VOLUME 69 NUMBER 1 WINTER 2025-26 תשפ״ו

Teaching Halakhah in the Conservative Movement

Five Challenges in Teaching Halakhah in the Conservative Movement
David J. Fine

Case Studies for Teaching Halakhah Through Clergy-Congregant Partnerships
Susan Grossman

Rabbi Joel Roth's Legacy to the Conservative Movement
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Rabbi Mayer Rabinowitz: Halakhist and Talmudist
Lionel Moses

MASORTI
The New Journal of Conservative Judaism

כתב הרמב"ם סוף הלכות מעילה (פרק ח' הלכה ח'):
ה, אל יהא קל בעיניו; ולא יהרס אל ה' פן יפרץ בו. ולא תהא מחשבתו בו כמחשבתו בשאר דברי החול.
רים בלבד נתקדשו, וכל הנוהג בהם מנהג חול מעל מהם, ואפילו היה שוגג צריך כפרה, קל וחומר למצוות
רך, ולא יחשב בהן מחשבתו בדברי החול: הרי נאמר בתורה (ויקרא יט, לז): "ושמרתם את כל חוקותי
שפטים. והעשיה ידועה - שיעשה החוקים; והשמירה - שיזהר בהם, ולא ידמה שהם פחותים מן המשפטים,
וקים - הם מצוות שאין טעמן ידוע. ואמרו חכמינו זכרונם לברכה (שוחר טוב תהלים ט): חוקים חקקתי לך
ב ועגלה ערופה ופרה אדמה ושעיר המשתלח: כמה היה דוד המלך עליו השלום, מצטער מן האפיקורסין
מוסיף דבקות בתורה, שנאמר (תהלים קיט, סט): "טפלו עלי שקר זדים אני בכל לב אצור פקודיך", ונאמר
שביל עבודת הקרבנות העולם עומד; שבעשיית החוקים והמשפטים זוכין הישרים לחיי העולם הבא. והקדימה
": בסוף הלכות תמורה (פרק ד' הלכה י"ג) כתב הרמב"ם: "רוב דיני התורה, אינן אלא עצות מרחוק,
עצות ודעת, להודיעך קושט אמרי אמת להשיב אמרים לשולחיך". עד כאן לשון הרמב"ם זכרונו לברכה:
הלאוין שבתורתנו הקדושה, מאד" ו"במצותיו חפץ מאד" קאי על המצוות עשה שבתורה; וכוונתו, שישמור
יקו בתיבת "במצוותיו" ופירשו "לא בשכר מצוותיו". והנה לכאורה יפלא - הלא ידוע כי שכרן של מצוות
ל לגלות לנו גדולת ערך התענוג הזה, לא מצאו לו מדה קצובה, רק כללו אותו בכלל גדול אחד, ואמרו (אבות
נכלל גם חיי מלכים ושרים עם כל תענוגיהם וגדולתם ורוב עשרם; וכל מין חיי תענוג שאפשר רק לשכל ה

MASORTI
The New Journal of Conservative Judaism

VOLUME 69 NUMBER 1 WINTER 2025-2026

A publication of the Rabbinical Assembly, the Jewish Theological Seminary of America, the Schechter Institutes, Inc., the Seminario Rabínico Latinoamericano, the Zacharias Frankel College, and the Ziegler School of Rabbinic Studies

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**of blessed memory*

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Masorti: The New Journal of Conservative Judaism, Volume 69, Number 1, Winter 2025-2026
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Masorti: The New Journal of Conservative Judaism is published semiannually under the sponsorship of the Rabbinical Assembly, the Jewish Theological Seminary of America, the Schechter Institutes, Inc., the Seminario Rabínico Latinoamericano, the Zacharias Frankel College, and the Ziegler School of Rabbinic Studies. Members of the Rabbinical Assembly and Cantors Assembly receive an online subscription *gratis*. The annual price for an online subscription is US$18.00. Individual print issues are available for US$18.00 and can be ordered from Ben Yehudah Press.

Article manuscripts, as well as announcements of books for review, are welcome and should be sent to the editor at masortijournal@gmail.com. Books for review can be sent to

Masorti Book Reviews
CSAIR
475 West 250th Street
Bronx, NY 10471

Manuscripts are subject to double-blind peer review by at least two outside readers as well as the editor. Guidelines for submissions are available at https://masortijournal.org/call-for-submissions/.

Published by Ben Yehuda Press
122 Ayers Court #1B
Teaneck, NJ 07666

http://www.BenYehudaPress.com

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ISBN13 978-1-953829-74-0

25 26 27 / 10 9 8 7 6 5 4 3 2 20251228

"Judaism rises and falls in accordance with the degree to which Halakhah permeates the life of the Jewish people. Despite the occasional successes scored by secular Judaism, and the apparent growth in some branches of Judaism that do not maintain Halakhah, the lasting quality of Judaism and the Jewish people is intimately tied up with the observance of Mitzvot Ma'asiyot, the religious practices that characterize Jewish life and give it the dimension of holiness.... The soul of the Jewish people revealed itself in its religious way of life; it found its expression in a life lived according to Halakhah. Jewish life will find its *tiqqun*, its salvation, when it continues to live in this tradition."

—Rabbi Isaac Klein, *A Guide to Jewish Religious Practice*

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Note from the Editor

Joseph H. Prouser

As this issue of *Masorti: The New Journal of Conservative Judaism* was in the final stages of preparation for publication, the Rabbinical Assembly, the JTS community, and the people of Congregation Beth Sholom of Teaneck, New Jersey were left bereaved by the untimely passing of Rabbi Eliezer Diamond, the Rabbi Judah Nadich Professor of Talmud and Rabbinics at JTS. Rabbi Diamond was, at a very early stage in his long and distinguished career, my own teacher of Mishnah and Codes at JTS. As this issue of our journal is devoted to the theme of "Teaching Halakhah in the Conservative Movement," we remember Rabbi Diamond not only as an academician skilled at teaching rabbinic texts, but as a personal exemplar of joyful Halakhic observance and spiritual devotion to generations of JTS students and aspiring rabbis. May his memory be a blessing.

The articles in this issue include the perspectives of seminary leaders, academics, congregational rabbis, religious educators, camp enthusiasts, leaders of Conservative Movement affiliated organizations, and Conservative laity. I am particularly grateful that the teachings and leadership of our teachers, Rabbis Mayer Rabinowitz and Joel Roth are represented in these pages. Both provide extended and detailed insights into our subject matter through interviews and discussions conducted with devoted students. No examination of "Teaching Halakhah in the Conservative Movement" would be complete without them.

We read in Pirkei Avot 6:3 that "One who learns from another one chapter, or one halakhah, or one verse, or one word, or even one letter, is obligated to treat that individual with honor." How much greater is our debt of honor to the contributors to this special issue of *Masorti*, as well as to those masters whose work they describe and explore.

It is my hope and prayer that the discussions and essays in this special issue of *Masorti* will help embolden Conservative Movement leaders at all levels and of varying perspectives to rededicate ourselves to the teaching of Halakhah as the very heart of Conservative Judaism. As Rabbi Susan Grossman observes in these pages:

"Engaging in the teaching and communal learning of halakhah from a Conservative/Masorti perspective can foster a depth of reflection and

consideration that helps us all become better individuals, better Jews, and a better People, contributing to the building of a kinder, better world."

Or, to paraphrase the saintly teacher of a very different religious tradition: "Teach Halakhah at all times; use words when necessary."

Rabbi Joseph H. Prouser is editor of this journal. He has served on both the Rabbinical Assembly's Committee on Jewish Law and Standards and on the Joint Beit Din of the Conservative Movement.

Teaching Halakhah

Suzanne Brody

A long chain of hand in hand in hand in hand
Flowing around and between trees
Getting scratched and bruised by the rough bark
Refusing to let go
Even as our chain grows branches
And some fingertips barely brush the ones in front.
Ripples of caution get passed back along with reminders
The rules of walking this path.

See, I tell the one behind me
This forest isn't scary.
Just keep holding on
And you'll see the flowers bloom
Feel the power of waterfalls
Experiment with how far you can stretch
Discover the values
Embedded beneath your feet.

The wind whispers with us
"This is the way,
The path we walk
The boundaries that constrain and free us
Keep us together
As we walk together
To build the world."

Rabbi Suzanne Brody serves as the Director of Ithaca Beit Midrash and is both a member of the CJLS and the JEA board. She is the author of multiple books of poetry, a historical fiction mixture of poetry and prose, and a murder mystery.

Five Challenges in Teaching Halakhah in the Conservative Movement

David J. Fine

Hillel teaches us: "Do not separate yourself from the community" (m. Avot 2:4). Throughout history, rabbis have interpreted that charge as a challenge to avoid the temptation of quiet learning and individual fulfillment. Rather, the rabbi must seek the application of theory to practice by engaging with the people and taking on the task of the original rabbi, our teacher Moses, in sharing and teaching Torah. The very word "rabbi"—which means "teacher"—has meaning only in relation to the other. For whom is one a rabbi? In this article, I address five challenges that Conservative rabbis encounter in their communities. How do we become true rabbis in teaching halakhah?

The Linguistic Challenge

Every teacher must figure out how to communicate the ideas of the subject one is teaching. The language—the vocabulary, grammar, and culture—is the tool that teachers use for each subject. Whether it is mathematics or metaphysics, chemistry or critical theory, one uses the symbols and vocabulary that communicate a particular culture of learning. In the Conservative Movement, this is particularly challenging because the very language of halakhah that should be our best tool in communicating its content is foreign to most Conservative Jews. The overwhelming majority of Conservative Jews do not have facility with Hebrew, needless to say Aramaic. Even the ability to read Hebrew letters has significantly decreased in the last generation, as evidenced by the increase in transliterations in our liturgical publications. Halakhah uses a technical vocabulary that is built on a language that our people do not speak or read.

Beyond the meanings of words, we must also teach concepts. If I use the terms *lekhatḥilah* and *bedi'eved* I need to explain the concepts in clumsy English as "before the fact" and "after the fact." (The Latin terms *ab initio* and *ex post facto* do not help much either.) The terms *de'oraita*, *derabbanan*, and *minhag* can be translated as "Toraitic," "rabbinic" and "custom,"

but these words hardly do justice to the complex systemic concepts of basic legislation, secondary legislation, and common law. *Torah shebikhtav* and *Torah shebeʿal peh* are terms that speak to ideas beyond the literal meanings of Written Torah and Oral Torah. The vocabulary and the meanings behind the phrases must be explained whenever we teach halakhic argumentation and reasoning.

The challenges of language in teaching halakhah go beyond terms and phrases. The theological ideas that give substance to the halakhic mindset require far more significant translation. When I say that something is a "sin," I need to explain that in halakhah, a "sin" does not mean that you are going to hell, but it is generally more significant than an assessed late fee on a bill. A late fee still implies accountability, whereas a "sin" is far more theoretical, but in the language of halakhah, a transgression of the law does imply culpability. When one teaches halakhah in the Conservative Movement, each lesson must entail a certain explanation of words, terms, and concepts, and one can rarely do justice to each as a digression from a lesson on a specific halakhic question. In my own rabbinate, I hope that as I return again and again to certain ideas and concepts, my listeners will, over time, be better able to hear what I am trying to teach. All teachers hope for that, as pedagogy is too often defined by its aspirations than its results. Yet the linguistic challenges are the easiest to overcome in teaching halakhah in the Conservative Movement.

The Structural Challenge

Conservative Judaism proudly proclaims itself as "a halakhic movement," distinguishing itself from the other non-Orthodox streams by its commitment to halakhah. However, one would be hard pressed to argue that members of Conservative synagogues live halakhic lives in contradistinction to members of Reform synagogues. There might be a higher number of kosher kitchens in the homes of Conservative congregants, but that number is still a minority and so cannot be a defining characteristic of Conservative Jews. I must also categorically reject the solution of dismissing the majority of Conservative Jews as not "true" Conservative Jews. We have enough demographic challenges without writing off 90 percent of our constituency. Back in 1988, the Movement's only published platform of belief, *Emet veEmunah*, described the Conservative Jew as "a striving Jew" defined through

aspiration rather than commitment.[1] The devotion to halakhah through other-than-personal commitment has been represented in the structural ideology of Conservative institutions. The rabbi is the *mara deʾatra* (another technical term that requires multiple levels of unpacking), the halakhic authority of the synagogue. Codified into rabbinic contracts, synagogue bylaws and the United Synagogue standards, the *mara deʾatra* concept means that the rabbi of the synagogue is the ultimate authority on all halakhic questions. Matters of Jewish law cannot be determined by votes of the ritual committee or board of trustees. While opinions will and often need to be addressed there, the final arbiter is the rabbi. This structural edifice of ideology was meant to establish the authority of halakhah in Conservative institutions through the authorized authority of the local rabbi.

However, the *mara deʾatra* concept has always worked better in theory than in practice. First, there is a structural conflict within the synagogue, because American congregations (that are not part of the Catholic church) have long been established as autonomous corporate entities, each governed by its board of trustees. Even if the bylaws establish the rabbi's authority to make determinations of halakhah, the board can always remove the rabbi from office. The rabbi's contract guarantees compensation, not authority. Second, by restricting the rabbi's authority to "matters of Jewish law," the rabbi's real authority as leader of the community is often diminished to the restricted "ritual sector" of synagogue decision-making, whereas halakhah should ideally inform everything we do. Finally, while the Movement insists on the local rabbi's authority, this diminishes the role of the central authority. The central halakhic body, the Committee on Jewish Law and Standards (CJLS), functions more as an advisory council than a high court for Conservative rabbis. CJLS decisions can thus become authoritative by minority votes of the committee members, and even decisions passed by broad majority of the twenty-five voting members are not enforceable upon local rabbis. Yes, there are "Standards of Rabbinic Practice" and other expectations of rabbis that are enforced by the Rabbinical Assembly and the United Synagogue (such as the prohibition against Conservative clergy to solemnize intermarriages), but those are matters of union discipline more than halakhic authority.

While the CJLS's authority is limited vis-à-vis the local rabbi (*mara deʾa-*

[1] *Emet veEmunah: Statement of Principles of Conservative Judaism* (Jewish Theological Seminary, Rabbinical Assembly and United Synagogue, 1988), 57.

tra), its decisions are significantly respected throughout the non-Orthodox world. As a carefully balanced (and prolific) body of individuals (rabbis and others) who care about halakhah, the decisions of the CJLS are influential beyond the boundaries of the Conservative Movement. The reason for this is that true authority—and especially religious authority—is earned rather than conferred through institutional structure. A successful congregational rabbi is one who is listened to because of the teacher one has become, not because of clauses in the rabbinic contract and congregational bylaws. In this realistic sense, the structural challenge of teaching halakhah in the Conservative Movement can be overcome by de-emphasizing the institution and focusing on the Torah that is taught. We should not say that halakhah is relevant because we are Conservative Jews. Rather, we should say that we are Conservative Jews because halakhah is relevant.

The Functional Challenge

What is the function of halakhah in our lives? What role does it play? The structural problem of halakhah in the Conservative Movement, as discussed above, is that the siloing of the rabbi's authority over ritual matters in the Conservative synagogue implies a severe limitation of the effect of halakhah on our lives. When I teach halakhah in a Conservative synagogue, it is easy to explain why the CJLS should take a position on whether or not one can count a Torah scroll as the tenth in a minyan but much harder to explain why one is not permitted to smoke a cigar. (I voted against the latter question. I wrote the paper on the former.) Forbidding smoking on the grounds of a synagogue is one thing, but to say that all smoking is forbidden makes a broader statement, namely, that halakhah makes a claim on the entirety of our lives. I believe that it should and does, regardless of that (or any other) particular question. The challenge is how to teach the functionality of halakhah to Conservative Jews for whom that worldview cannot be presumed.

