoted in the ensuing sections in an anonymised fashion. Their anonymised names are as follows: Rabbi Dr Manfred Brown (MB), Rabbi Yosef Adler (YA), Rabbi Dr Menashe Gold (MG), Rabbi Dr Isaac Brighton (IB), Rabbi Dr Donald Frankel (DF). It should be noted that in the course of my interview with YA, it was revealed that he did not actually study in law school

himself, but was nonetheless hired as an adjunct law professor because of his superb debating skills and mastery of Judaic Law.

### *Thinking like a lawyer*

All interviewees understood the phenomenon of students who experienced a traditional Yeshiva education (TYE) gaining acceptance to and succeeding in law school as resulting from a confluence of multiple factors. Nonetheless, they each declined to rank those factors in terms of which are the most important/influential, even when explicitly asked by the interviewer to do so.

Although one interviewee somewhat eschewed this approach and remained ambivalent about this point (see below), most of the rabbi-law professors interviewed were of the opinion that the study of Talmud as implemented in a traditional Yeshiva setting is the central factor for the success of Yeshiva students who later enrol in law school. Their unprompted responses to the general question at the heart of this research essentially reflects that opinion.

For example, YA sees the study of Talmud as a central feature in TYE's capacity to train students for law school. When pressed on whether it is the *content* of Talmud study or the *teaching/learning techniques*, YA responded by merging those two categories:

the overarching pedagogic technique that is born of the nature of the text is analysis and deep reading. It's looking ... at the law ... and trying to find the principle behind it.

This aligns with one of the chief objectives of law school, namely, to teach students "legal reasoning" – a term which corresponds to the goal of "to think like a lawyer".<sup>52</sup> In other words, law school trains students in the ability to identify relevant legal rules and processes in approaching any given issue. YA commented that Yeshiva students entering law school have an advantage in this particular area, because they engage in this way of thinking from early on:

they are taught in legal matters to search for principle. They're taught from the time they are children – literally – to look at what is the principle ... to take a look at a law or a group of laws and say, "well, we could account for it by Principle A or Principle B."

MG offered a similar opinion, specifically mentioning "the analytical framework" by which Yeshiva students "are used to thinking about things in terms of law".

IB and DF also see the TYE mode of textual analysis as helpful for future law students. Through such close textual readings, students gain the ability to discern what ought to be relevant precedent and what not. DF claimed that through studying Talmud and, particularly studying *Tosafos*, students of a TYE become adept at "looking at fact patterns and seeing the difference or similarity [to a prior ruling]".

IB somewhat downplays the *content* of Talmud as significant for the future study of law, noting "the actual rules are not the same rules", but he nonetheless opines that there are certainly overlapping legal questions and terminology. Various other interviewees also mentioned that "*Gemara* [Talmud] exposes you to legal concepts" (DF). Examples of overlapping legal concepts explicitly mentioned by the various

<sup>52</sup>Kelley Burton, "Think Like a Lawyer: Using a Legal Reasoning Grid and Criterion-Referenced Assessment Rubric on IRAC (Issue, Rule, Application, Conclusion)" (2017) 10(2) Journal of Learning Design 57, 58–59.

interviewees include *chezkas habatim* ("adverse possession"), *aputropus* ("trustee"), *shibudim* ("mortgages") and *nezikin* ("tort law").

MG adds that another helpful feature of traditional Yeshiva study is that it "... spend[s] more time on wrong answers – on *hava aminahs* [literally, 'I might have said' in Judeo-Aramaic] – than on right answers". Putting so much emphasis on the "wrong answers", in addition to repurposing previously discarded arguments, reinforces the notion that "an answer that is correct in one situation or time or place might be different in [an]other situation or time or place". As MG explains, this mirrors the lesson that law students/lawyers cannot just read the decision of a given case, but must also read the dissent, in order to identify all the distinguishing factors for a given ruling and the assumptions said ruling is based upon.

