Teaching Halakha and Respecting Student Autonomy
Source Sheet
Rahel Berkovits

I. Halakha Puts People Off

1) Rina: I was put in touch with a mentor before I got here if I had any questions, who was a student last year and… she said that this course was phenomenal and both of us talked about how when I first saw the description I thought “well that is a course that I don’t want to take here” but she said that it was totally not the case and that it was wonderful and that it was an awesome course.

Susan: And your concern was..?

Rina: That I would be told more what I should be doing
Janet: Me too! (laughing)

Rina: or that it would kind of have that underlying message but once I kind of knew that wasn’t- it looked much more inviting to take the course … I was curious about were there places in the halakhic system where there are maybe openings for women more than the practices that I see around me. And not that that is something I live my life by and need that affirmation or permission for my own practice but that I can be in dialogue with those who do.

2) Janet: When I was here two years before I refused to take it because I thought “I'll be damned if someone is going to tell me what to do just b/c I am a woman” but then I decided even if Rahel was going to tell me what to do- I had had her when she subbed in my Talmud class and so I knew that when she teaches a subject she has complete mastery of the material and the subject material and I knew she would be a good teacher regardless- so I decided to subject myself to it. (laughing) and I am very happy that I did and it is davka not telling me what to do.

3) Rivka: Original I was not in this class and that was b/c for the same reasons that were said I thought it would be discussing what women’s obligations were and I just wasn’t interested and then I decided to take it and I stayed when I realized that we were talking about deeper issues that I didn’t know much about and that were important to me and especially exploring those issues though the text.

4) WOMEN AND MITZVOT

Women’s role vis-a-vis ritual observance and Jewish society will be explored through the study of classical and contemporary legal texts. After examining the broad issue of women’s obligation for/exemption from mitzvot, the course will cover the issues of Torah study, Shabbat/festival rituals, and issues of prayer in the synagogue, such as reading from the Torah and counting in the minyan. Questions of custom vs. law, societal/historical influences, and future development will be addressed. The course will focus on textual analysis and interpretation.

II. Ways to Create an Open Respectful Learning Space

• Openness to all questions

1) Rina: I never felt that there was a point that I couldn’t go beyond … I felt more comfortable in this class, than in any of my classes in any institution that I had studied in in Israel, to just ask whatever questions I had and that I also felt from the very beginning more seen and validated in this class then in any of the others and that my method of practicing Judaism was just as valid as anyone else’s and I didn’t need to be pretending that I was something that I wasn’t or striving to be something that I wasn’t and all of my questions
were always totally, totally welcome.

- Being non-judgmental – open to student’s ideas and trying to understand them at face value.

2) Daniel: Well I think that one thing that Rahel succeeds at as a teacher, which I think that a lot of teachers here strive at, and I am not going to say that they fail but that there are short-comings, which I think are entirely natural, is that when there is – when they do receive a response from one of their students which doesn’t line up value-wise with their perspective, I notice in a lot of teachers there is a moment of hesitancy, and it is not to their fault it is just a matter of them approaching an idea that comes in conflict with their own perspective. I think that one thing that Rahel does really well is, I have never gotten that sense that … of seeing in her that – a[n other] teacher will often put on that kind of face [demonstrates a scrunched up face] eerrr – I really don’t know how to vocalize it- but I don’t get the sense from her that there is any judgment attached to any ideas in a positive or negative sense. That she is dealing with the students ideas at face value as opposed to seeing whatever is motivating that idea.

- Willingness to be personal and show discomfort with the text or tradition

3) Susan: did you ever have a sense that Rahel was ever frustrated with the text?
Daniel: Did we ever have a sense that Rahel was NOT frustrated with the texts????! [laughter]

4) Rivka: I grew up in an orthodox environment and I went to an orthodox day school and for most of my life I am used to hearing people justifying these issues that are really difficult that I have a difficult time with and it is really refreshing to be able to talk to someone who comes from a similar background but acknowledges the difficulties in the text.

5) Ben: I think for me it was also refreshing to hear. Sometimes she used stories from her own life to explain why this was challenging, why this was important- of growing up in a day school which I didn’t have that experience and it was good to hear it.

- Providing the sources and discussing and explaining the reasoning and issues behind them enables students to make their own choices.

6) Daniel: What we are doing is not looking at, examining- it is not a how- to course in any way really- it is really a look at halakhic methodology.