In the last fifty years, there were two major halakhic debates in the Conservative Movement, and both were narrowly focused on the structural and functional impact of the determination of law: Could women be ordained as rabbis? And could gays and lesbians be ordained as rabbis? The debate over women rabbis, which extended to the general inclusion of women in ritual, echoed through every layer of the movement, from the Seminary to the synagogue, schools, and camps. Although many feared that the debate about homosexuality would cause the same fissures and pain that people remembered about the debate over women, it engaged rabbis and seminaries

but did not tear communities apart. What so many failed to understand at the time was that "egalitarianism" affected the way that Jews prayed together, while Jewish sexual ethics were understood by most of our constituency as pertaining to the private domain. Everyone could understand, and many had strong feelings about, whether women should serve as clergy, as the nature of worship was a clearly ritual matter over which halakhah still had control. But sexuality is primarily expressed in the bedroom, a very different location than the bimah. From a halakhic perspective, the debate about homosexuality was extremely intense because of a conflict between a Torah verse and contemporary ethics. (The terms of the debate are less intense on egalitarianism because the Torah does not know about rabbis or synagogue services.) But this debate was far less relevant to most Conservative Jews, who did not share the premise that halakhah should have dominion over the private sphere.

Conservative Jews might differentiate themselves from other non-Orthodox groups in wanting their worship services and synagogue programming to follow the rules of halakhah, at least as they are interpreted by Conservative rabbis, but halakhah as a system of law does not limit itself to the four walls of the synagogue. Teaching how halakhah can function in the business world, in politics, and in private life is a formidable challenge. The teacher of halakhah must explain not only why the halakhah in a specific case should be x and not y, but also that halakhah is a body of law that governs the totality of life, not just individual questions.

The Philosophical Challenge

Underlying the functional challenge of teaching halakhah is a commitment to philosophical autonomy among Conservative Jews. While Conservative Jews will ask halakhic questions of their rabbis, they usually do so from a perspective of intellectual curiosity rather than compliance with rabbinic authority. Traditionally, one is not supposed to ask a question of a rabbi if one is not prepared to comply with the response. Most Conservative Jews, however, are not prepared to surrender their personal autonomy in that way. They may be prepared to submit to the rabbi's judgment about a ritual matter in the synagogue, but they reserve the right to make their own decisions about what they eat and when they go to work.

Teachers of halakhah in the Conservative Movement need to understand the gulf that exists between the presumptions of Jewish law and the autonomous nature of the constituency of Conservative Judaism. Too often, Con-

servative Judaism's commitment to halakhah is challenged by emphasizing the distance between what the movement preaches and how the rank-and-file observe. However, the philosophical distance is far more critical than the (low) levels of religious practice. Judaism has always assumed a failure on the part of the people to comply with the demands of Jewish law. From the Torah's account of the golden calf at the foot of Mount Sinai to the High Holiday prayer book's collective "We Have Sinned" liturgies, Judaism understands that Jewish behavior varies from the aspirational. What we must not give up on teaching, though, is that the aspirational is still the commanded. We must recommit to teaching that what we understand halakhah to be is what ought to be, and what ought to be is categorically imperative.

(Most) rabbis in the world do not have enforcement power for their decisions. Jews need to choose the law out of will, not compulsion. Some dismiss the relevance of Jewish law as a legal system if there is no enforcement power. Legal systems, however, should be conceived as cultures of meaning. Jewish law throughout most of its long history has depended on voluntary compliance. The rabbis taught the famous midrash that God gave the people the choice to accept the Torah while holding Mount Sinai over their heads. The context of that homily, however, should be understood as a culture of religious freedom which allows the individual Jew to choose other, nonrabbinic Judaisms or other religions entirely. Personal autonomy should not be feared as a new modern threat to authentic Judaism. Rather, we should recognize it as an authentic grounding of Jews throughout history. The teacher needs to embrace that and open the student's eyes to why one should care about and aspire to live by halakhah. Commitment can come from the ground of personal autonomy rather than through its rejection.

The Theological Challenge

The greatest challenge facing the teaching of halakhah in the Conservative Movement is theological. Since we do not hold that the Masoretic Text (or any other ancient version of the Bible for that matter) is the perfect transcription of God's verbal revelation of law, on what basis should halakhah hold authority over the observant Jew? Solomon Schechter recognized this challenge as the central theological project of what become the ideology of Conservative Judaism. Writing back in 1896, he explained: "It is not the mere revealed Bible that is of first importance to the Jew, but the Bible as it repeats itself in history, in other words, as it is interpreted by Tradition…the

centre of authority is actually removed from the Bible and placed in some *living body*."[2] In other words, the historical approach to Judaism (that is, the founding ideology of Conservative Judaism) means that the biblical and rabbinic literatures are human products of the Jewish pḥeople through the experience of Jewish history. Each generation attempts to best understand what God commands through its reading of the inherited tradition refracted through its own understanding and context. The authority on "God's will," including the meaning of that concept, will vary from age to age and is determined through that refractive historical process rather than being restricted to the words of the Bible as codified millennia ago. We in the Conservative Movement believe that this is how halakhah has always worked and is the only way that any legal (or other system of cultural values) can work. We believe, in theological terms, that God agrees with our decisions and, we hope, is proud of our deliberations. Yet I imagine that every Conservative rabbi has been challenged at least once by a congregant with, "Rabbi, where does it say that in the Torah?"

The rabbis and teachers of Conservative Judaism need to take responsibility for our failure to communicate this most fundamental aspect of our theology. Most people find it difficult to understand any religion in historical terms, reading religion instead as timeless eternal philosophy that is either true or false. The reality of the halakhic process is more nuanced, allowing for multiple and conflicting opinions, which can all be correct in reflecting "God's will" in theological terms. Even the sophisticated historian and bestselling Israeli intellectual Yuval Noah Harari cannot understand how religious systems evolve. In his latest work, Harari writes that "religions like Judaism, Christianity, Islam and Hinduism propose that their ideas and rules were established by an infallible superhuman authority, and are therefore free from all possibility of error, and should never be questioned or changed by fallible humans."[3] He contrasts religious scriptures to secular authoritative documents like the United States Constitution, which, unlike the Torah, has an amendment clause so that it can be corrected as deemed necessary. He does not understand that the rabbinic concept of *Torah sheba'al peh* ("Oral Torah") establishes that amendment clause by giving the rabbis the right to interpret the Torah and adjust its meaning, even if it does

[2] Solomon Schechter, *Studies in Judaism*, First Series (Jewish Publication Society of America, 1896), xvii–xviii.

[3] Yuval Noah Harari, *Nexus: A Brief History of Information Networks from the Stone Age to AI* (Random House, 2024), 71.

so through the language of the continuity of revelation. Recognizing that religious traditions require institutions, such as the rabbinate or the church, to provide authoritative interpretations of Scripture through the ages, he dismisses that evolutionary process as correcting human errors rather than amending divine will: "Jewish Orthodoxy accepted the possibility that the rabbis who composed the Mishnah and the Talmud might have erred in personal matters" he writes, "but when they came to decree religious doctrine, God ensured that they would make no mistake."[4] He criticizes the evolution of Catholic doctrine as blaming all "errors" (like anti-Judaism) on fallible humans rather than on a Scripture that needs changing. On this point, Harari is wrong. The doctrine of papal infallibility, for example, is not a failure of a system that is incapable of correcting error. Rather, it is the "technology," to use his term, that the Catholic Church has devised whereby the pope is able to redefine doctrine for a new age. The same applies to the authority of the rabbinate through the process of halakhic decision-making. Our agreement that rabbis have the authority to determine Jewish law is what makes the Torah a living evolving document for every generation.

We can look back to Joel Roth's seminal work, *The Halakhic Process: A Systemic Analysis*, to help articulate a response to Harari's challenge that religion is an outdated system of information (or of values) because it cannot fully correct itself. The premise of Roth's book is that Jewish law is a legal system and functions like all legal systems. The distinctions between basic, secondary, and common law; the role of precedent; the scope of judicial authority; and the existence of an amendment procedure are the bedrocks of every legal system, halakhah included.[5] In a critical chapter in the book, Roth argues that halakhah has a means to annul a Torah law, called in Hebrew *ʿiqqur davar midʾoraita*. While not a procedure that is easy or frequently employed (Roth never employed that authority himself), it does exist, and it must exist, Roth argues, for the halakhic system to be a legal system. Indeed, the amendment procedure of the United States Constitution may be more difficult to employ today, in our age of intense political polarization. In an emotional critique of religious traditions and their view of homosexuality, Harari compares the Bible to psychiatry's *Diagnostic and Statistical Manual of Mental Disorders* (the DSM), a scientific "Bible" that is regularly revised, including in 1974 when homosexuality was removed as an "illness." Comparing that scientific process to religions, Harari quips:

[4] Harari, *Nexus*, 106.

[5] Joel Roth, *The Halakhic Process: A Systemic Analysis* (Jewish Theological Seminary, 1986).

"You would never hear a pope announcing to the world, 'Our experts have just discovered a really big error in the Bible. We'll soon issue an updated edition.'"[6] That reminds me of the debate over homosexuality and halakhah, when I was asked, "Are you going to have the verse in question whited out from your Torah scrolls?" Both comments reflect a failure to understand how halakhah, and legal systems in general, work. When the United States Constitution is amended, the amendments follow the text. The text itself is not changed. When courts apply interpretations of law codes, annotated codes are published that update the law in the notes. Rabbinic codes and responsa literature are like church canons; they update Scripture to explain how it is understood in each place and time.

We need to teach our constituency that this is the way halakhah works, rather than a watered-down version of a more authentic form of what Harari calls "Jewish Orthodoxy." The theological challenge of teaching halakhah demands that we explain how our decisions are at the same time humanly fallible and yet divinely perfect. We have to become better teachers of halakhah if Conservative Judaism will continue to claim to be "a halakhic movement." Through understanding the linguistic, structural, functional, philosophical, and theological challenges of teaching halakhah in the Conservative Movement, we can imagine how we might do so.

[6] Harari, *Nexus*, 109.

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Case Studies for Teaching Halakhah Through Clergy-Congregant Partnerships

Susan Grossman

Masorti Judaism has always viewed itself as a halakhic movement, faithful to Jewish law and tradition, as it navigates tensions between traditional Jewish practice and evolving social conditions and mores. This tension has been a dynamic part of the secret of Jewish survival. Thousands of generations of Jews and their religious leaders have sought the right balance between tradition and change, Jewish unity and diversity, and cultural accommodation and fidelity to Jewish identity and observance.

The Committee on Jewish Law and Standards (CJLS) has served as the Conservative Movement's laboratory for navigating these tensions in ways that are consistent with Jewish values, halakhic tradition, and a deep commitment to *yir'at shamayim*, or "fear of heaven," the humility to question whether one's decision is consistent with God's will and how it might affect future generations. The toolbox at our disposal is extensive, encompassing not only the collective wisdom of thousands of years of Jewish biblical, rabbinic, and halakhic literature but also innovative advances in science, medicine, engineering, sociology, psychology, political philosophy, ethics, and more. One of the most essential elements in judiciously applying modern knowledge to Jewish practice is our understanding of metahalakhic values, biblically derived moral imperatives. Metahalakhic values such as *piquaḥ nefesh* (Leviticus 18:5 and 19:16, which prioritize protecting and saving a life) and *betselem Elohim* (Genesis 1:27, which affirms the equality of all humanity as created in God's image) have guided the decisions of our movement through challenging times.[1]

[1] On *piquaḥ nefesh*, see, e.g., the COVID-era *teshuvah* on the controversial issues relating to public safety by Elliot N. Dorff and Susan Grossman, "Wearing Face Covering, Physical Distancing, and Other Measures to Control the COVID-19 Pandemic," HM 427:8.2121B, Rabbinical Assembly, CJLS, February 1, 2021. On *betselem Elohim*, see the landmark *teshuvah* by Elliot N. Dorff, Daniel S. Nevins, and Avram I. Reisner, "Homosexuality, Human Dignity, and Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards. Rabbinical Assembly, CJLS, EH 24.2006b.

Teaching Halakhah Through Clergy-Congregant Partnerships

How we do halakhah distinguishes us as a Movement and is therefore just as important as the actual decisions we make. We deliberate and decide halakhah well, guided by the wisdom of past sages and the appointed body of contemporary rabbinic scholars and committed laypeople serving on our movement's CJLS. Conservative Judaism was founded to conserve Jewish tradition and its commitment to the observance of Jewish law. Our challenge is not our halakhic process itself but how we engage our laity in that process in ways that inspire them to care enough and learn enough to guide their practice and decisions. How can we teach halakhah to reach *ʿamkhah*, our congregants and the broader Jewish community, in ways that inspire them to return for more?

I sat on CJLS for most of my thirty-three years in the pulpit, serving eight years with Genesis Agudas Achim in Westchester, New York, and twenty-five years with Beth Shalom Congregation in Columbia, Maryland, before becoming its rabbi emerita. The time commitment to CJLS was considerable, especially before the advent of Zoom and Google Docs. For years, meetings were held quarterly in person over two days in New York City, until we shifted to biannual multiday meetings. Each member was responsible for writing *teshuvot* ("responses" to questions of Jewish law and observance) in their areas of expertise and interest. In addition, I advised on and helped edit various *teshuvot* in my capacity as chair of the Sub-Committee on Women, Gender and Human Sexuality, and later as co-chair with Daniel Nevins of its successor, the Sub-Committee on Personal Status.

I wanted congregants to feel they had a stake in and could contribute to CJLS deliberations, rather than thinking of my time spent with CJLS as non-congregational business. I hoped that informing them of issues under consideration, to the extent appropriate, and inviting their input would inspire a personal stake not only in upcoming CJLS deliberations, but also in how halakhah could inform their lives and those of the larger Jewish community. What an opportunity for congregants to help shape Jewish history!

I sought to integrate the consideration of halakhah into all aspects of congregational life. Opportunities for teaching halakhah arose in formal and informal conversations with board and religious committee members regarding congregational policy. Some took place in conversations with congregants who had specialties in medicine and other fields related to issues CJLS was considering or I was writing about. Before lighting candles at congregational dinners, I explained the halakhic reasoning behind differences in Shabbat and holiday candle-lighting. The history, practice, and content of halakhah were integrated into adult education courses, interfaith

events, and student, family, and parent programs. The most poignant moments occurred in hospital waiting rooms, by the bedside of loved ones, in mourners' homes, and during office appointments, as congregants grappled with medical decisions and ethical dilemmas.

In classes, board meetings, and discussions with the religious committee, we explored the process of making halakhic decisions, the strengths and weaknesses of the Jewish predilection for allowing alternative or multiple "right" answers, and the parameters of personal, rabbinic, and communal authority. Only rarely did I feel the need to give an up or down, *patur* ("permitted") or *pasul* ("prohibited") decision. Usually, the collective wisdom of my leadership and congregants, the cooperative and respectful nature of our conversations, and the direct exploration of halakhic sources contributed to a consensus that was both acceptable to the congregation and halakhically defensible and reasonable from my perspective as *mara de'atra* ("teacher of the place," or, the halakhic authority of my community) and relevant CJLS decisions.

What follows are several case studies of how teaching halakhah in my congregations became an integral part of congregational life. Congregants and I walked a path of Jewish engagement and study, which helped us navigate change, clarify our values, strengthen connections to the larger Jewish world, and inspire individual and congregational Jewish growth.

Inspiring Jewish Questions to Teach Halakhah: Ask the Rabbi

Asking questions of rabbis is as ancient as the talmudic story of the first-century BCE sage Hillel, who was asked to teach the entire Torah while standing on one foot (b. Shabbat 31a), and as contemporary as the rabbi in *Fiddler on the Roof*, who was asked what blessing to give the tsar. Anatevka's fictional rabbi responds with a now-famous quip: "May God bless and keep the tsar far away from us." Hillel, in his reply, teaches a fundamental Jewish value that, sadly, is less well known although much more important: "What is hateful to you, do not do to another."