DF also notes that another element of TYE that exposes students to how a legal system works is the way Yeshiva students are trained to trace a given *Halacha* through the legal works of the Mishnah (second century CE), Talmud (sixth century CE), Maimonides (twelfth century), *Tur* (fourteenth century) and *Shulchan Aruch* (sixteenth century). This parallels the expectation that law students/jurists be able to trace legislative history from its original inception to its final applications.

Despite similarities between the two disciplines, noticeable differences between them still stand. IB points out that Yeshiva students are not trained to "analyse political, social, and economic factors that are relevant" to a given legal discussion. Because of the growing importance of these extra-legal considerations, somewhat of a disparity still remains between Yeshiva education and contemporary law education. As IB notes, "If you would go back to the nineteenth century legal analysis, it was *mammish* ['really' in Hebrew] Yeshiva ... it was pure conceptualism". Nonetheless, IB agrees that Yeshiva education is most helpful for technical fields, like tax law and commercial law, as opposed to more open-ended fields, like constitutional law.

To summarise, the majority of interviewees agreed that TYE exposes students to a certain method of legal thinking, which can later be applied to content other than Talmud/Jewish Law. These data points fit with Hecht's and Pritikin's above-cited explanation that the Talmud-study aspect of TYE is the main impetus for Yeshiva students' successes in law school. However, whereas those sources emphasised the usefulness of Talmudic skills for textual analysis, this study shows a broader trend in that a TYE encourages a mindset similar to that necessary for law study and imparts the type of historical awareness of the development of law that is crucial for practising jurists. Although, in general, the interviewees eschewed ranking the various factors they spoke about, most of them mentioned Talmud study as their first point and considered it the most substantial.

That said, MB calls into question the assumption that "having students learn some law before they come to law school [is] helpful". He claims that this is an important question that has vexed law teachers for generations and cannot be readily answered. Indeed, IB admits "most law schools discourage pre-law students from taking a lot of law courses", although he still felt that Talmud study is an important factor in Yeshiva students' success in law school. When asked about this issue, DF attempted to differentiate between pre-law legal studies and pre-law Talmudic studies, but his distinction remains obscured (and perhaps apologetic).

## Socratic Method

As mentioned above, there are several parallels between Talmud study in TYE and the Socratic Method employed at law schools. YA, in particular, felt that this concurrence contributes to Yeshiva students' successes in law school.

DF felt that the Socratic spirit of questioning is an important part of studying Talmud and is equally important in law school. He notes that in a TYE, students are taught to call any assumptions/preconceived notions into question. This unrelenting line of questioning resembles the Socratic Method in not accepting any premise without proof. As examples of this attitude, DF references Talmudic discussions about the Jewish holiday of Chanukah, which begins with the words "What is Chanukah?"<sup>53</sup> and the traditional four questions that children ask on Passover Night.<sup>54</sup> In both cases, the Talmud expects a person not to take even the most elementary information for granted – a hallmark of Socratic reasoning.

However, IB and MG explicitly de-emphasised the relevance of these parallels by noting that in recent decades, law schools have actually pivoted away from the Socratic Method as a teaching modality, partially because it was used by abusive teachers "to humiliate and break students" (IB). In fact, IB self-reports that when he started teaching law in the 1980s, he did not employ this method. Nevertheless, IB did not want to label this parallel totally obsolete, because the spirit of raising questions is still very much engrained in law education – albeit in a modified fashion. As mentioned earlier, contemporary legal scholarship continues to debate to what extent the law school experience nowadays is shaped by the Socratic Method, but to the extent that it remains relevant, those students who have undergone a traditional Yeshiva education may be better primed for that methodology.

Notably, none of the participants in this study mentioned any of the alternative modalities commonly used nowadays in law school in lieu of the Socratic Method. This may be due to an age bias in the sampling group, as only one of the participants (MG) completed his law studies within the last quarter century.