7) Rivka: In the past the halakha courses that I have taken were more straight forward- what is the latest time you can say shma- just the dos and don’ts of halakha. This has really been the first course where we explored the source of the halakha and its development through time, its change through time…. I am walking away with knowing where the halakha comes from, understanding the reason behind it, and ultimately deciding whether I reject or accept the reasoning.

- Empowering the students with a systematic understanding of the halakhic system so that they can, to some extent, go back and access it on their own.

8) Janet: Just looking at the materials that we received as a modeling board- “I want everyone to be on the same page”- the order that the texts appear in is important the organization of the material is important. To be able to go back and systematically say “oh wait a second that is the...
same thing that he said” we have to be able to quickly go back and access that material and re-access it so that it is a tool for you – understanding the system is a tool for you- as much as the system itself is a tool. So that says to me that the goal is that I want students to on their own to be able to go back and in the future when they attack a halakhic problem to start this way - you go to this text and you go down through the years – where for us as reconstructionists we have got to see- as we have a history background we can put that together with the texts that are developing which is really good- so fabulous.

- Providing sources from all different viewpoints within halakha to show that tradition is all not one monolithic voice

9) Donna: I walked away with a much greater appreciation for the flexibility and variation of different opinions within halakha, and that it is not all as black and white and as rigid as I thought. And that has basically given me the opportunity to enter into halakha as a voice in my life but for the first time ever which is really amazing.

III. Using Difficult Texts to Foster Student Autonomy

1) Ben: There were moments when she did stick up for the text in very strong ways and I think that was important for me to get perspective of someone who connects to halakha and traditional Judaism but can also be open and stick up for [the texts] while respecting my beliefs …

2) Magen Avraham. OH 106:2
R. Abraham Gombiner, Poland, c.1633-c.1683
A positive commandment: So wrote the Rambam as he thinks that prayer is a positive commandment from the Torah as it is written “to serve God with all your heart” etc. But from the Torah it is sufficient to pray but once a day and in any wording that one wishes. Therefore, most women have the custom not pray regularly, since they utter immediately upon arising in the morning, after washing their hands, some petition; and from the Torah this is enough. And it is possible that also, the Sages did not impose any further obligation on them. And the Ramban, thinks that prayer is from the Rabbis, and this is the opinion of the majority of poskim [legal deciders].

3) Donna: … I think that one day Rahel was mentioning – we were- Janet was really upset because we saw
A few voices at once: Which day? (Everyone laughs as Janet is always upset)
Donna continued: We saw the Taz [Bah] on the Shulhan Arukh about women leading, doing kiddush for men to be motzi them and the Shulhan Arukh was saying that it’s really ok and the Taz [Bah] was commenting underneath that “well in my community I am really not so comfortable with it so better not do it.” And Evette was like “so this one Rabbi’s personal discomfort has become standard practice for Jews for centuries?!” Janet was frustrated and it very much spoke to something I was frustrated about – here was striking evidence in black and white text of this one Rabbi, granted a very important rabbi, saying
“I don’t feel comfortable with this therefore this is the law for my people”.