Throughout history, much of halakhah, as well as the Jewish values and practices it defines and guides, was taught in response to questions. Some questions and answers, whether real or imagined, were included in what became the foundational tomes of rabbinic literature: the Mishnah, Tosefta, and Talmud. In subsequent centuries, answers, and sometimes their initiating questions, were collected in a genre of rabbinic literature known as *teshuvot* ("answers"). As a movement, we continue this process of asking and

answering questions of Jewish practice through *teshuvot* in the deliberations of our Israeli *Vaʿad Halakhah* and the CJLS, which guides our answers to questions for Masorti Judaism worldwide. Inspiring questions remains one of the most effective ways to teach halakhah, especially practical halakhah that guides personal practice.

How we answer questions is sometimes more important than the questions themselves. Rabbis are asked questions in a myriad of settings, often in response to a pressing need or pastoral concern. I encouraged queries in less urgent situations during scheduled "Ask the Rabbi" visits to religious school classes and, in my Maryland congregation, monthly during Friday evening services. I offered a carrot: a bag of candy to any student who could "stump the rabbi" on a question of Jewish history, belief, law, or practice. Religious school students insisted that their parents bring them to services to try to stump me. Adults got a kick out of seeing students so engaged, even as the adults waited to ask their questions.

Questions about the whys, wherefores, and origins of holiday observances, specific prayers, kashrut, Shabbat, *tzedakah*, and more offered opportunities to discuss halakhah, or how we walk in God's ways through Jewish practice. Often, congregants' interest in specific questions stimulated ideas for family and adult education programs. Offering a structured, nonjudgmental opportunity to ask questions helped build a congregational culture that embraced asking questions as a norm of our communal life, which in turn stimulated a hunger for learning more.

Engaging Congregants in Conservative Judaism by Teaching Halakhah: *Qitniyyot*

I wanted congregants to feel part of something greater than themselves, their families, and even our congregation and local Jewish community. I hoped that by inviting congregant input on questions currently being considered by CJLS, congregants would view themselves as part of the historic journey and continuous evolution of *ʿam Yisraʾel*, the Jewish people, and of Conservative Movement practice. With the enthusiastic support of our adult education committee, I began teaching an almost annual series of Friday evening programs titled "CJLS Hot Topics." I chose topics based on *teshuvot* currently or soon to be considered, creating clever titles to encourage attendance. Congregants who rarely attended Friday night services came, especially for issues related to their areas of expertise or particular interest. Each session focused on a single issue currently before the CJLS. I

briefly outlined the history of the question, shared a source sheet of relevant halakhic concepts and sources that we briefly studied together, and invited questions, comments, recommendations, and debate. In closing, I promised to share their input and update them on CJLS's final decision.

Whenever a particularly controversial topic arose, my lay leadership and I would schedule these discussions during Friday and Saturday services, sometimes over different weekends, to maximize congregational participation. Such was the case when CJLS considered whether Ashkenazim (Jews of European origin) should be permitted to follow the practice of Sephardim (Jews of Spanish descent and/or from Muslim lands) who permitted eating *qitniyyot* (legumes, seeds, and rice) on Passover. In Israel, distinctions between Ashkenazi and Sephardi customs were waning. Masorti rabbinic scholar and then head of the Schechter Institute, David Golinkin (son of our congregation's first rabbi emeritus, Noah Golinkin), had penned a *teshuvah* for the Israeli Masorti Movement lifting the Ashkenazic prohibition on eating *qitniyyot* during Passover, based on the cultural and family integration of Ashkenazim and Sephardim in Israel. Our question was: Should the same decision apply to Jews in *ḥuts la'arets*, outside Israel?

The congregational buzz began when my newsletter article introduced the subject. Parents discussed it while waiting to pick up their children from religious school. Congregants queried me in supermarket aisles. Services were packed for each session. Congregants paid close attention as I walked them through the sources, from the Talmud to Maimonides, the *Shulchan Arukh*, and the thirteenth-century Ashkenazi *poseq* (decider of Jewish law) Mordecai ben Hillel haKohen, known as "the Mordecai" to modern Orthodox *posqim* like Moshe Feinstein and our own David Golinkin. We explored implications for vegetarians and vegans, as well as being considerate of the sensibilities of Seder guests. Following a lively debate, I took a straw poll. Congregants overwhelmingly favored ending the Passover ban on *qitniyyot* for Ashkenazim, although a significant minority disagreed. In closing, I emphasized that *qitniyyot* was not *ḥamets* (leavened items prohibited on Passover) and therefore did not affect the kashrut of a Passover kitchen. I shared the congregational policy that my lay leadership and I had already agreed on: regardless of CJLS's decision and what congregants decided to do in their homes, we would not serve *qitniyyot* in the synagogue during Passover, so that everyone could feel comfortable eating here. As always, I promised to share their input with CJLS and inform the congregation of CJLS's decision.

Following CJLS's approval, dozens of congregants contacted me for ad-

vice on whether and, if so, how to include *qitniyyot* in their Passover plans.[2] I inquired about their traditional family practices, health needs, and the sensibilities of Seder guests, helping them consider how their Seder menu could align with Jewish values of *hakhnasat orḥim* (hospitality) and *shalom bayit* (peace within the home and family). I reminded them that, while serving items containing *qitniyyot* might be challenging to manage during the Seder, eating *qitniyyot* at other times would not affect the status of their Passover kitchens, even for guests who strictly avoided *qitniyyot* on Passover.

Our community conversation about *qitniyyot* connected my congregants to Jewish practice in Israel and our larger worldwide movement, helping them appreciate their role in the evolving story of Jewish history. More importantly, the overwhelming interest in *qitniyyot* revealed how deeply congregants care about Jewish law when they see how it directly affects them.

Teaching Halakhah Experientially: *B'nei Mitsvah* Shabbatons

Each year, in both my congregations, my husband and I hosted parts of an annual Shabbaton sleepover for *benei mitsvah* students and their families with the help of congregational school staff and parent volunteers. Parents and children learned practical *hilkhot kashrut* as they helped shop, prepare, serve, and clean up Shabbat meals in our home and synagogue. They learned the reasoning behind Conservative approaches to using electricity on the Sabbath and why, in my home and our synagogue, we did not turn lights on or off or use electronic devices, which meant they had to leave devices at home. We discussed different approaches to driving and why students would walk with me to and from shul. If they became raucous on the walk through our quiet neighborhood, I seized the teaching moment to emphasize such Jewish values as *kavod*, or showing consideration and respect for others. After helping lead services, enjoying a morning kiddush luncheon followed by *Birkat Hamazon* (grace after meals), and participating in group-building activities, students and a few parent chaperones walked home with me for an afternoon of free time, socializing, and team competitions that taught and reinforced their Jewish knowledge, all fueled by plenty of snacks. In taking turns leading different parts of *Shabbat Minḥah* (afternoon prayer) as a student minyan, their confidence grew as they realized they knew more than they thought they did.

Before every Shabbaton, a considerable number of students complained

[2] For the approval, see Amy Levin and Avram Reisner, "A Teshuvah Permitting *Ashkenazim* to Eat Kitniyot on Pesah," CJLS OH 453:1.2015b.

about our ban on electronic devices. As parents returned to my house before students led *Havdalah*, I began debriefing students. What was fun? What was hard? How was it to unplug for twenty-five hours? Consistently over thirty-three years, students expressed surprise at how much fun they had with their peers, realizing that it was because they were without their devices, and begged us to schedule another Shabbaton soon.

Several factors influence Jewish engagement, including family observance and participation in Jewish summer camps. To the best of my knowledge, none of my students ever adopted a *shomer Shabbat* lifestyle as adults because of our Shabbaton. Nevertheless, our Shabbatons strengthened the class ties that inspired students' continued study through Hebrew High confirmation, which in turn encouraged Hillel involvement and participation in Birthright trips to Israel in college, solidifying a Jewish identity that resulted, more often than statistics might predict, in students seeking Jewish spouses who shared their commitment to establishing a Jewish home and affiliating with a Conservative congregation.

Teaching The Evolving Nature of Halakhah to the Next Generation: Homosexuality and the "Oven of Achnai"

The Rabbinical Assembly (RA) had been considering the halakhic status of homosexuality since before I joined the CJLS in 1992. (Terms like LGBTQ+ were not yet part of the lexicon.) I became involved in the issue a few years later with my appointment as chair of the CJLS Sub-Committee on Women, Gender, and Human Sexuality. The issue was controversial and threatened to split the movement, which is perhaps why it was not until 2006 that the CJLS finally passed the first teshuvah to permit homosexual and same-sex marriages and homosexual and lesbian rabbis.[3] Although not one of the authors, I partially credit the teshuvah's passage with my encouragement of Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner to combine what were originally their three separate *teshuvot* into one coherent whole. The authors brilliantly utilized the metahalakhic value of *kavod habriot* ("human dignity") as well as more technical rabbinic halakhic tools to supersede the literal biblical prohibition against same-sex relationships (Leviticus 18:22).

With the expanding discussion of gay rights reaching our public high schools, and given the explicit biblical injunction against same-sex relationships, our Hebrew High upper-class students had begun to ask about homo-

[3] Dorff, Nevins, and Reisner, "Homosexuality, Human Dignity, and Halakhah," op. cit. n. 1.

sexuality in Jewish law. I was invited to address the students on this issue.

Traditional Jewish text study is inductive, based on pairs of students working to understand a text before hearing from an expert teacher. With this model in mind, I created an attractive study sheet showing an open Torah scroll with a rolled column on each side. In the center, I listed relevant biblical sources in Hebrew and English, such as Genesis 1:27 ("God said, 'Let us create human beings *betselem Elohim*, in our image'") and Genesis 2:18 ("it is not good for a human to be alone"), as well as Leviticus 18:22, which prohibits homosexuality. I included some of the talmudic sources cited in the *teshuvah*, including b. Berakhot 19b ("Great is human dignity") and b. Bava Qamma 84a ("What is possible is possible; what is impossible is impossible"). In the left column, I listed Jewish concepts such as *deʾoraita* and *derabbanan* (biblical and rabbinic commands), *betselem Elohim* (the inherent worth of being created in God's image), and *mara deʾatra* (the local rabbinic authority), among others.

After a brief introduction that invited student questions about the subject, I divided students into *ḥevrutot*, or small study groups. I instructed them first to review the texts listed in the center of the page and then the Jewish concepts listed in the left column. Next, they were to try to list in the right-hand column which Jewish values were most closely connected to each of the sources listed in the center. Students were intensely engaged throughout the class. I could see their shoulders ease as they made their way through the material in *ḥevruta*, realizing that the verses reflecting Jewish values they were proud of outnumbered the verses that troubled them, specifically the verse prohibiting homosexuality as an abomination. Upon reconvening, I invited students to share which Jewish values they had connected to different verses and how those values might influence them in various situations.

I then had them turn over the study sheet and take turns reading together what I consider one of our most significant rabbinic sources in the millennia-long struggle to counter fundamentalist biblical literalism. "The Oven of Achnai" (b. Bava Metziʾa 59a-b) is a case study in rabbinic change management. It recounts an incredible, or incredulous, story about the rabbinic sages living under Roman occupation, as they continued to face the challenges of maintaining Jewish survival, unity, and continuity a generation after the Temple's destruction in 70 CE. During a debate on the ritual purity of a particular type of clay oven, a series of miraculous interventions supports Rabbi Eliezer's position as a minority of one, culminating in a heavenly voice descending from above, as if to end the debate with a final, unambiguous heavenly decision. The controversy does not end there,

though. Without missing a beat, Rabbi Joshua, spokesman for the majority and a leading rabbinic sage at the time, rejects divine intervention, arguing that the majority decision already made by the gathered rabbis must stand, according to God's own words. He cites prooftexts from the Torah: Deuteronomy 30:12 ("it [i.e., the Torah] is not in heaven") and Exodus 23:2 ("after the majority incline").

As my students and I read through the story, we discussed how our holy texts were products of a particular time and place and what that implied about how we are to make sense of those texts when they seem discordant not only with contemporary mores but also with some of our most fundamental Jewish values. We briefly discussed the Jewish tradition of struggling with God as a sacred encounter and how grappling with a troubling biblical and rabbinic text is one way to enter that holy struggle. By the end of the evening, students not only had a better understanding of the basis for the CJLS's decision to permit homosexuality. They had learned how Jewish law balances respect for tradition with the need for change through rabbinic tradition's built-in safeguards against fundamentalist literalism, especially when it conflicts with such overarching Jewish values as compassion and respect for all.

I often teach the "Oven of Achnai." It is one of the foundational talmudic texts establishing the collective authority of rabbinic leadership to continue adapting Jewish law and practice to changing times. It is thus a favorite in Conservative/Masorti Judaism, for we see ourselves as the heirs of these rabbinic sages, our contemporary decision-making process reflected in and authorized by their precedents. The God-given authority they claimed for themselves to judiciously redefine and even override the literal meaning of a biblical commandment underpins our halakhic process.

In its full talmudic presentation, the "Oven of Achnai" is a tragic and complex saga that acknowledges the ambiguity of balancing individual conscience with maintaining communal cohesion, even as it affirms the role of majority rule in sustaining that communal cohesion. A coda to the tale recounts a meeting between Rabbi Nathan and the Prophet Elijah, during which Elijah recounts that God laughed and said, "My sons have defeated me. My sons have defeated me." The coda is usually interpreted and translated to show God celebrating the rabbis' decision, like a proud parent celebrating a child's independence. Yet the continuation of the story may also reflect an ambivalence about majority rule when it fails to carefully balance the need for cohesion with respect for diversity and difference, as well as basic human kindness. Rabbi Eliezer is excommunicated for refusing to abide by

the majority decision, thereby socially isolating him, which causes him great distress, denies younger rabbis access to his vast storehouse of knowledge, and sets off a domino effect of other tragic events (b. Bava Metzi'a 59b, b. Sanhedrin 68a).[4] We often skip this part of the story, as I did with my high school students. We might do so because of limited time or concerns about the content's suitability for specific age groups. But when we do, we miss an opportunity to explore alternatives for navigating conflict and deeply held divergences of opinion in concert with such core Jewish values as *kavod* (respect) and a commitment to *klal Yisra'el*, the unity of the Jewish people. Such reflection is particularly pertinent in today's politically divisive world.

Inspiring Personal Observance By Teaching Halakhah: Kashrut Workshops

I have found congregants to be exceptionally responsive to the teaching of halakhah when it is offered as a solution to their pressing problems. Sometimes, the impact of studying halakhah extends far beyond those initial concerns. Like many congregations, our Sisterhood assumed responsibility for managing and maintaining our synagogue's kitchen and its kashrut standards. An influx of new members presented several challenges. Shopping volunteers unintentionally purchased unkosher items. Kitchen items were put where others could not find them. Sisterhood leadership relied on and appreciated new volunteers, but they were at their wit's end. They wanted to be part of a solution that would not only protect the sanctity and usability of the kitchen but also make new volunteers feel appreciated and part of a Sisterhood that is justly proud of being warm, welcoming, and Jewishly knowledgeable. They came to me for help. Together, we developed a three-step plan to promote greater congregational knowledge and observance of kashrut by teaching the practical halakhah of kashrut.

First, we offered a kashrut workshop. I taught sources and the basic practical halakhot of *hilkhot kashrut*. A Sisterhood member shared tips for managing the separation of meat and milk in a kosher kitchen at home. Another brought various cans and boxes to practice shopping for kosher items. The wife of a recent convert shared kosher substitutes for favorite nonkosher recipes. Sisterhood offered to match congregants with experienced "kosher buddies" to answer practical questions of becoming kosher

[4] For an interesting exploration of the tension between majority rule and individual conscience in the story, see Mark D. Friedman, "The Tragedy of Rabbi Eliezer," in *Come Now, Let Us Reason Together: Uncovering the Torah's Liberal Values* (Wipf and Stock, 2024):147–61.

and help congregants *kasher* their kitchens, assisted by a team of Sisterhood's experienced kosher members whom I had trained for this purpose. Conversion candidates and those seeking to expand their Jewish observance particularly appreciated these opportunities for support.