## Chavrusa study

The interviewees almost unanimously agreed that the *Chavrusa* model of learning is especially helpful for future law students. One interviewee alluded to the Talmudic characterisation of *Chavrusa* study<sup>55</sup> in saying that this mode teaches students:

how to debate and how to be able to argue both sides of an argument ... Ideally, you walk in as friends, you're enemies, and then you walk out as friends. (MG)

Being able to argue both sides is important for lawyers who do not always get to choose which side of the argument they must defend. This is supported by the scholarly literature which sees *Chavrusa* learning as conducive to reflective thinking in consideration of opposing views/arguments.<sup>56</sup>

<sup>53</sup>Babylonian Talmud (*Shabbos* 21b).

<sup>54</sup>Mishnah (*Pesachim* 10:4).

<sup>55</sup>See Babylonian Talmud (*Kiddushin* 30b).

<sup>56</sup>Michael J Baker, Jerry Andriessen and Baruch B Schwarz, "Collaborative Argumentation-Based Learning" in Neil Mercer, Rupert Wegerif and Louis Major (eds), *Routledge International Handbook on Dialogic Education* (Routledge 2018).

Although DF was unsure about whether *Chavrusa* learning is a contributing factor to “smoothing his [a student’s] way to law school”, he did feel that in general TYE trains students in the ability to see multiple sides of a given issue, noting “[In a Talmudic discussion, you] can’t just ignore the other point of view, but you have to deal with it . . . you never blow off the other side”.

YA particularly touts the advantages of this dialectic approach to learning for future corporate lawyers; in his words: “it’s something that does you so much good in negotiation and (working) in working on a team”. YA adds:

they [Yeshiva students] are also given the gift of being able to look at a particular situation and see a number of possibilities, which will help some of them [not just] in adversarial kinds of law, but [in] other kinds of law as well.

### **School culture**

All the interviewees agreed that the long hours typified by TYE help students acclimatise to the school culture prevalent in law schools, which requires many hours of reading texts. Moreover, MG remarked that since Yeshiva students are generally accustomed to doing much reading, this too helps them in law school. In fact, MG adds that the school culture of the Yeshiva world dictates that the “heroes” to whom people look up and that they want to emulate are “people who study a lot”.

YA similarly contends that since society has gone digital, people’s attention spans have decreased such that “text-based learning is on the decline” (YA), as many students are simply unable to read long passages of text. However, he asserts that the Orthodox Jewish community “remains a text-based people”. In YA’s estimation, those accustomed to learning in Yeshiva are “not afraid of texts and reading large volumes of text”, rather they “are some of the last deep readers of texts”. Indeed, the text-based nature of TYE has received scholarly attention and is well documented.<sup>57</sup>

The interviewees’ assumption that rigorous reading is a positive predictor of success in law school reflects the findings of Marks and Moss who offer an empirical study that demonstrates that certain types of reading-intensive undergraduate majors can be used to predict future success in law school.<sup>58</sup>

### **The rival theory**

As mentioned earlier, MB remains an outlier from within the consensus of my interviewees. He questions TYE’s role in the phenomenon that this study explains. In his estimation, law school “is welcoming to smart people, no matter what their training”. Kanarek’s above-mentioned study notwithstanding, MB does not see any empirical evidence that students of a TYE have any advantage over other students in terms of their ability to succeed in law school. He sees the main criterion for acceptance and

<sup>57</sup>Haym Soloveitchik, “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy” (1994) 28(4) *Tradition: A Journal of Orthodox Jewish Thought* <<https://traditiononline.org/rupture-and-reconstruction-the-transformation-of-contemporary-orthodoxy/>>; Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 124.

<sup>58</sup>Alexia Brunet Marks and Scott A Moss, “What Makes a Law Student Succeed or Fail? A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes” (2016) 205 *Journal of Empirical Legal Studies*, 51 <<https://ssrn.com/abstract=2627330>>.

success in law school as simply “being smart” (MB). He suggests several factors unrelated directly to TYE that may account for why Yeshiva graduates are so successful achieving acceptance to law school and succeeding there. The non-educational factors for the phenomenon in question proffered by the interviewees are collated in a separate section below.