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<tr>
<th>4) Shulhan Arukh OH 271:2</th>
<th>ר. יוסף אפרים קרו, ספרון דר' 1488-1575</th>
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<tr>
<td>Women are obligated in <em>kiddush</em> even though it is a positive commandment caused by time (interpretation: a positive commandment that is dependant on time) for remembering was compared to guarding and these women since they have a part in guarding [the Shabbat] they also have a part in remembering [the sanctity], and they fulfill the obligation of men [by reciting kiddush on their behalf] since they [the women] are obligated from the Torah like them [the men].</td>
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<td>נשים הייבות복וח אפיים לאמデータו על פנים שחרה ממוקפת משוממה בהכרה (פי מוצאת משומשת התלויות בDismiss, י(inputStream ט, ו) לשמור (דברים ה, ט), ונהנני חזרי ואותנות בשמירת המתנה בברכה ומצאותאת את האנישה היא ליהב והיה לאתניהו.</td>
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<td>5) Bah on the Tur #271</td>
<td>ר. יואל סיריס, פולין, 1560-1640</td>
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<td>Both men and women are obligated in sanctifying the [Shabbat] day and this is the language of the Kol Bo and the explanation of the Rash z”l “and even to fulfill the obligation on behalf of others who do not know how to say kiddush”, and he [R. Karo] brought this [opinion] in the Beit Yosef and so decided in the Shulhan Arukh but with regard to <em>megillah</em> #689 he wrote in the Shulhan Arukh “there are those that say that women do not fulfill the obligation of men” and he wrote according to the words of our teacher [the Tur] brought for the purpose of disagreeing with Rashi’s explanation that wrote that women fulfill the obligation of men [in <em>megillah</em>]. And it is a question since here [in <em>kiddush</em>] he ruled like the explanation of Rashi that is brought in the Sefer Hakolbo and the decisions contradict one and other-for it appears that one should not differentiate between <em>kiddush</em> and <em>megillah</em>. And in my humble opinion the essence is to be stringent in <em>kiddush</em> like in <em>megillah</em>, that the women should not fulfill the obligation of men and so I saw that the Marashal wrote.</td>
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<td>האחת ושתיוות וינשח חיבוש חילות זו והן שלוש הלכתי בין יבואר ויהלום יי אופל תחפוצות אחריהם יי שאיני Texture לקדש עפיי מוכמה ביيفא פסח ישיי איןוכל בני מלכד ס ayrופית כתוב בקיאי יי שאיתוות את אנישה, כתוב עייר דברי יי שבא יברני לשון חוליק העפרש ישיי שכייס מצאותאת את האנישה, והנייה סębאו פסח כפרת שחייה בנספ יב במקסיקוס סתרין זה את זה-דראה דויאי לתלק בן קדוש למילה. לפערין עיקר מצאותאת וולניין וק רציית שוכבת מחﱰלה.</td>
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6) Donna continued: There was a break though moment when Rahel said halakha is not about necessarily- I mean it means, *lalekhet*, it means walking it is about walking in the path of the Jewish community and so the only people who would be interested in what this rabbi had to say are the people who have already taken on the burden of the ”we are going to follow whatever this person has to say” it was already a conscious choice that they made to go along that path to walk with him and so it is not that he is forcing anybody. That also helped me to see that those little nit picky issues that I often felt halakha was involved with are not necessarily right and wrong on the grand moral scale they are matters of how you walk and THAT helped me relax a lot around halakhic discussions because I have often been really frustrated in the past because why does this matter? Why does it matter these specific details and these nitty gritty arguments?- when I am still a good person when I don’t follow this it seems to
me. And it matters because it is about being a part of a community and it is about trying to figure out as a community what we are all going to do together and join in serving God together as a community and when I started looking at it as more of a communitarian framework halakha became a lot more clear to me- so it was really a watershed moment.

**IV. Goals**

1) Ben: I think I have a greater respect for halakha and coming into it as someone who is part of a movement that is non-halakhic …It also makes me think if I am ever teaching these texts –in a class in introduction to halakha- I think seeing how Rahel can respectfully teach this stuff even though it might go against some of her beliefs or how it really goes with her beliefs that she teaches it with another side too- I think I couldn’t honestly teach a class in halakha without having respect for the text and what they really were trying to say. I think I would have to have more respect now teaching a class in halakha.

2) Rina: I think that the goal of being able to engage with the discourse that doesn’t assume a halakhic practice per say but that you are engaging with the discourse whether that is to inform your practice or to inform your understanding of history, but I think one of the things- I don’t know if it is a goal – one of the things I think is specific about this class which I have gotten from it is a deep respect for the texts, which is clear in the way that she teaches and I don’t know if it is a goal but it has been pasted on. From her modeling, I think it is evident whether or not it is going to affect your practice or whether you agree with it whatever, her respect for what is and what the commentaries have to say.

3) Daniel: I took the introduction to halakha course offered here [at Pardes] in looking back upon that course. The first day of class the teacher of that course said that there is one word that we don’t say in this course - which is “why”- “that is a question we don’t ask in this class”. Inherently saying “I am teaching a perspective on halakha and I am teaching the how-to’s of that halakha practice.” I think what was less clearly defined, looking back at the beginning, was what perspective that halakhic perspective was. And I think if left unmitigated it could be taken as THE method of halakhic practice as opposed to A method of halakhic practice. I think that one of the goals of this class as I saw it was to at least elevate perspective to a point where you realize that halakhic practice traditionally is not so clear cut and I think looking at that through the lens of women’s practice is an interesting point. One thing that I am taking away as well is using women as a jumping off point for seeing that halakhic practice is not so unilateral. That part of our tradition is halakhic discourse and part of our traditions is interpretation and reinterpretation of halakhic texts to facilitate varying levels or varying types of halakhic practice.