Next, we worked with Sisterhood and congregational committee chairs to develop and get board approval for two new congregational policies regarding our synagogue kitchens. The first affirmed our congregational commitment to *klal Yisraʾel*, or Jewish communal unity, by permitting only widely respected *heksherim* (symbols indicating kosher supervision) for foodstuffs and caterers in our kitchen. The second policy required a certified *mashgiaḥ* or a congregationally trained para-*mashgiaḥ* to be present whenever food was brought into the building and/or a synagogue kitchen was used. All kitchen volunteers, congregational committee chairs, and synagogue staff were to receive para-*mashgiaḥ* training.

In partnership with Sisterhood, our para-*mashgiaḥ* program trained dozens of volunteers over the years. I taught the basic rules of *hilkhot kashrut*, including the rationale and procedures for handling what I called "oops" mistakes. Under my guidance, Sisterhood members introduced the symbols of our accepted *heksherim* and identified which foodstuffs did not require a *heksher*. They explained kitchen procedures and cleanup protocols, including the importance of not exchanging kitchen utensils or food items between the meat and dairy kitchens. Participants had to pass an exam evaluating their knowledge of practical kashrut halakhah, how to manage potential dilemmas, and kashrut-related kitchen procedures before receiving their para-*mashgiaḥ* certification and being added to our list of approved kitchen supervisors.

To broaden wider congregational interest in *hilkhot kashrut*, I leveraged my already popular multiyear series of Friday night mini-lectures on "CJLS Hot Topics" to focus on upcoming CJLS kashrut issues such as lab-grown meat, eating dairy in unsupervised settings, and the ethics of kosher slaughtering, the latter a controversial topic in the news at the time. I also collaborated with committee chairs to develop policies for synagogue-sponsored events held off site, in congregants' homes, and on school and youth field trips.

Throughout this multiyear project of teaching *hilkhot kashrut*, congregant kashrut observance increased, more volunteers assisted in the kitchen, and intergenerational friendships developed. Students became more confident about navigating the challenges of keeping kosher when out with their peers. A project that was initiated to protect the sanctity of our synagogue's

kosher kitchens yielded numerous unexpected rewards.

Resolving Controversy By Teaching Halakhah: Women's Head Covering

Navigating shifts in generational and cultural attitudes requires empathy, patience, the capacity to listen, the ability to help everyone feel heard, and the congregation's willingness to be guided by halakhah, as determined by the rabbi in her role as *mara de'atra*, in consultation with the religious committee, congregational leadership, and members. Even when the CJLS has not yet addressed questions about congregational practice, the vast compendium of rabbinic material in the Bible, Midrash, Talmud, and later codes offers guidance for those willing to seek it. As Ecclesiastes 1:9 reminds us, "there is nothing new under the sun," although there are often new ways of applying what has preceded us.

Although both my congregations had strong Sabbath attendance among men and women, very few female congregants initially wore *kippot* or *tallitot* in the early days following the rabbinic ordination of women. As the number of women wearing head coverings and *tallitot* increased during my Maryland congregation's growth and concurrent influx of younger members, questions arose about what egalitarianism meant beyond simply counting women in the minyan. Some felt that if women wanted to be treated as religious equals, they should observe similar requirements to men, including covering their heads and wearing *tallitot*. Others argued that women should have autonomy over their bodies and clothing. Some women expressed dismay over being forced to wear any head covering, which evoked an Orthodox upbringing they had left. Boys resisted wearing *kippot*, arguing for equality since girls did not have to wear them. Girls resisted wearing *kippot* because they messed up their hair and were uncomfortable on top of barrettes and ponytails.

Congregational controversy was brewing. In partnership with my religious, adult education, and religious school committees, we decided on a period of congregational halakhic study beginning in the religious committee. David Fine's 2002 *teshuvah*, establishing women's equal obligation to minyan, was silent on the questions of women's religious obligation to wear head coverings and *tallitot*.[5] I created a detailed source sheet listing halakhic questions and rabbinic sources regarding women wearing head coverings

[5] David J. Fine, "Women and the Minyan," CJLS OH 55:1.2002. In 2019, CJLS passed the teshuvah by Jane Karanek, "Women and Head Covering," CJLS OH 91:3.2019.

and *tallitot*, as well as men covering their heads when praying, ascending the bimah, or engaging in other activities such as touching, reading, and studying holy texts. These sources examined personal piety, the sanctity of sacred spaces, the evolving rabbinic approach to men wearing head coverings and *tallitot*, women's obligation to mitzvot, and what equality and egalitarianism mean. A thoughtful conversation identified options and outlined a tentative consensus plan based on the sources I had reviewed and our congregation's commitments to egalitarianism and inclusion. We also devised a plan to maximize congregational input: I would write a newsletter article outlining the issues, invite feedback, and announce a schedule of study sessions that I would lead during several Shabbat services.

The sanctuary was packed for the study sessions, including a notable presence from the religious committee and board members. I explored relevant rabbinic sources that might inform our decision making, invited congregants to share their comments and questions on the sources and religious committee suggestions, and reiterated our shared Jewish and congregational values of inclusion, respect for differences of opinion, and commitment to abide by communal decisions. When possible, I prefer helping individuals make informed decisions between appropriate halakhic options rather than imposing a single way of doing things. Congregants were encouraged to speak with me and religious committee members in advance of the committee's next meeting. In the interim, conversations took place over *Kiddush*es and as parents waited for their children after school. I often heard laughter as people shared their experiences with head coverings while growing up. In the interim, I taught a condensed version of the halakhic material to our *b'nei mitsvah* class. Girls were excited to learn that head coverings need only be as wide as the distance across one's knuckles, allowing them to wear the wide headbands they liked.

When the religious committee reconvened, we clarified our halakhic bottom lines, considering congregant feedback and movement policies that officially included women's equal obligation to minyan. A final policy was agreed upon, based on the initial draft proposal: head coverings would be required for all males, everyone ascending the bimah, and everyone wearing a *tallit*. Both head coverings and *tallitot* would be necessary for all Torah honors. Women sitting in the congregation would only be required to cover their heads when wearing a *tallit*. Given the parent and student uproar over *kippot*, we developed a compromise policy that reaffirmed the requirement for boys to wear *kippot* in synagogue and during religious school and Junior Congregation, adding the requirement for girls leading prayers or ascend-

ing the bimah to wear an appropriate head covering such as a *kippah*, lace "chapel cap," wide headband, or nice hat. (All students were prohibited from wearing baseball caps during school and congregational services.) For female congregants, life cycle honorees, and guests uncomfortable wearing a *tallit*, we identified honors for which we would not require women to wear a *tallit*, such as ark openings and reciting the English Prayer for the Country.

The decision was communicated through congregational newsletters, *b'nei mitsvah* family workshops, and individual conversations to enthusiastic approval throughout the congregation. Sisterhood began selling feminine *kippot*. One congregant's mother created handmade lace *tallitot* for female *simḥah* guests, a touch that families deeply appreciated. One teacher annually delighted sixth-grade pre-*b'nei mitsvah* students with *kippot* hand-calligraphed with their Hebrew names. Her choice of blue for boys and pink for girls, while too gender-specific to some adults, effectively engaged girls in proudly wearing their *kippot* in class and at synagogue. As time passed, more women and girls began to wear *kippot* and *tallitot*. Those who chose not to wear a head covering or *tallit* continued to feel welcome and included, reinforcing our congregational and Jewish values of *hakhnasat orḥim* (welcoming), *kavod* (mutual respect), and *klal Yisraʾel*, recognizing the unity of the Jewish people.

Informing Public Policy Debate By Teaching Halakhah: Jewish Views of Abortion

How Jewish law and values guide our perspective on and participation in the political and social issues of our times and the larger communities in which we live has always been part of halakhic consideration. The obligation to obey the law of the land in which we live (*dina demalkhuta dina*, "the law of the sovereign government is the law") has been a halakhic principle underlying individual and collective Jewish interactions with non-Jewish governments and their law for almost two millennia. This concept remains relevant to halakhic considerations and is reflected in several CJLS *teshuvot* addressing issues related to navigating tensions between secular law and halakhah.[6]

[6] Talmudic references to *dina demalkhuta dina* include b. Nedarim 28a (about taxes), b. Gittin 10b (about validating secular court documents for gift transfers), b. Bava Qamma 113b (about government confiscation of privately owned resources like trees for wood used in public works), and b. Bava Batra 54b–55a (establishing land ownership recognizing government regulations, including for confiscation of land). Various CJLS *teshuvot* discuss *dina demalkhuta dina*; see, e.g., Susan Grossman and Avram Reisner, "Understanding Jewish Views of Abortion: An Over-

Being required to obey the law of the land does not mean we cannot have or express an opinion about it. In a secular, democratic society, Jewish legal and ethical imperatives ideally guide our views on contemporary issues and inspire our active involvement and advocacy. For millennia, rabbis have sought to educate their congregants and the broader community about Jewish values and halakhah relevant to contemporary concerns. Such teaching serves the best traditions of our prophets of old and our more recent inspirational models, among them Rabbi Abraham Joshua Heschel, professor of Jewish ethics and mysticism at the Jewish Theological Seminary of America from 1945 until his death in 1972.

The 1973 Supreme Court decision establishing a federally protected right to abortion (Roe v. Wade) effectively allowed members of the Jewish community to follow our religious dictates.[7] By the end of the 1980s, the CJLS had already examined many of the fundamental halakhic questions related to abortion and determined that it was permitted to protect the life and health, including the mental health, of the mother.[8] Over the following decades, antichoice advocates around the nation sought to limit legal abortion access through intimidation, attacks on abortion providers (often Jewish doctors), and passing restrictive regulations on abortion clinics. They also sought to outlaw specific medically preferred procedures that complicated the Jewish community's access to halakhically acceptable, and sometimes religiously required, health care.

The subject of abortion remained in the news, and my congregants and our larger Jewish community wanted to know where Judaism stood on these issues. Over decades, through sermons, my recurring Friday night series "The Jewish View" on Jewish beliefs and ethics, community lectures, addresses at our regional Women's League gatherings, and opinion pieces written for local Jewish newspapers and those around the country, I shared what halakhah teaches about abortion as widely as possible in order to counter the misinformation being spread by those opposed to all forms of abortion.

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view," CJLS HM 425:2.2023 and Jeremy Kalmanofsky, "Participating in the American Death Penalty," CJLS HM 2.1.2013.

[7] Roe v. Wade, 410 U.S.113 (1973).

[8] For the most recent summary of the Conservative Movement's positions on abortion, see Susan Grossman and Avram Reisner, "Understanding Jewish Views." op. cit. n. 6. It includes a comprehensive list of Movement *teshuvot*, official statements, and resolutions up to the passage of their *teshuvah*. For an accessible list and links to the classic 1980s CJLS *teshuvot* on abortion, see Susan Grossman and Avram Reisner, "What Does Judaism Say About Abortion," Exploring Judaism, https://www.exploringjudaism.org/living/health/what-does-judaism-say-about-abortion/.

I had written the 2003 CJLS *teshuvah* "'Partial Birth Abortion' and When Life Begins" in response to a 2001 *teshuvah* penned by Rabbi Avram Reisner, my friend and colleague, with whom I disagreed on the permissibility of one specific abortion procedure.[9] Following the 2022 Supreme Court decision to overturn Roe v. Wade and thereby eliminate the federal right of women to have an abortion, the Conservative Movement website, Exploring Judaism, cited our two *teshuvot* in a short post as the most recent relevant CJLS abortion decisions.[10] The juxtaposition of our two *teshuvot* implied to the casual reader that Masorti Judaism held different views on abortion, when Rabbi Reisner and I agreed on everything except when to justify the use of one procedure, which was already made illegal before Roe v. Wade was overturned.[11] Rabbi Reisner, CJLS leadership, and the Exploring Judaism staff agreed with me that there was a timely need to communicate accurately and expeditiously our Movement's consistent and unified halakhic position on abortion. Rabbi Reisner and I expeditiously coauthored a *teshuvah* summarizing the most salient points of our Movement's unified halakhic stance on abortion, which was quickly and unanimously approved by the CJLS.[12] Based on that *teshuvah*, we penned an article for Exploring Judaism, making available an accessible summary of the Jewish beliefs and halakhah underpinning our Movement's views on abortion, including a list of the classic CJLS decisions on the relevant issues.[13]

I have continued to teach our halakhic approach to Jewish views of abortion during lectures and Shabbat talks in my synagogue and community, often sharing the exploringjudaism.org link to the article Rabbi Reisner and I wrote. Individuals express their appreciation for the opportunity to explore the issues in more depth than a brief Sabbath talk allows, as well as for the convenience of being able to revisit our online material as needed. The feedback emphasized to me the importance of building our Movement's public digital footprint, especially regarding the teaching of our unique halakhic perspectives on contemporary issues of public concern affecting the Jewish community.

[9] Susan Grossman, "'Partial Birth Abortion' and When Human Life Begins," CJLS HM425:2:2003b. See also Avram Reisner, "Ein Dohin Nefesh Mipnei Nefesh," CJLS HM425:2:2001a.
[10] Dobbs v. Jackson Women's Health Organization 597 U.S. 215 (2022).
[11] Partial-Birth Abortion Ban Act of 2003 Public Law No: 108-105 (November 5, 2003) affirmed by the Supreme Court in Gonzales v Carhart 550 U.S. 124 (2007).
[12] See note 8.
[13] See note 8.

Spreading Our Teaching of Halakhah

Our greatest challenge recently, as a Movement, has been to effectively communicate the meaningful and groundbreaking work we do and all that we offer spiritually, intellectually, and halakhically to Jewish life, learning, and conversation. The advent of search engines and artificial intelligence (AI) has made it even more challenging for us to have our message heard. The website exploringjudaism.org is an impressive United Synagogue of Conservative Judaism/Rabbinical Assembly collaborative effort, marking the first step in bringing Conservative/Masorti Judaism to the digitally fluent masses. The site features attractively laid out articles and a section highlighting some CJLS *teshuvot*. Unfortunately, the site is not well publicized, even by our Movement organizations and congregations. Simple fixes could involve encouraging congregations and Movement organizations to add exploringjudaism.org to their websites and include it in their electronically distributed newsletters and weekly event schedules.

Even more remains to be done to strengthen our digital footprint. To give just one example, a Google search for "Jewish views of abortion" brought up, in order of presentation, sources from My Jewish Learning, National Council of Jewish Women (NCJW), Brandeis, and Wikipedia. The only Conservative Movement source on the first page of the search was a link to a PDF of David Feldman's 1983 CJLS *teshuvah* on abortion. No mention appears of any of our more recent *teshuvot* or the article Rabbi Reisner and I authored for *Exploring Judaism*, "What Does Judaism Say about Abortion?," based on our most recent CJLS *teshuvah*.

For all our advances in transferring CJLS *teshuvot* onto the Internet, which was no mean feat, we need to up our digital game. Even the significant step forward of a searchable CJLS *teshuvot* database is inconsistent in its responsiveness. My test search of various spellings of the rabbinic dictum, *dina demalkhuta dina* ("the law of the land is the law") yielded zero hits until I searched only for *dina*. Initially, eight links appeared, including two *teshuvot* that utilized the term I sought. My second attempt was worse, offering hundreds of links, too many to find what I sought quickly and easily. A different search of the word "homosexuality" failed to include the landmark 2006 *teshuvah* permitting same sex relations by Rabbis Dorff, Nevins, and Reisner, discussed above.[14]

Creating an accessible resource bank is another way to spread our unique

[14] See note 1.

Masorti approach to halakhah, albeit on a more local level. The process of writing a CJLS *teshuvah* is time-consuming, especially when dealing with a complex subject that has a long history of halakhic discussion. CJLS members often devote significant amounts of their limited free time to researching and writing compelling, comprehensive, and cogent *teshuvot*. It has long been a CJLS desideratum that authors would create resource sheets of their sources for teaching purposes. We have gotten better at meeting that goal. But I have been as guilty as others in not creating such sheets. I did not have time to cut, paste, and reformat the multilanguage sources I cited, particularly before the advent of Sefaria (sefaria.org). Congregational rabbis are also incredibly busy and often find it challenging to find the time to research and create attractive, succinct congregational study materials for all the halakhic topics they might wish to explore with their congregants.