When asked about anecdotal evidence that seems to support TYE’s role in helping future law students, MB replied:

I certainly would have made that claim when I jumped from Yeshiva to law school, but I’m not sure it’s true. I’m happy to believe it’s true, but I’m not sure it’s true ... there’s not enough data ... everybody who’s talking about this phenomena [sic] is just a cheerleader and not actually doing anything. Everything I’ve read on this topic is just cheerleading. “I’m on this team, so I think this team is very good,” but that’s not really worthwhile ... I’d like to believe that since God is on my side, I’m naturally doing better, but I don’t know if that means anything. I like to believe ... that Torah gives me an edge.

IB also concedes that he cannot quantify the successes of Yeshiva students in law school, nor can he rule out that they overcompensate because of extra motivation to succeed (see below), but he still asserts:

... to me, it’s so logical that Talmud connects to legal education that I don’t see any reason why not to accept it as a working assumption. It’s a reasonable assumption. It’s a logical assumption. So – you know – I don’t know if I could prove it absolutely. But, I think it makes sense to me. So I wouldn’t really question it that much. (IB)

MB’s hesitation may reflect the “weight of secular expectation” described by Mintz<sup>59</sup> as something that drives religious people in academia to overcompensate for their religious views by capitulating to a secularist establishment.

Alternatively, MB’s ambivalence may reflect the view of Yoel Finkelman and Hannah Lebovits who wrote:

Krakowski correctly points out that the study of Talmud, the mainstay of Haredi boys’ schools, includes a wide array of skills in literacy and higher-order thinking. But Krakowski does not bring evidence (nor are we familiar with any) that those skills transfer outside of religious studies to literacy and the skills necessary for the workplace ... The ability to unpack a *Tosafot* [sic] – a challenging task indeed – may or may not translate into the kinds of literacy and skills that enable individuals to support themselves.<sup>60</sup>

Finkelman and Lebovits’s rejection of Krakowski questions the practical usefulness of skills acquired in a TYE, like MB does. This view either ignores Kanarek’s findings that students with Talmudic training have an edge over other students in terms of their textual analysis skills in other contexts, or does not see those acquired skills as relevant or transferable to a professional setting. It also denies – or at least questions – the qualitative data that the other interviewees have submitted in terms of the various ways in which TYE can be beneficial for future law students and attorneys. IB strongly disagreed with Finkelman and Lebovits’s statement, maintaining “the ability to unpack a *Tosafos* is a very valuable skillset to a lawyer. There’s no question that that skill can be transferred to law and be very, very good”, but again offering no solid proof of that contention.

<sup>59</sup>J Mintz, “Faith in Higher Education” (2007) 14615 Teachers College Record <<https://web.archive.org/web/20210423033403/https://www.tcrecord.org/Content.asp?ContentID=14615>> accessed 20 February 2024.

<sup>60</sup>Yoel Finkelman and Hannah Lebovits, “A Response to Moshe Krakowski on YAFFED and Haredi Jewish Education” (*The Lehrhaus*, 6 January 2021) <<https://thelehrhaus.com/commentary/a-response-to-moshe-krakowski-on-yaffed-and-haredi-jewish-education>> accessed 20 February 2024.



## Non-educational factors

Until now, this study has concentrated on delineating the components inherent in conventional Yeshiva education that potentially facilitate the transition of students into law school. This focus on educational aspects should not imply an intentional disregard of additional real factors that might significantly influence the success of Yeshiva students in their pursuit of legal education. Indeed, some of the interviewees articulated the presence of non-educational elements, each deserving a brief acknowledgement in this section:

- (1) *Pragmatic*: A more pragmatic consideration than something inherent to the educational aspects of TYE is that law schools in North America typically do not require a specific undergraduate degree. The ramifications of this policy are that students who earn a Bachelors of Talmudic Law (BTL) can be readily accepted into law school, even if that degree does not gain them entrance into other graduate schools.<sup>61</sup> It may be argued that perhaps the ease with which Yeshiva graduates can be accepted into law school is what leads many of them to pursue that line of study, even if there is no causal relationship between TYE, per se, and the ability to excel in law school.
- (2) *Sociological*: MB theorises that Yeshiva students who transfer to law school are “highly motivated” – perhaps even more so than their non-Yeshiva educated peers – to prove themselves, so they are more likely to succeed. As MB puts it, “Jumping, it’s shown, motivates people to succeed. Jumping is the phenomenon of, ‘I studied X my whole life, and then I abandoned X and I went to do Y; I have to show the people from my X world that I’m really very good at Y.’”

To illustrate this idea, MB points to the case of Dr Louis Henkin (1917–2010), who was a son of a leading *Halachic* authority in America, Rabbi Yosef Eliyahu Henkin (1881–1973), and became a professor at Columbia Law School. Dr Henkin said about his 1936 switch from Yeshiva to Harvard University: “nothing was more important to me than showing that I could be a success, because having left the Yeshiva world, everybody said, ‘Oh, big loser’” (MB). MB actually sees this “motivation to succeed” factor as possibly the most significant contributor to the phenomenon that this paper studies.

- (3) *Sociological*: MB further argues that those who jump from Yeshiva to law school might simply be “higher quality students”, and there is nothing inherently advantageous about a TYE that helps for law school. In expressing this idea, he said: “When I look at the other people who did well with me in law school, they didn’t have law school backgrounds. They didn’t have any Yeshiva backgrounds. It might just be smarts . . . It turns out that if you take very smart people in, you produce very smart people coming out.” (MB)
- (4) *Psychological*: MB also notes that Yeshiva students typically begin studying in graduate and undergraduate programmes at an older age,<sup>62</sup> and simply being

<sup>61</sup>Amiram Gonen, “From Yeshiva to Work: The American Experience and Lessons for Israel” (The Floersheimer Institute for Policy Studies 2001) 93.

<sup>62</sup>Helena Miller, Lisa D Grant and Alex Pomson (eds), *International Handbook of Jewish Education* (Springer 2011) 1070, 1071.

older and more mature gives them a greater capacity to succeed. Marks and Moss find that four to nine years of work experience before entering law school is a predictor of success, which they explain as stemming from “maturity”.<sup>63</sup> This paradigm can soundly be applied to understanding why studying for several years in Yeshiva prior to law school can similarly be helpful.

- (5) *Linguistic/Neurological*: MB also said that some data points to the notion that learning a second language has a dramatic impact on one’s LSAT scores for the better. According to this, it is possible that Yeshiva students in America (who are quite familiar with Hebrew and Judeo-Aramaic) do not perform any better than other persons who grew up speaking English and learned another language. MB mentions that Dr Guy Deutscher, a professor of linguistics at the University of Manchester, specifically argues that those who learned a language written from left to right (like English) and another language written from right to left (like Hebrew and Judeo-Aramaic) demonstrate “more robust thought patterns” (MB). Indeed, bilingualism has been shown in general to be indicative of higher intelligence,<sup>64</sup> with researchers more recently showing that bilinguals especially tend to be better at filtering out irrelevant information.<sup>65</sup>
- (6) *Ethical*: IB suggests that another aspect of TYE that helps in law school is “an ethical sense, a sense of morality and ethics”. This aspect of TYE stems not from the study of Talmud, per se, but from the school culture and possibly the study of *Mussar* (“moral instruction”) and *Mussar*-like content. Upon further reflection, IB conceded that this might not be as helpful in law school as much as in actual law practice.
- (7) *Ethical*: Another way of saying this is that Yeshiva students are more likely to look at the law as binding in its own right, while other students might view law as simply a tool for achieving a certain subjective goal – a means to an end – but not significant on its own. In expressing this idea, YA says: “... law in America is consumer-driven ... when you go to your lawyer, you expect results. If the court and the lawyer give you the result that you want, then law is good. If they don’t, then law stinks ... [Yeshiva students] have a completely different *hashkafah* [‘outlook’] on law ... [they] study the law; kids study the law.” When discussing the parallels between Talmud study and the Platonic dialogues, Gallagher writes: “... Most importantly, both revolve around the fundamental question, ‘How should I live?’”<sup>66</sup> – this betrays an attitude that bestows unto law an ontological importance, not just a practical usefulness.
- (8) *Cultural*: YA asserts that students in a Yeshiva cohort form a more collegial grouping than do students in a shared class in law school. He likens Yeshiva students’ collegiality to “crowdsourcing” studies, in the sense that a group of students might collectively wade through a lot of information, thus allowing them to process more information and achieve more. This contrasts with law students whom YA sees as more competitive on the whole, because they