I am always impressed with Sefaria. Its search engine adroitly finds whatever I am looking for: primary biblical and rabbinic texts, ancient and modern commentaries, and teaching resources. I am sure there are many Conservative/Masorti rabbis like me who have relied on its materials. Over the years, many of us have also developed teaching materials and source sheets on various halakhic topics for congregational programs. We could begin to address the lacuna of Conservative/Masorti halakhic study materials by encouraging colleagues to contribute their study sheets for posting with proper credit and providing the technical support to load and maintain them on Exploring Judaism and/or the RA's CJLS site, linked and cross-referenced to relevant *teshuvot* and easily searchable through a refined and updated CJLS *teshuvah* database search engine.

Marketing experts recognize that an organization's digital footprint and Internet search placement are crucial to its growth. It is undoubtedly essential to effectively communicate our unique message to those who are potentially open to and attracted by our halakhic approach. Such work helps build our movement, spreads our unique message, and strengthens our future. Limited financial resources need not be an obstacle. A national or international effort to assemble a top-level team of tech-savvy lay volunteers can leverage the connections of thousands of Conservative/Masorti rabbis and lay leaders to identify individuals who are excited about the potential opportunities of such an effort and are willing to volunteer their time and expertise. Challenges abound in getting our message out, but as Jews, we have a long history of finding creative ways to respond to almost any challenge.

Leaning Into Studying Halakhah as a Congregational Life Choice

I was honored and blessed to serve on the CJLS for so many decades and be embraced by two congregations whose members believed that the work I did there was important enough to lean in to share that halakhic journey with me. A rabbi need not serve on the CJLS in order to inspire their congregation in halakhic study, or to respond to appeals from congregational leaders willing to embark on that journey of Jewish exploration and growth. There are many ways in which rabbis and lay leaders can partner to encourage a congregational culture of asking questions and offering opportunities to develop a personal stake in halakhic study as a guide for navigating both congregational and personal life challenges. Complicated moral questions, hot topics of communal concern, and current events all offer opportunities to teach and learn halakhah. Prioritizing the questions, interests, and concerns of congregants encourages congregational investment in the effort required for halakhic study, even if that effort is limited to attending a class or lecture. Creating opportunities to elicit questions can nurture a congregational culture in which asking questions becomes second nature, feeding a desire to discover our movement's timely answers to those questions and others. Finally, engaging in the teaching and communal learning of halakhah from a Conservative/Masorti perspective can foster a depth of reflection and consideration that helps us all become better individuals, better Jews, and a better people, contributing to the building of a kinder, better world.

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Between Legal Validity and Lived Truth Falls the Shadow Reflections on Teaching Halakhah

Gordon Tucker

This article will address two questions about the teaching of halakhah: *Why* should we teach it? and *How* shall we teach it so as best to fulfill our answer to "why"? In answering the second question, the focus will turn to matters that, I maintain, should be unsettling to anyone committed to halakhah as religious law, as I am. That is what led to the title of this piece. "Falls the Shadow" is the thrice-repeated phrase from T. S. Eliot's well-known poem "The Hollow Men." The shadow is said to fall "between the idea and the reality," "between the motion and the act," "between the conception and the creation." For the purpose of making my present intention clear, I will add to those three *all* of the interstices that hold the realm of thought or potentiality apart from the realm of action and consequences. In thinking about how halakhah should be taught, I will focus on the ways in which law can often proceed from and live entirely within its internal, conceptual logic and allow itself a detachment from the real-world consequences that follow from that logic. The shadow that symbolizes that obscured vision can take on many forms, but the most vexatious of all are those that cause violence and pain, by which I emphatically also mean to include psychic pain. A critical distinction that will underlie these thoughts is one that has been axiomatic for more than a century in the philosophy of knowledge—namely, the difference between what is validated in the systems we build to *model* truth, and what manifests itself as true in the real world of our lives and cherished beliefs.

Let us turn, then, to our two questions.

Why Teach Halakhah?

The short answer that best fits the contemporary society in which Jews live is "to cultivate a consciousness of obligation." Consider that the phrase

"no obligation" has virtually been a mantra used by advertisers of various products and services for a long time, because the emphasis on the right and the freedom to choose is among the foundations of contemporary culture in modern democratic societies. Our cultural setting is one in which autonomy is highly prized, and expected as everyone's right. What was observed by Arnold M. Eisen and Steven M. Cohen more than twenty years ago is no less true today: "American Jews today are relatively more individualistic and less collectivist. Taken as a group…they regard the ever-changing selection of Jewish activities and meanings from the broad repertoire available as part of their birthright as Jews. They celebrate the autonomy of this choosing and do not worry about its authenticity."[1] In philosophical terms, the tension behind such observations is between the "autonomy" that is invoked here and its opposite, "heteronomy." Here is a concise paraphrase of Immanuel Kant's classical definition of the terms (as he famously advocated for one of the two): "instead of being obedient to an externally imposed law or religious precept, one should be obedient to one's own self-imposed law. The former [Kant] called heteronomy; the latter autonomy."[2] Obligation to rules external to us has indeed fallen on hard times.

Let us look at a striking illustration of how a retreat from heteronomy made it, most surprisingly, into Jewish religious education. A song that many American Jews learned in our younger years was a Passover ditty called "'Avadim hayinu, 'attah benei ḥorin" ("We Were Slaves, Now We Are Free People"). The song was composed in the secular kibbutz Ein Ḥarod in the prestate era by Shalom Postolsky. Although the first two words do indeed appear in the traditional Haggadah, all five are not found in that juxtaposition in the official Passover liturgy. So what actually *is* in the Haggadah? There are, as we know, two beginnings to the story. Both of them make it clear that we were in service, but to the wrong things—either to Pharaoh or to idols. When the story reaches its climactic conclusion, and we are prepared to leave the degradation of *'avdut* ("servitude") and eat the bread of freedom, we raise the glass and prepare to bring it all to a triumphant conclusion with the Hallel. And how does the Hallel begin? Not by celebrating our status as *benei ḥorin* ("free people") but with an exhortation to praise God that addresses us as "'Avdei Adonai" ("servants of God"). In other words, the careful composition of the liturgy for the festival of freedom makes the crucial point that we are not meant to be free of all service; the question is

[1] Arnold M. Eisen and Steven M. Cohen, *The Jew Within* (Indiana University Press, 2000), 184.
[2] "Immanuel Kant," Internet Encyclopedia of Philosophy, https://iep.utm.edu/kantview/#:~:text=At%20the%20foundation%20of%20Kant's,of%20things%20we%20can%20experience.

rather: To what will we be giving our service? To a tyrant for whom we are as nothing, and who brooks no questioning, or to a God who cares for us and whose commandments often come with rationales that explain their morality? However, the secular kibbutzniks of the Jezreel Valley in the 1920s and 1930s saw their history rather differently from that given in the implicit argument of the Haggadah. For them, the song celebrated their move from servitude to the religious law they associated with exile, to freedom from those shackles.

It is most remarkable that they taught us to sing this song each year in the Orthodox *yeshivah qetanah* I attended in Washington Heights, New York. Somehow they did not get that it undermined everything the carefully constructed Haggadah was trying to teach us—that the gift of the Exodus was the move from one kind of service to another, more worthy version. It was pointedly not the autonomy of *benei ḥorin*, at least in terms of what that phrase meant for the early Zionist pioneers, and what it continues to mean for so many Jews in the America of the twenty-first century.

Now, if the importance of teaching halakhah is to move people who prize their freedom to choose to a more positive consideration of obligation, then we will need to conceive of obligation in a way that is compatible with the autonomy our contemporaries are unlikely to give up.

The texts surrounding an apparently challenging teaching attributed to the third-century rabbi Ḥanina will turn out to be helpful. The dictum appears in b. Qiddushin 31a and three other passages in the Babylonian Talmud: "Of two people who both perform the identical act, the one who does so out of obligation ranks higher than the one who does so voluntarily." This certainly seems counterintuitive to the contemporary mind, in which voluntarism elicits greater praise than obediently fulfilling an obligation. But the possible key to understanding this dictum in a way that is compatible with autonomy comes from considering the context in which R. Ḥanina's teaching appears in two of those texts. It is the account of a colloquy that took place nearly a century after R. Ḥanina, between R. Yosef and his colleagues.

R. Yosef was blind, and in his day, it was as yet unresolved whether people who could not see were subject to the performative mitzvot. R. Yosef is quoted as saying that he was always rooting for the possibility that people like him were exempt from the mitzvot, so much so that if someone could prove to him that he was indeed exempt, he would throw a party in honor of his colleagues. And that was because he had always read things the way *we* naturally do today—namely, that doing something voluntarily when you do

not have to is more meritorious than doing it because you are commanded to do so. But when he learns the unchallenged opinion of R. Ḥanina—that the one acting out of obligation actually ranks higher—he switches sides in what he roots for. Now he will happily throw the party if his colleagues could prove to him that he is *also* subject to the performative mitzvot even though he is blind.

But note that the only thing that is unresolved in R. Yosef's mind is whether he is going to spring for the food and drink, because his name might show up higher in some ranking system by virtue of being obligated. What is not at all in doubt for R. Yosef is *whether he is going to continue performing the mitzvot,* irrespective of whether he was subject to a heteronomous command. Of course he would continue to do so! The crucial point that usually gets missed here is that the uncertainty is only about whether there is a party or not. R. Yosef, it seems, was going to continue his life of Jewish observance *whether or not* he was commanded to do so by God's law.[3] It seems that some kind of impetus to regular observance was operating on R. Yosef, independent of any *external* source of command.

We might well ask whether R. Yosef was committed to observance because of a desire to keep faith with and be trusted by his community, or because he had an inner sense of command that impelled him to do so. Perhaps it was both. However that may be, the essential point right now is that a meaningful sense of obligation seems to have some degree of independence from an outside source of command, and certainly from an expectation of either external reward or punishment.

A beautiful and compelling expression of this idea of an "autonomous heteronomy" was given in an essay by the contemporary Orthodox rabbi Elyakim Krumbein, a teacher at Yeshivat Har Etzion, that reflects on R. Ḥanina's seemingly strange teaching:

> A commandment has two polar aspects. One of these is rooted in the mysterious haze that enveloped Mount Sinai, out of which the voice of the Blessed Holy One broke forth. This aspect of the command is unresolved, since it will be fulfilled only in a reality not yet known. The second aspect is rooted in the immediate reality, which a person encounters after having wondered in suspense about when a moment of command would arrive, and in which that

[3] I am indebted to Dr. Sarah Wolf for this insight.

> person now knows with exactitude what is required. When those conditions come into being—for example, the festival arrives and one is holding the four species, or when his son is before him on the eighth day of his life, with the circumcision implement present—it is then that a person apprehends the connection between the present reality and the voice of Sinai. The voice of the Commander then calls out from the present reality. *The berakhah for the mitzvah is how this recognition is expressed. The Sages believed that one should not fulfill a mitzvah simply in reliance on an ancient command, as if it were a payment on an obligation taken on in the past.* A person should be able to declare: "We were commanded concerning what is happening right at this moment." That is, the command renews and completes itself in the immediacy of the present. But that can happen only if a person is attuned to it.[4]

The startling implication of this is that the one who responds to an ancient command for which he has *not* felt an inner compulsion in the present is not actually acting out of commandedness! It is only someone who is attuned to that which calls to him right now who can rightly say the *berakhah* "who has sanctified us with the commandments" and thus claim the status of one who acts out of obligation.

A true command is not something that comes to me from a tradition, not something that is "purely heteronomous." Such an obedient act always threatens to become at best what Isaiah called "a commandment learned from humans by rote" (Isaiah 29:13). A true command touches me personally, lights me up, and impels me to say that I am being spoken to right now, irrespective of what my distant ancestors heard or did, and that I wish to respond to that which I sense to be part of who I am. This is nothing less than a recognition that a command, or a sense of obligation, must come both from the present moment and from within. It is what may have been thought to be a Kantian impossibility—an autonomous response to an external mandate—or what Michael Walzer, reflecting on the lessons of the Exodus and of Sinai, called being "freely bound." But one must be attuned to it.

This, therefore, may be a way to avert the antagonism between the autonomy we cherish and the sense of obligation on which our tradition—in-

[4] Elyakim Krumbein, "On the Matter of Acting by Command" (Hebrew), Aggadot Ḥazal, http://www.daat.ac.il/chazal/maamar.asp?id=19 (translation and emphasis mine).

deed, any tradition—depends. This, then, would be a fitting answer to the first question posed at the outset of this article. We should teach halakhah because it is the framework of heteronomy that overlays our Jewish heritage and is shared by all the generations. But for it to have religious (and not merely historical) value, individuals must receive the commands personally and embrace them from their own selves and their own commitment. This is the bridge that we seek between the Jewish stress on obligation and the autonomy that no modern person will easily let go. It is important to teach halakhah because halakhah at its best seeks to attune us to a life of obligation that comes from *within us*.

How to Teach Halakhah

Now that I have suggested something crucial about *why* teach halakhah, we can take on the more complicated second question of *how* halakhah ideally should be taught. As we consider this question, it is especially important to attend to what Moshe Halbertal has argued concerning the history of halakhah and what he calls its "emergence."[5] The rough contour of his argument is as follows: Before the advent of rabbinic Judaism, Jews had the laws of the Torah. There was, for example, to be no labor on the weekly Shabbat, and the meager evidence that we have in the biblical period suggests that individuals were expected to drop their daily economic activities (e.g., Nehemiah 13:15). What we did not have until the activity of the rabbis was the meticulously detailed systemization of Shabbat rules that we find in the Mishnah and the Talmud. Here is how Mira Balberg describes this move from the more general and amorphous biblical law to rabbinic halakhah: "The biblical injunction is extremely terse: you shall not do any labor. The Mishnah then dissects the general category of labor into thirty-nine different subcategories of labor, and then continues to zoom in on each one of those categories and subcategories and scrutinizes it further."[6] The traditional view, which the rabbis themselves promoted, was that these rabbinic dissections were part of an oral tradition dating all the way back to Sinai. It is hard to see how to refute such a view, so it should never be disrespected. Yet it is equally hard to understand why, if such an ancient oral tradition

[5] Moshe Halbertal, "History of Halakhah and Emergence of Halakhah" (Hebrew), *Dinei Yisra'el* 29 (2013): 1–23.

[6] Mira Balberg, "Ritualizing Law, Legalizing Ritual," in *Jewish Law: New Perspectives*, ed. Suzanne Stone and Yonatan Brafman, Perspectives on Jewish Texts and Contexts 26 (de Gruyter, 2024), 157.

were being passed down over more than a millennium, we would have no evidence of its existence in late biblical and Second Temple narratives and legal literature. Indeed, in the sequel, Balberg adopts Halbertal's observation that the rabbinic systemization was in no way inevitable: "as Halbertal noted, there is nothing natural or inherently warranted about the notion that one must perform a commandment in a very particular and accurate way in order for one's performance to count as a fulfillment of the commandment."[7] In other words, there need be no impediment to the conclusion that the move from the prerabbinic to the rabbinic world was a move from *law* to *halakhah*, where the word "halakhah" now denotes a very specific enterprise. It is best understood not just as a collection of laws, but as a considered and methodical enterprise of defining and systematizing what had heretofore been rather loosely stated laws of Shabbat, or of marriage and divorce, forbidden mixtures, or a host of other biblical rulings that lacked minute defining parameters.

Interestingly, Maimonides (Rambam), in introducing the laws of marriage in his code *Mishneh Torah* (*Hilkhot Ishut* 1:1) pointedly notes that there was an early time when marriage was the much less structured phenomenon of two consenting adults simply agreeing to live together in intimacy. That is exactly what the verse in Deuteronomy 22:13 depicts ("A man takes a woman to wife and cohabits with her"). The very traditional view was that all of the rabbinic rules for marriage (as set forth in m. Qiddushin, for example) were already given orally to Moses. But if one is not wedded to that idea—and, as noted, one would expect such ancient rules to find their way into prerabbinic literature—then the biblical *law* of marriage and the rabbinic *halakhah* of marriage neatly illustrate just what Halbertal is arguing.