<sup>63</sup>Alexia Brunet Marks and Scott A Moss, “What Makes a Law Student Succeed or Fail? A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes” (2016) 205 *Journal of Empirical Legal Studies*, 38.

<sup>64</sup>Elizabeth Peal and Wallace E Lambert, “The Relation of Bilingualism to Intelligence” (1962) 76(27) *Psychological Monographs: General and Applied* <<https://psycnet.apa.org/doi/10.1037/h0093840>>.

<sup>65</sup>Grace deMeurisse and Edith Kaan, “Bilingual Attentional Control: Evidence from the Partial Repetition Cost Paradigm” (2023) *Bilingualism: Language and Cognition* (forthcoming).

<sup>66</sup>Daniel B Gallagher, “Plato and the Talmud” (2012) 50(3) *Journal of the History of Philosophy* 452.

compete over appointments on law review journals and over judicial clerkships. That said, other interviewees downplayed this factor and did not see Yeshiva cohorts as less competitive than law school classes.

- (9) *Rhetorical*: DF relates that when clerking for a judge post-law school, he noticed how judicial opinions would be carefully worded so as not to leave an opening that could lead to the misuse of a particular ruling. After experiencing this, DF reported that he better appreciated the rabbinic style of writing *Halachic* responsa, which explicitly identify all the possible factors taken into consideration in issuing a particular ruling in such a way as to preclude that ruling from being applied too broadly. DF specifically reported noticing this style of writing in the *Halachic* responsa of Rabbi Moshe Feinstein (1895–1986), *Iggros Moshe*. DF then mused that while this was not necessarily his own personal experience, he could see how studying *Halachic* responsa might help a Yeshiva student later on in law school in this regard.

## Conclusion and future research

To summarise its findings, this study has shown how a traditional Yeshiva education may be helpful for people entering law school in several ways. For one, Yeshiva education, and its focus on Talmud study, typically places a strong emphasis on critical thinking and analytical skills, which can be useful for understanding and analysing complex legal concepts and arguments. Additionally, traditional Yeshiva education exposes students to variations of the Socratic Method that is so enshrined in legal education, thus preparing them for the use of that modality by law teachers in law school. Finally, Yeshiva education often involves a significant amount of reading, writing and verbal communication, which can help students develop the skills necessary to succeed in law school.

The amalgamation of these educational elements – in conjunction with some combination of the non-educational factors listed above – fosters an educational environment wherein a traditional Yeshiva education becomes conducive to students' future pursuits in the study of law. Indeed, the interviewees agreed that a confluence of several factors contributes to the phenomenon that this study explores – as IB said: "it's a hybrid, and there'll be a mixture of different reasons". Nevertheless, this study only provides minimal support for the core hypothesis that the central factor that leads to Yeshiva students' success in law school is the study of Talmud per se, but rather seems to point to something about traditional Yeshiva education that is broader than that.

The implications of these findings regarding potential adjustments to the recruitment policies, curriculum, or other educational strategies of law schools and/or pedagogical methodologies of law teachers exceed the confines of this limited study's scope. However, armed with these newfound insights, future researchers can utilise these findings as scaffolding for subsequent inquiries aimed at addressing these sorts of practical questions.

A major limitation of this study is that the data contained therein remains non-empirical and relies heavily on somewhat subjective opinions expressed by well-placed informants. This is the sort of appeal to authority that MB called "just cheerleading". While the researcher purposefully chose rabbis who also teach law in order to mitigate the dilemma of stake and interest,<sup>67</sup> the fact remains that a rabbi saying that learning Talmud could be beneficial in some way or another is unsurprising.