This understanding of the origins of halakhah in the practice of the rabbis has important implications for how it should be studied and taught. We are in the realm of metatheory here. That is, we are not asking questions *within* halakhah but standing outside it and asking evaluative questions about what its goals are, whether it is accomplishing those goals, and other such matters. The important point to be made is this: Every instance of systemization in human intellectual activity is a project of constructing a *model* of that which is held to have an existence *outside* that system. So, for example, when mathematicians construct systems of axioms and rules of derivation that refer to numbers, geometric surfaces, or solids, they are seeking a way of capturing

[7] Balberg, "Ritualizing Law," 158.

the truths about those things through derivations in the system. Similarly, when general concepts in a political constitution are systematized into codes of law with many fine details and nuances, those legal systems are intended to capture the truths held to be self-evident by the society that formulated and adopted that constitution. A way of summarizing this is to distinguish "validity" from "truth." Being "valid" means that a thing—a proposition or a law, for example—has been correctly derived in the system. Being "true" means that it expresses that which is held to be the truth that the system was constructed to model in the first place.

These two things—validity and truth—are interdependent but not necessarily the same thing. Let us take one example: The Torah says: "No one *misbegotten* shall be admitted into the congregation of the Lord; none of his descendants, even in the tenth generation, shall be admitted into the congregation of the Lord" (Deuteronomy 23:3). "Misbegotten" is NJPS's translation of the term *mamzer*. Whatever revulsion (likely related to lineage) this was expressing to those who first heard or read the word *mamzer*, later rabbinic interpretation created the halakhot that were based on what *they* took *mamzerut* to be—namely, the product of an adulterous or incestuous relationship. The creation of these halakhot out of the simple but ambiguous text in the Torah must have been intended to ensure that God's will for a holy people would be sustained through an abhorrence of lustful faithlessness. So far, so good.

According to those halakhot, however, offspring were being stigmatized for the misdeeds of parents. Moreover, if a woman who was previously married then married again after a civil divorce but had never been told or taught of the need for a *get* to end the first marriage, her children from the second husband would also be barred from marriage in the Jewish community. Indeed, all the descendants of such a child would be similarly stigmatized ad infinitum. That compromised status of the children and the children's children is a perfectly *valid* consequence of the halakhot constructed out of Deuteronomy 23:3. But now come the critical questions: Does that impairment of the children in fact express the religious value that is the intended point of the halakhah? and Why should we not consider the possibility that as valuable and edifying as a halakhic system may be, it also may on occasion fall short of the religious beliefs that we cherish? Such beliefs may even be written into our ancient literature itself, such as the principle that God should want to punish only perpetrators of crime, certainly not their innocent offspring (see Ezekiel 18).

Metaquestions such as these tend to make us uncomfortable. The best

known illustration of this takes us once more to the Passover Haggadah, and how it treats one particular hypothetical child who asks a question pregnant with meaning. The child, whom the text calls "wicked," asks the all-important metaquestion: "Why are you doing this?"—that is: What are your systemically valid practices really about? This is perhaps the most important question that one can ask about religious law. It asks what the *validity* of the norms and practices has to do with the truths of faith and belief that they are meant to express. The wicked child is the only one who gets *no answer*; this child only gets berated for asking the question. You cannot get more true to life than that. Metaquestions make us nervous. But that does not mean they are not crucial. So, in a reference to the great American congressman John Lewis, we might say that this so-called wicked child should always have been called the "good-trouble-making child."

It is a consequence of the answer to our first question that legal systems, in addition to providing a consistent and predictable array of interrelated rules to keep order in a society, also help to strengthen community by promoting the cultivation of attitudes of obligation. At the same time, since they are (as noted above) simply fallible models of what the foundational principles of the society intend, what they produce is not guaranteed to be identical to those intended goals.

Let us get a bit more specific about how all of this plays out in legal systems. In the case of open, democratic societies, there are fundamental shared beliefs about what such a society should be, what its values are, what it stands for, and what it should mean to live a virtuous life as a member of that society. Beliefs such as these are the sorts of things that, to take a ready example, are set forth as self-evident in America's Declaration of Independence. The need, then, is to systematize these beliefs in a language that maps them onto the kinds of behaviors that are taken to be consistent with those beliefs and visions. The hope, then, is that there is a strong, if not entirely perfect, correspondence between the legal system and the political and social beliefs—sufficiently strong that a rule validly generated within the system could reliably indicate that this rule expresses the society's vision for itself. That is the reason and justification for the legal system.

What, if anything, changes when we are speaking of a religious culture? Then we find ourselves speaking of something at once especially important and especially elusive. For now it is not just a question of what a society's self-image is, or what the will of the people is. In the case of religious law, it is a question of a set of beliefs concerning truths about a transcendent realm, and about the obligations that flow from those truths. Allowing, as

we must, for a vast range of images of what we call God, let us say that this involves trying to express truths about what we take to be the will of God. In an era of prophets, there were individuals who presented themselves as God's spokespersons, and those who were believed were taken to be conveying the divine will directly. As the Torah itself put it in speaking of a true prophet: "Just listen to him." But prophecy could not suffice, for how was one to have a device for determining who the true prophet was? Without a procedure for determining what God's will is for us, shared beliefs about that will would have to be mapped onto formalized codes of behavior. Now, those beliefs about God's will—or, if you prefer, about what is a sanctified or redemptive life—are expressed in many forms, both written and oral, within the loosely defined archives of a religious society; in the Jewish tradition, this is called "aggadah." And what is to express those beliefs and visions? The Torah itself is surely part of that story, and its eventual canonization is an early stage in the process of meeting that basic and urgent need. But only in the rabbinic period were rules and obligations systematized into halakhah, which has rooted itself in Jewish practice ever since. The hope and the intention were, and have always been, that the language and the normative force of halakhah would accurately capture what God's will is.

That last sentence is the most honest answer we could give to the pointed and unsettling question posed by the good-trouble-making child: "Why are you doing this?" The answer is perforce unsettling because it raises a follow-up question: "Does it in fact accurately capture what God's will is?" Now, it should be clear that there is no unequivocal and uncontroversial definition of God's will. We have only our presumptions about what God's will is, and those we have inherited by tradition. But they are very strong presumptions, and the more they are shared, the more we will risk for them. To put it another way, in the absence of direct communication from beyond, all we can rely on, trust, and have faith in are the shared beliefs and intuitions of our forebears about what God's will is, and our convictions about how much we still share those same beliefs and intuitions, or modified forms of them. So we return to the follow-up question posed by the good-trouble-making child: How well does our language and system of halakhah capture those beliefs? In the end, that is halakhah's sole vocation.

Here is how Barry Wimpfheimer put it in a recent book:

> Codifiers of Jewish law have been driven by an assumption…that codes are the ideal form for representing law.… But law is not composed entirely of its normative

> function.... Codes present mandates and prohibitions, ignoring questions of genealogy, legal authority, and the relationship between theoretical law and lived life. Even the most well-conceived and executed codes can, as a result, still be found lacking.[8]

Moreover, the converse problem looms as well, and this one is much more serious for a society aspiring to live in accordance with the divine will. That problem is this: human apprehensions of the virtuous and moral life change, evolve, and deepen. As a result, particular systematizations of law will produce valid results that can, and often do, conflict with embedded (and certainly with evolving) intuitions about the virtue that is being systematized in the first place—for example, condoning slavery, corruption of blood, disadvantaging women, or not recognizing nontraditional family structures. The United States Constitution in its original form already responded to the perceived injustices inherent in corruption of blood, but it did not *originally* respond to what would in time become solid intuitions and convictions about slavery, women's roles, and increasingly, the coexistence of different sexual orientations. It had to be amended and/or interpreted in ways that would resolve inconsistencies with the shared convictions that the laws were created to express in the first instance, as we became aware of those inconsistencies. Especially in an age when systemic validity was shown always to be inadequate as a formalization of truth (even in the readily systematizable field of mathematics!), it would have been foolhardy to claim that norms validly produced by our constitutional legal system were ipso facto faithful reflections of our political and moral beliefs. And it would have been even more bizarre to say that if they were not, we would have to adjust our belief system to fit our laws. It would be getting the causal arrow behind the creation of legal systems entirely backwards.

More dangerous still is the situation as it affects religious law, which is there to systematize not the will of a *people*—which could theoretically be ascertained through a properly constructed plebiscite—but a *transcendent* will. Convictions about what God's will is can be widely shared as well, and they often are across religious communities. They also change, evolve, and deepen. So what are we to do when the honest answer to the follow-up question posed by the good-trouble-making child is that there are some validly produced and highly precedented norms of halakhah that no longer accu-

[8] Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories*, Divinations: Rereading Late Ancient Religion (University of Pennsylvania Press, 2011), 9.

rately express our convictions about what a sanctified and godly life ought to be, and about what human beings created in the divine image are entitled to? What are we to do when a received and justly venerated systematization of religious values instructs us to inflict corruption of blood on people whose *parents* have violated cardinal norms of sexual propriety and purity? (This is the aforementioned case of the *mamzer*, the child of even unwitting or technical adultery, which occurred because a previous marriage was dissolved in an invalid way.) What should our reaction be when the norms of halakhah would require us to consign a woman to celibacy because her husband has abandoned her or disappeared without granting the divorce he alone is authorized to grant? What should we contemplate doing if the valid and highly precedented norm of halakhah makes it impossible to approve, let alone sanctify, a loving relationship between two women or two men, even if we hold, on the basis of evidence, the belief that they are constitutionally built to love in this way? And what if that dissonance is further intensified by the fact that a large body of our own aggadah—namely, the sum total of the theological and moral teachings in our cultural archives—reminds us that the Creator intended people to love and to create homes and families, and that people's lives should not be bereft of the pleasures and responsibilities that are the human birthright solely because of factors they could never control? Validity in such cases has failed to be congruent with truths as we apprehend them, and for which the systemic validity was designed in the first place. The crisis must be met. Indeed, it must first be acknowledged, which is no doubt exactly what the parent of the good-trouble-making child wants to avoid doing.

But we must acknowledge it, because, in these instances, as Robert Cover taught us, the systematized law sometimes threatens violence and pain. In these instances, we speak primarily not of physical pain but of the social and existential pain, which is more than anyone should have to bear. When such pain is entailed by the halakhic system, it is not in the name of halakhah but in the name of *God*. One might have the right to accept the fallacy of equating validity with truth if one were submitting to some pain and disability for *oneself*, in the manner of a martyr. Even that might be questioned. But it is impossible to justify indulging in that fallacy when it entails pain inflicted on *others*.

It would be one thing to reconcile to the doling out of pain and isolation on other human beings if one were convinced that it was being sanctioned by an inscrutable and infinite divine will that we receive directly. Adherents of the traditional view that the halakhic rules already existed and were

communicated to Moses at Sinai have this option. But for those who, like most readers of this journal, adopt Halbertal's view of the emergence of halakhah, it seems completely unjustifiable to reconcile to it on the basis of a systemic misconflation of validity and truth, as we profess belief in a God of compassion. Systems do not produce truth. They produce *mappings of truth into norms*, approximations to truth that may be exposed from time to time as just that: approximations. Cover, in his essay "Violence and the Word," noted the urgent need for a "latent…structure to render the judicial utterance morally intelligible."[9] The latent structure can be a set of theological beliefs. But, as theology changes, we may be left with "the moral unintelligibility of routine judicial utterance when the structure is no longer there." What would the good-trouble-making child have to say in the face of that?

One can only think of Martha Minow's insight about these systemic arguments, an insight she formulated as follows: "Modes of analysis and argument that maintain their exclusive hold on the truth are suspect. By casting doubt on alternative modes, they shield themselves from challenge and suppress alternative ways of understanding. They also render ordinary and explicable all they encounter: 'to a hammer, everything looks like a nail'"—even, apparently, when the nail may pierce not only the innocent, but also the image and reputation of the divine. Minow continues: "But some things are extraordinary and call for extraordinary responses. Methods of analysis that smooth out the bumps and subsume all under generalizations risk not only making this mistake but hiding it from view."[10]

The first part of this article made the case for the importance of studying halakhah, which certainly means getting into its norms, its logic, the *simanim* in the codes, and the literature of the responsa. It is an essential part of a Jewish curriculum because it acculturates us to the importance of obligation in our lives. We have now come to the answer to the second question with which we began: "*How* shall we teach halakhah"? While we must recognize that halakhah will usually prove to be a faithful modeling of our intuitions about the will of the God we worship, we also must consider that the adequacy of that model is not guaranteed. We must also ascend to the meta-level and ask the "good-trouble" questions. It makes little religious sense to opt for saddling God with the responsibility for rules that inflict pain on the undeserving when there is a much better approach—namely,

[9] Robert Cover, "Violence and the Word," in *Narrative, Violence, and the Law*, ed. Martha Minow, Michael Ryan, and Austin Sarat (University of Michigan Press, 1995), 228.
[10] Martha Minow, "Stories in Law," in *Law's Stories: Narrative and Rhetoric in the Law*, ed. Peter Brooks and Paul Gewirtz (Yale University Press, 1996), 35.

acknowledging that even the most conscientious human attempts at modeling the divine will sometimes get it wrong. Why would it not be the truly religious and humble way to get God off the hook for inflicting hurt by humbly considering the fallibility of our efforts to map God's will onto human laws?

If we teach halakhah in this way, we can hope never to have to hear, at least in more liberal communities, the religiously untenable phrase "I understand the pain this will cause, but the clear halakhah compels me to accept it." We can paraphrase Cover's closing line in the essay cited above as follows: It is between the idea and the reality, between validity mistaken for truth and truth itself, that the shadow of pain and religious failure falls.

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Teaching the Halakhic Process: Rabbi Joel Roth's Legacy to the Conservative Movement

Lisa S. Malik

Sitting next to the heart-shaped bathtub in my dying congregant's home, I started to consider some of the halakhic questions about her impending funeral that she and her husband posed to me during hospice care. While some of these inquiries may have had clear-cut answers, others could not be resolved so easily. As I had done so many other times during nearly two decades of serving as a pulpit rabbi, I called Rabbi Joel Roth. As always, Rabbi Roth was accessible, attentive, compassionate, informative, comprehensive, and nuanced in his response. He did not just provide "the answers," he also gave me a front-row seat to his thinking and approach to halakhic decision making. For Rabbi Roth, halakhah is not just a compendium of Jewish laws and observances; it is the process by which decisions are made within the Jewish legal framework.

This personal vignette encapsulates the larger intellectual and spiritual commitments that have defined Rabbi Roth's life and legacy. For over half a century, he has been a formidable presence in the world of Conservative Judaism, bridging the traditional demands of halakhic fidelity with the evolving needs of contemporary Jews. The interviews, conducted in Jerusalem in April 2025, offer rich autobiographical and ideological insights into Roth's career and halakhic worldview.[1] This article synthesizes and analyzes key themes emerging from the interviews, highlighting Roth's impact on Jewish law and the Conservative Movement, with an emphasis on the teaching of halakhah to rabbinical students, rabbis, and lay people in Conservative communities.

Early Life and Educational Background

Although Roth's immediate family members were not *Shomrei Shabbat*, they kept a kosher home and supported young Joel's Jewish education and

[1] Special thanks to Rabbis David Ebstein (JTS 1988), Steven Schwarzman (JTS 2008), and Todd Zeff (JTS 2001) for participating in the second interview that I conducted on April 24, 2025. I graduated from the Jewish Theological Seminary in 2004.

increasing religious observance. Growing up in Detroit, Roth's grandparents played a significant role in his Jewish development. His maternal grandparents, who lived in the same house, were founding members of the Conservative synagogue, B'nai Moshe. His paternal grandparents, who were Orthodox, lived just a short walk away. For ten years, Roth attended Camp Ramah in Wisconsin. Roth's early role models and formative experiences provided him with the building blocks for his lifelong commitment to balancing Jewish tradition and innovation.

Roth's Jewish education in Detroit began in an Orthodox day school, but he spent most of his childhood studying at a Conservative supplementary school. His Hebrew school experience was generally positive, especially in Hebrew language and Jewish history, but he found it lacking in core content. As he recalls, "I didn't learn any halakhah. I didn't learn any Talmud." From an early age, he craved access to classical Jewish sources.

A critical turning point in Roth's religious and intellectual formation occurred when his father, who had previously attended night school with a gifted teacher named Rabbi Paneth, arranged for young Joel to study Talmud with Paneth privately for over ten years. It was the extended one-on-one tutelage from Rabbi Paneth that gave Roth a strong foundation in talmudic analysis, which later enabled him to enter the rabbinical school at the Jewish Theological Seminary (JTS) in 1962 on an accelerated four-year track for budding Talmud scholars. These formative years set the stage for a young scholar's growing realization that Jewish law was not just a set of religious observances but, first and foremost, a process of methodical reasoning and set of analytical insights that would become central to Roth's lifelong project of upholding and teaching halakhah as a legal system.

Academic Career

Roth's academic career at JTS began even before his ordination, which was strategically delayed by his supervisors to enable him to teach younger rabbinical students and to avoid military conscription. "They wanted to appoint me to the faculty," he recounted, but they said, "if we ordained you in '66, you'd have to go into the army." Instead, a clever workaround enabled Roth to begin teaching rabbinical students in the *mekhinah* program in 1965 and to continue serving on the faculty even after his ordination, since working at JTS was considered "a hardship pulpit."

After being officially appointed to the faculty in 1968, Roth continued his studies at JTS as a doctoral student in Talmud, graduating with his Ph.D. in

1973. He studied with many of the *gedolim* ("great ones," or luminaries) of the Conservative Movement, including Professors Saul Lieberman, Louis Finkelstein, Hayyim Dimitrovsky, and David Weiss Halivni, whom he considered to be his *rav muvhaq*, or the teacher from whom he received most of his knowledge. Roth taught at JTS for nearly five decades, leaving an indelible mark on generations of rabbis. For four of these years, he served as dean of the rabbinical school.

Considered an expert in halakhah, Rabbi Roth was appointed to the Committee on Jewish Law and Standards (CJLS) in 1978 and served as the Law Committee's chair for eight years. Between 1981 and 2006, he wrote twenty-one *teshuvot* (responsa) on various topics, including Torah reading by minors (1982), synagogue honors for intermarried Jews (1984), the ordination of women as rabbis (1984), the status of daughters of *kohanim* and *leviyim* for *'aliyot* (1989), organ donation (1999), and the status of homosexuals in Jewish law (1992 and 2006). In addition, Roth authored *Sefer ha-Mordecai: Tractate Kiddushin* (1973) and *The Halakhic Process: A Systemic Analysis* (1986). Three of his essays, including "Is Theology the Handmaiden of Halakhah?" (2013), are included in *HaKol Kol Yaakov: Responsa and Essays* (2023) by Joel Roth, along with nineteen of his *teshuvot*.

Other positions that Rabbi Roth held during his illustrious career include *rosh yeshivah* of the Conservative Yeshiva in Jerusalem and the director of the Melton Research Center for Jewish Education. In addition, for nearly twenty-five years, he taught at Camp Ramah in the Berkshires during the summers.

Philosophy of Halakhah, Halakhic Methodology, and Halakhic Change

While interviewing Rabbi Roth and asking him to reflect upon his pedagogical approaches to teaching halakhah, it became clear that the term "halakhah" itself needed to be defined before we could even begin to discuss pedagogy. It seems that many rabbis, educators, and other leaders in the Conservative Movement may not have been successful in properly educating both laity and clergy in the definition, principles, and methodology of halakhah. "Halakhah is not a checklist of observances," he insisted. "It is a system—a legal system—governed by rules and precedent."

As Roth lamented, "The number of Conservative Jews who even know the word 'halakhah' is probably so small…it could be under 10%." For those who do recognize the term, he added, "they do not understand it to mean

a functioning legal system. They probably understand halakhah to mean something like observances, such as lighting Shabbat candles or keeping kosher." This lack of awareness among the laity, Roth contended, undermines the very premise of one of the Conservative Movement's ideological foundations. He elaborated: "I doubt that there are very many Conservative Jews who know that the Conservative Movement is ideologically committed to recognizing and accepting and living by this functioning legal system." Roth acknowledged that "there are Conservative Jews who keep kosher. There are Conservative Jews who light candles for Shabbat and there are some who may daven." However, he noted that "they may not recognize that the Conservative Movement affirms that that's obligatory….and they are probably considered by others who belong to the shul as being Orthodox."

He recalled his experiences at Camp Ramah and in adult educational settings, noting the absence of courses or discussions that addressed halakhah as a legal methodology. "I do not remember having a course in camp on halakhah and how the legal system works," he reflected. "I just don't think that Conservative Jews understand that that's what the term means." In the interviews, he recounted how few adult education courses in Conservative communities engage directly with codes literature or the halakhic process.

Roth emphasized that this gap is not confined to the laity. "That applies somewhat to rabbis too," he said, expressing concern over rabbinical students' discomfort with halakhic material and insufficient training in applying the interpretive tools of halakhah. He believed that greater fluency would enable rabbis to model and transmit halakhic thinking to their congregants.

It also seems, according to Rabbi Roth, that most Conservative Jews (including perhaps some rabbis) may be ignorant of the distinction between *de'oraita* and *derabbanan* laws. During the interviews, Roth was particularly animated in discussions of how to assess whether a law was *de'oraita* (Torah-based) or *derabbanan* (rabbinically instituted), using real examples from classical and modern texts. For Roth, it is critical to understand the distinction between *de'oraita* and *derabbanan* when attempting to make halakhic changes or grant halakhic leniency in a particular case.

I remember on one occasion, when my father z″l, was hospitalized on a Friday, I called Rabbi Roth and inquired if there was any way to halakhically justify driving to the hospital to visit my father on Shabbat. Rabbi Roth's response to me was similar to one that he had recently given to a colleague in a similar situation that involved driving on Shabbat:

> What I thought would be acceptable, not that this is something that I would recommend constantly, but if you make a prearrangement with a cab driver to pick you up at such-and-such an address on Saturday morning at such-and-such a time and you have prepaid him, then I think the *isur* ("prohibition") would only be *derabbanan*. It would be a *de'oraita* transgression if you call the cabbie on Saturday morning or if you pay the cab driver when you get to the location.

This response reflects Roth's desire to balance a responsiveness to real-world concerns with commitment to halakhah. In *The Halakhic Process*, Roth similarly bridges fidelity to tradition with responsiveness to real-world concerns when it comes to enacting halakhic changes.

During the interview, Roth referred to chapter 9 of that book ("Extralegal Sources in the System"), which describes two primary patterns of halakhic development that have been, as he told me, "utilized from time immemorial to bring about changes in *de'oraita* laws. The first pattern says: When the original justification is the only defensible rational reason for the observance of the law, and it no longer obtains, the norm can be modified or abrogated." He cautioned that this pattern requires precision, since most laws in the Torah do not explicitly state their rationale. "There could be a *maḥloqet* between *posqim* on what the original justification for the norm was," he noted. Even if consensus forms around the original rationale, one must still determine whether any secondary rationales justify continued observance. Roth told me that he often warned his students: "You're going to give sermons that say the original reason no longer applies—but others will argue there are new compelling reasons to keep it." The second pattern, he said, is more subjective but equally important: "When compliance with the norm would be more detrimental than noncompliance, the norm can be modified or abrogated." By "detrimental," he meant that adherence to legal norms may sometimes unintentionally lead to human suffering or other consequences that may appear immoral.

Roth emphasized that both patterns must operate within the halakhic system, not outside of it. Halakhic change must emerge from within the system, not from external ideological commitments. If a law is changed just because of societal pressure, without using the halakhic process, that

undermines the authority of our sacred foundational texts.

In the book-lined study of Rabbi Roth's Jerusalem apartment, a room that doubles as a *mamad*,[2] there is a humorous plaque that was gifted to him by his children. It bears an image of the Ten Commandments, headed by the quip, "I didn't call them the Ten Suggestions." The phrase "ten suggestions" is sometimes used dismissively by anti-religious people to indicate that the commandments are not unconditionally binding, as opposed to the more traditional understanding of the Ten Commandments being absolute moral laws that were issued by God. While Rabbi Roth, like other Conservative rabbis, believes that some aspects of the commandments are open to human interpretation, he also believes that there is a divine element to these laws, and that rabbinic interpretation must have legal accountability and be done within certain parameters. Beneath the humor of the quote on Roth's plaque, there is a serious conviction: the Torah is an authoritative sacred source of Jewish law.

Reflections on Controversial *Teshuvot*

In Roth's remarks about the other 2006 *teshuvot* on homosexuality, he critiqued Rabbi Gordon Tucker's responsum as departing from halakhic parameters by questioning the authority of biblical texts.[3] While acknowl-

[2] A *mamad* is a bomb shelter inside a dwelling (in this case, Roth's apartment). It is a Hebrew acronym that stands for *makom mugan dirati*.

[3] Roth authored two *teshuvot* on the status of homosexuality in Jewish law, one in 1992 and another in 2006 ("Homosexuality Revisited"). Roth's 2006 *teshuvah* expressed empathy for homosexuals and the wish that he could have found a way to normalize the status of gay and lesbian Jews in a way that maintained the integrity of the halakhic system. Regrettably, after being unable to find a halakhic way to rule leniently, this *teshuvah* affirmed the Torah's prohibition on homosexual activity, denied ordination to homosexuals, and prohibited same-sex commitment ceremonies and marriages. His was one of three *teshuvot* that were approved by the CJLS on December 6, 2006. Two of these *teshuvot*—the one authored by Roth and the one authored by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner ("Homosexuality, Human Dignity, and Halakhah")—obtained clear majority support; it retained the Torah's explicit prohibition, which was understood by these rabbis to be a ban on male anal intercourse, but argued for the full normalization of the status of gay and lesbian Jews. Much of this *teshuvah* was rooted in the Jewish value of *kevod habriot* (or, respect for living creatures), which it argued could supersede rabbinic prohibitions for the sake of human dignity. Under their *pesaq* ("ruling"), gay and lesbian Jews could be ordained as clergy and their committed relationships could be recognized, although not as sanctified marriage. Roth's *teshuvah* passed with thirteen in favor, eight opposed, and four abstentions. The *teshuvah* authored by Dorff, Nevins, and Reisner passed with thirteen in favor, twelve opposed, and zero abstentions. The *teshuvah* authored by Rabbi Leonard Levy passed with six in favor, eight opposed, and eleven abstentions. Other *teshuvot* that were not approved were those authored by Rabbis Myron Geller, Robert Fine,

edging the pressing pastoral concerns underlying Tucker's *teshuvah* ("responsum"), Roth argued that to deny the halakhic authority of verses in Leviticus was to step outside the halakhic system itself because, as Roth expressed, "it claimed that the verses in Leviticus were P, and P is not reflecting the will of God." For Roth, this placed the paper outside of acceptable halakhic discourse: "That's unacceptable within the halakhic system. It means that even the Torah itself is subject to debate over whether it applies or doesn't apply."

Making an analogy to the American legal system, Roth said,

> It would be roughly the equivalent of the Supreme Court saying, "The passage in the Constitution that says that you have to be thirty-five years old to be the president of the United States is age discrimination. Age discrimination is immoral and the world has changed, and therefore we, the Supreme Court, undo the requirement." That would be outside of the parameters of the framework of the American legal system. If the Supreme Court wants to stay within the way the legal system functions, the only way to change the age requirement would be through an amendment.

The analogy in Jewish law is a *taqqanah*, which is a halakhic change whereby one tries to undo something that the Torah says. "To undo something that the Torah says is very difficult," asserted Roth, "but it sometimes can be done if the change is made within the parameters of the halakhic process."

In contrast to his rejection of Tucker's *teshuvah* on homosexuality, Roth affirmed the legitimacy of other more methodologically grounded responsa, even when he personally disagreed with their conclusions. "I don't think that the Dorff-Nevins-Reisner *teshuvah* was outside the framework of Jewish law. I'm just saying that they misunderstood certain texts and that they ignored alternative views that should have been weighed." This capacity to distinguish between within-the-system and outside-the-system argumentation is central to Roth's approach and his halakhic integrity. As he explained,

and David Fine; Rabbi Tucker; and Rabbi Loel Weiss. Rabbi Tucker's *teshuvah*, "Drosh vekabel saḥar: Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality," proposes a radical "enhanced halakhic practice" to argue for the full normalization of gays and lesbians. In this *teshuvah*, Tucker not only permitted openly gay and lesbian individuals to be admitted to rabbinical school and ordained as Conservative rabbis, but he also advocated for complete sexual-preference egalitarianism in the Conservative Movement at large based on an overturning of the Torah's prohibition against homosexual activity.

"You can disagree with me—say I'm wrong in my reading of the Gemara, or that I misapplied a Tosefta—but if you're inside the system, you're still doing halakhah." The interviews made clear that, for Roth, staying within the halakhic system is not only a methodological discipline but a theological imperative.

This conviction is reflected in Roth's reflections on his own landmark responsum on the ordination of women as rabbis (1984). He posited that women could voluntarily accept upon themselves those religious obligations from which they were traditionally exempted; namely, the positive time-bound commandments (*mitsvot ʿaseh shehazeman geramah*). Roth recalls the critical support of Professor Halivni, who, despite his opposition to women's ordination, endorsed Roth's halakhic reasoning as valid within the system. After Roth's *teshuvah* was distributed to the whole JTS faculty, he approached his mentor multiple times. In his final conversation with Halivni before the vote, Roth asked, "*Mori*, Rabbi, please tell me. I presented fifteen sugyas in this paper. Did I misunderstand any of those sugyas?" Roth described the rest of this interaction with Professor Halivni in vivid detail, as follows:

> Then I asked, "Well, is Lieberman going to say to me, "Why did you ignore so-and-so about this sugya?" or "you quoted the Munich manuscript. Why didn't you quote the Budapest manuscript, which would have led you to a very different conclusion?"
>
> He said to me, "No."
>
> Then I said, "I quoted the Tosafot, and I quoted the Rif, and I quoted the Ran. Did I misunderstand any of the things that they said?"
>
> And he said, "No."
>
> Well, when we finally got to the day that the faculty was discussing all these papers and were going to vote on whether or not I had made the case for women to be ordained as rabbis, all of my teachers disagreed with me. Finkelstein, Lieberman, and many others, they didn't want women admitted to the school. And I had no idea how the vote was going to come out.

Towards the conclusion of the meeting, Professor Halivni said, "You all know that I am not really in favor of the ordination of women. But if we're

gonna do it, we should do it Joel's way because that way is at least halakhic." Halivni could accept Roth's view because he was demonstrating fealty to the halakhic process, even though he may have disagreed with Roth's conclusion. Following in the footsteps of his mentor, Roth similarly sets the same standard when evaluating *teshuvot* written by others.

Pedagogy

In the classroom, Rabbi Roth's teaching was marked by a distinctive pedagogical method. He insisted on clarity, consistency, and intellectual honesty. Among the many courses that Roth taught to JTS rabbinical school students were Talmud, Introduction to Codes Literature, Critical Methodologies, Senior Codes Class, and *halakhah lema'aseh* ("practical halakhah") in topics such as the laws of mourning, kashrut, and daily prayer. Rabbi Roth viewed teaching not merely as the transmission of content, but as a mission to inculcate a halakhic worldview and provide students with the methodological tools needed to engage in the traditional halakhic process. His pedagogy emphasized the importance of rigorous textual analysis, conceptual precision, and deep moral responsibility. His classes also reflected his signature commitment to halakhah as a living legal system.

During the interview, it was noted how few halakhah classes rabbinical students were required to take during Rabbi Roth's tenure at JTS.[4] Most Practical Halakhah courses at JTS, including courses in such fundamental areas as Shabbat and kashrut, were merely electives. In his reflection on rabbinic training, Roth also highlighted the lack of halakhic methodology instruction. "I don't think we learned enough about how to do halakhah," remarked one of his former students during the interview. Roth agreed. "If rabbinical students had gotten more and felt comfortable with it, they would have transmitted some of it…to their lay constituents."