<sup>67</sup>Margaret Wetherell, Stephanie Taylor and Simeon J Yates, *Discourse as Data: A Guide for Analysis* (SAGE 2001) 155.

## Future research

In line with reflective practice, this research paper does not just offer a retrospective analysis of the phenomenon in question, but also serves as a predictive activity to help researchers strategise about future inquiries on the basis of what is now known.<sup>68</sup> This can help formulate questions and ideas for further research studies in related and adjacent topics.

Qualitative research “implies an emphasis on processes and meanings that are not rigorously examined, measured (if measured at all) in terms of quantity, amount, intensity, or frequency”.<sup>69</sup> While this study yields much *qualitative* data about the phenomenon in question, it provides no *quantitative* information. To that effect, there are also several avenues of quantitative studies that could help shed further light.

Further qualitative research into this issue might interview lay Yeshiva graduates (those who did *not* become rabbis) who went to law school to hear about their experiences, or might interview non-religious law professors to understand how they perceive the skillset of former Yeshiva students as it pertains to their ability to succeed in studying law. Such interviews may help researchers gain a more complete picture of the phenomenon in question, without the partisan “cheerleading” derided by MB.

Other quantitative research into this phenomenon could take the form of a survey that would provide an empirical study that tests whether, on average, students of a TYE score higher on the LSAT than students of similar socio-economic standings who studied in private schools and majored in other undergraduate disciplines.

Additional surveys could measure whether students who studied Talmud using methodologies other than those of a *traditional* Yeshiva education excel in law school at the same rate as students who studied Talmud with the TYE approach. Examples of alternative approaches to Talmud study include the *Girsa* approach popular in Hassidic milieus<sup>70</sup> and the critical/philological approach popular in academia. This would be helpful in ascertaining whether the *content* of TYE, or its *methodologies* help students in law school.

As an interesting thought experiment, MB proposed comparing the male students of a TYE with “their sisters” (ie female peers) from Jewish Orthodox girls’ schools (who do not receive a TYE in that they are not typically trained in Talmud) and measuring how successful those two groups of students are when they transfer to law school.

Finally, whereas this study focused almost entirely on students of a TYE who succeeded in law school in an American setting, a future investigation can broaden the scope of the study to determine to what extent this phenomenon occurs in the Israeli and European educational settings.

Beyond the delineation of the advantages conferred by a traditional Yeshiva education in facilitating success within the realm of law school, this study stands as an exemplar and prototype for future investigations. It not only illuminates the correlations and mechanisms underpinning success in legal education, but also offers a pathway for analogous inquiries across various university disciplines.

<sup>68</sup>Melanie Jasper, *Foundations in Nursing and Health Care: Beginning Reflective Practice* (Nelson Thornes Ltd 2003).

<sup>69</sup>Khairul Baharein Mohd Noor, “Case Study: A Strategic Research Methodology” (2008) 5(11) *American Journal of Applied Sciences* 1602.

<sup>70</sup>Pinchas Hayman, “Implications of academic approaches to the study of the Babylonian Talmud for student beliefs and religious attitudes”. *Abiding challenges: Research perspectives on Jewish education* (1999) 375–399. <<https://web.archive.org/web/20210302143852/https://www.lookstein.org/professional-dev/implications-academic-approaches-study-babylonian-talmud-beliefs-religious-attitudes-student/>> accessed 20 February 2024.

This research paves the way for prospective studies aimed at exploring how students, fostered within the framework of a traditional Yeshiva education, might be effectively prepared to engage with and excel in other domains, such as the STEM subjects or the multifaceted arenas of social sciences and humanities. By extrapolating the methodologies and insights derived from this study, future research endeavours can navigate the dynamics and ascertain the applicability of Yeshiva education in shaping holistic academic preparedness across a diverse field of study.

### **Disclosure statement**

No potential conflict of interest was reported by the author.

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