As an example of how important it is to teach methodology, Roth first reflected upon the way he taught Introduction to Talmud. In these classes, Roth selected dozens of sugyot across many different subject areas, but, as he pointed out,

> What I was doing in that course was emphasizing the words and phrases that would be helpful for students who are trying to learn how to study Gemara. For example, if you

[4] This is based on the personal experiences of rabbis who studied at the seminary between 1983 and 2008.

> know that *hatanya* means you're going to raise a *qashya* ("difficulty" or "challenge") from a baraita and that *hatnan* means you're going to raise a *qashya* from a mishnah, that helps you understand what the argument is. And that's what I tried to emphasize in all of those sugyot—not that I didn't want interesting content, but I didn't pick them *davqa* for the content, but as much for what they had to say about how a sugya works.

Roth applied the same pedagogical philosophy to his Introduction to Codes Literature course. He utilized texts to demonstrate how the halakhic system works. In describing the texts he used and the types of points he tried to emphasize in class, Roth recounted:

> I spent some time working on the Rif, some time working on the Rambam, some time working on the Tur, some time working on the *Shulḥan Arukh*, and each of them with their *nosei kelim*, or commentaries on each of these legal codes. If, for example, we read something in Rambam's *Mishneh Torah*, where the Rambam says X. And you have one *noseh kelim* say, "Here's his source," and another *noseh kelim* say, "No, here's his source," I would emphasize….that it was very important to understand how this system functioned to be able to figure out: What do I believe is the source of the *pesaq* [or, Jewish legal decision]? And then: what are the implications of saying that that is the source?

Furthermore, Roth noted, "I would point out what this *noseh kelim* is likely to be focusing on, as opposed to what this *noseh kelim* is likely to focus on, so that you can anticipate what are the types of things that they're gonna argue about." After highlighting the aspects of the commentaries that Roth deemed to be important for halakhic analysis, he would then prompt his students to consider: What would be the difference if two *nosei kelim* understand the Rambam somewhat differently? Could that distinction lead two later *posqim* (halakhic Jewish legal decision makers) to give conflicting *pisqei halakhah lemaʿaseh* (practical halakhic legal decisions)?

Another example of how Rabbi Roth would teach halakhic methodology to rabbinical students in a codes class is reflected in the following comment, in which he once again spoke animatedly about the distinction between

whether a law is *de'oraita* ("from the Torah") or *derabbanan* ("from the rabbis"):

> If we were studying the *nosei kelim* on the Rambam, one might say something like, "It seems like the Rambam is calling this law *de'oraita*." And the other one might say, "No, it looks like the Rambam is calling it *derabbanan*." And then I would say, "Now I want to do two things: One, on what grounds did this commentary say it was *de'oraita* and on what grounds did this other commentary say it was *derabbanan*? And [secondly], what is the practical implication of saying that the Rambam is claiming that this law is *de'oraita* or *derabbanan*?

The ensuing class discussion would revolve around the following questions that Roth would present to actively engage rabbinical students in understanding the halakhic process:

- What methodology could lead to a difference of opinion between two commentaries on the Rambam as to whether a law is *de'oraita* or *derabbanan*?
- On what grounds might a later *posek* decide whether it is *de'oraita* or *derabbanan*?
- What difference would it make if it is *de'oraita* or *derabbanan*?
- What would be the halakhic implications of that distinction?
- What would be the difference in terms of the right of the *poseq* to modify, to simplify, to take a more *maḥmir* ("stringent") or a more *meqil* ("lenient") approach?
- On what grounds might a later *poseq* undo an earlier decision?

In describing the details of how he would teach codes classes, Roth was passionate about accentuating how the halakhic system works and providing his rabbinical school students with methodological tools they could use to analyze texts.

This emphasis on methodology was especially evident in the codes class that most senior rabbinical students were required to take, in which Rabbi Roth taught a methodology of "how to" read and analyze the strengths and weaknesses of *teshuvot*. Close readings of the *she'eilot uteshuvot* literature using the methodological tools that Roth provided enabled students

to "reflect about how the halakhic system functions." For the final project, students had to select a *teshuvah* that had been approved by the CJLS and evaluate it based on criteria that they learned during the course of the year:

- Does the *teshuvah* cite all of the relevant rabbinic and medieval sources from the Torah, Talmud, and codes literature to support his position?
- Are these textual supports applicable to this situation?
- Does the *teshuvah* demonstrate how this issue is similar to a previous *teshuvah* on a similar topic (or one that uses some of the same halakhic principles)?
- Does the *teshuvah* read the Gemara sugyot it is citing correctly? Or are any of the sugyot misquoted or misinterpreted?
- Does the *teshuvah* demonstrate how the halakhic change being proposed invokes a certain traditional pattern (from Roth's book)? For example, do the benefits of overriding a halakhic norm outweigh the costs of overriding the norm? Are the consequences of complying with the law worse than the consequences of noncompliance?
- Does the *teshuvah* acknowledge all possible objections and dismiss them?
- Does the *teshuvah* adequately discuss and dismiss all of the possible halakhic objections that other *posqim* might have to this halakhic change?
- Does the *teshuvah* adequately describe and dismiss all of the possible objections that *ʿamkhah* (lay people; lit. "your nation") might have to the *pesaq*?

In addition to evaluating a responsum based on its content, Rabbi Roth also equipped students with the methodological tools for assessing the strength of a *teshuvah* based on its form. For example, does the author of the *teshuvah* clearly differentiate between halakhic and extrahalakhic arguments (i.e., additional moral, psychological, and other reasons to support the halakhic arguments)?

Students consistently encountered this type of methodological framework in Roth's courses on halakhic literature. Whether analyzing contemporary *teshuvot*, the Rambam, the Tur, or the *Shulḥan Arukh*, Roth emphasized the rigorous process that undergirded halakhic decision making. He modeled a system in which even *maḥloqet* ("disagreement") was not a sign of breakdown but a feature of legal vitality, governed by internal logic and interpretive consistency.

Shortcomings in the Teaching of Halakhah to Rabbinical Students, Rabbis, and Lay People in the Conservative Movement

Interwoven in Roth's reflections about his pedagogy was an acknowledgment of some of the shortcomings of the JTS rabbinical school's halakhah curriculum during the years when he was a student, as well as when he was on the faculty. During that period, most halakhah classes emphasized content over methodology. In addition, most practical halakhah classes were not required; these were offered as electives.

Although Rabbi Roth's primary audience during most of his career was rabbinical students and rabbis, he also had many occasions to teach lay people in the Conservative Movement—at Melton, Ramah, and the Conservative Yeshiva and during scholar-in-residence weekends at synagogues. In these contexts, he also noted some shortcomings in the teaching of halakha to lay people. Most notably, Roth lamented the paucity of classes on halakhah offered to members of Conservative synagogues: "That's what I think that we as a movement have not done at all with our lay constituency. I mean, do you know of a synagogue that had an adult education course in codes?" Furthermore, Roth observed, "Terms like *de'oraita* and *derabbanan* and *minhag* ("custom") and *hora'at sha'ah* (extenuating circumstances; lit. an exception just for the "hour") rarely come up in rabbinic sermons that I've heard."

Another shortcoming in teaching lay people, according to Roth, was the failure to address the theological issue of modern Bible scholarship and its impact on people's understanding of halakhah and halakhic change in the Conservative Movement. One story that Rabbi Roth told about his experience as director of the Melton Research Center for Jewish Education reflects the challenges that he faced (and that he presumed other Conservative rabbis and educators may face) in integrating traditional approaches to Jewish text with modern scholarship. According to Roth, the Melton curriculum's approach to teaching Bible was to focus on the construction of the Bible, based on the Documentary Hypothesis and source criticism. While Roth embraced these modern theories, these were his concerns:

> I'm not rejecting the historical evolution of the document we call the Torah. The Melton curriculum did succeed in being able to teach how to read the text carefully, notice differences, and lead you to the conclusion that there may have been different authors…but it didn't take the religious

> steps necessary to make it clear that the Torah didn't lose its sanctity. If they [students] see evidence of J, E, P, and D sources in biblical texts, does that undo the sanctity of Torah, or can the Torah still be the constitutional basis of all of Judaism?

Roth admitted

> I didn't want to teach the kids in Conservative day schools or Conservative Hebrew schools with Orthodox underpinnings that I really don't buy. But I also didn't want to teach them with Conservative underpinnings that I do buy that might result in their thinking that the Torah is therefore worthless. That's a big problem.

Suggestions for Improvement

To rectify some of these shortcomings in the teaching of halakhah and Bible to Conservative laity and rabbinical students, Roth advocates for an educational renaissance in Conservative Judaism, grounded in deep study of halakhic sources, interpretive methodology, and theological integration. He emphasizes that such efforts must present not only the "what" of halakhah but also the "how" and the "why," including how rulings are derived and why they carry authority. As Roth repeatedly articulated throughout the interviews, "It is critical for our laity to understand that the Conservative Movement is committed to the authority and the required nature of Jewish law."

Roth believes that congregational rabbis should teach their congregants halakhic concepts using real examples from responsa literature, present contrasting opinions on halakhic issues, and enable people to understand how interpretations differ depending on whether a law is considered *de'oraita* or *derabbanan*. He urged educators to explore the question: "What would be some of the halakhic implications that could lead to different *pisqei din*[5] in the next generation?"

Furthermore, Roth suggested:

> I would prescribe that, educationally, we should really

[5] *Pisqei din* are Jewish legal decisions.

work out an adult ed course that teaches small sections of halakhic literature in such a way that enables them to see how the halakhic system actually works. For example, by analyzing two *teshuvot* written by two different *posqim* on the same question who disagreed with each other—that could be a starting point of talking about how the legal system allows for *maḥloqet* and embraces the concept of "*elu v'elu divrei Elohim ḥayyim*."[6]

I want them to see that in any legal system, you're going to end up having disagreements and arguments. I wanted them to be able to see what was the basis of the disagreement between this one and that one. And I wanted them to understand how to evaluate these different opinions. It is possible to reject one of these arguments by saying, "What X said is wrong because he misunderstood the Talmud." But it is possible for someone else to react by saying, "No, both X and Y understood the Talmud in exactly the same way and correctly, but X believed that this law is *de'oraita* and Y believed that this law is *derabbanan*."

Then if I really had time and could pull it off, I would then show how *posqim* of the subsequent generation, some would follow the view of the one who said it was *de'oraita*, and others would follow the view of the one who said it was *derabbanan*, and we could see if we could figure out what prompted this one to see that the guy who said it's *de'oraita* is correct, and what prompted this one to say that the one who said it's *derabbanan* is correct. And this way, I would reinforce the idea that *de'oraita* and *derabbanan* are critical elements of the halakhic system. And you have to understand that in order to understand how the system functions.

What I think that more rabbis should be willing to do [in teaching lay people], though parenthetically I do not think a lot are eager to do this, is to utilize the type of example I gave you [when describing how I taught rabbinical students]—to look at two different commentaries on Maimonides, when one ends up saying it's *de'oraita* and

[6] "These and those are both the words of the living God" (b. Eruvin 13b).

> the other that it's *derabbanan*, and then see how each of those got to the conclusion that they got to. And then deal with what would be some of the halakhic implications that could lead to different *pisqei din* in the next generation over a specific question. Because if I follow the one who says Maimonides said it's *derabbanan*, then I can say since it's *derabbanan*, we don't have to insist on it being obeyed the way it's stipulated because the things which are *derabbanan* are generally more *meqil*[7] than things which are *de'oraita*.

Roth is a proponent of Conservative rabbis incorporating these topics and messages into adult education courses to "help clarify what are the limits of legitimate argumentation within the legal system" and to underscore the essential role of halakhah and halakhic reasoning within the Conservative Movement.

Rabbi Roth's Legacy

The April 2025 interviews encapsulate Roth's unwavering belief in the viability of halakhah as the axis of Jewish life. His insistence on methodological integrity, his courage in engaging difficult questions, and his pedagogical passion render him a pivotal figure in Conservative Judaism. Roth emerges as a scholar who seeks not only fidelity to tradition but also intellectual honesty and communal responsibility. For him, halakhah is not a set of ossified rules but a living system of divine and human collaboration.

His reflections also underline the deep emotional and ethical weight that he attaches to the role of the *poseq*. "It's not just about being a rabbi who knows some laws," Roth told his interviewers. "It's about being someone trusted to think carefully, honestly, and halakhically when people's lives are on the line—emotionally, spiritually, even physically."

Rabbi Roth has always taken his role as a *poseq* very seriously, in large part because he believes that halakhah reflects God's will, in combination with human interpretation. During the 1984 deliberations on the ordination of women rabbis, Roth recalls asking Chancellor Gerson Cohen for a fifteen-minute recess when his *teshuvah* was being discussed. This is how Roth describes what he did during that break:

[7] The word *meqil* means "lenient."

> I ran down to what used to be called Stein Chapel. And in those days, we never locked the *aron qodesh*. So I opened the *aron qodesh* and I stood there in front of the *sifrei Torah* and said to the *ribbono shel ʿolam*, "What do you want me to do?"

Rabbi Roth's commitment to remaining within the halakhic framework, even in the face of immense social and political pressure, reflects an integrity that has won him admiration even from ideological opponents. He never claimed that halakhah was static or unchanging; rather, he believed that change must arise from within—by using the tools of the tradition, not bypassing them.

Roth's vision poses a challenge to the Conservative Movement itself—namely, to embrace its claim to halakhic legitimacy not only through rhetoric but also through rigorous education, transparent legal reasoning, and a recommitment to intellectual integrity. As he warned, without halakhic literacy and commitment, the movement risks becoming detached from the very tradition it seeks to preserve and renew. Roth's unwavering belief in the viability of halakhah as a central component of Jewish life, his insistence on methodological integrity, his courage in engaging difficult questions, and his pedagogical passion elevate him to a prominent place among the luminaries of Conservative Judaism.

Roth's legacy is both institutional and personal. He authored numerous *teshuvot* that have become foundational in modern halakhic discourse, and he shaped rabbinical education at JTS as a teacher of Talmud and halakhah to generations of Conservative rabbis. In reflecting on Rabbi Roth's teaching, his former students fondly recall how he taught with humor and clarity. They also note how thorough he was and admire his halakhic integrity. Moreover, they characterize him as being passionate about his subject matter and caring toward his students. One rabbi, who had been a student of Rabbi Roth in the 1980s, commented, "There was a real caring about teaching halakhah that really came through. And that was something that I didn't feel with most other professors or other teachers. You can't dismiss the personal factor."

In addition to being a dynamic classroom teacher, Rabbi Roth also served as an ongoing mentor and guide to his former students. His responsiveness to student and rabbinic inquiries—often through informal emails, phone calls, or conversations in hallways—demonstrated a model of *Torah lishmah*

grounded in humility and availability to his students, former students, and colleagues. A rabbi who graduated from JTS in 2001 and who has, admittedly, written to Rabbi Roth with dozens of halakhic questions over the years, expressed this quite well in his comments, directed partly to Rabbi Roth himself:

> He has always responded with a prompt and thorough and helpful answer. And sometimes the helpful answer was laying out what the issues were and saying, "Now you have to decide," which is very empowering.
>
> If we invited the other thousand students that could be sitting at the table right now and we asked them where they learned from you, they might be able to come up with if it was in a level three Codes class or whatever, but it's important to recognize that there was another access point of learning and that is shared by all of those students—to be able to turn to you personally.
>
> In a classroom, there are always two things going on. It could be the content itself. But for some—I'm going to say for almost all of the students—there was also the lesson of why learning this is great, why it's exciting to be learning Gemara or halakhah or whatever it might be. I'm going to guess that sometimes when people turn to you with a *she'elah*, they might actually already know the answer but be excited by the opportunity to connect with you and to learn with you.[8]

The story with which I opened this article is but one of many that could be told by rabbis, students, and colleagues who have turned to Rabbi Roth not simply for answers, but for a personal connection and mentorship in how to think halakhically. "I don't just want to tell them what to do," Roth once said. "I want to show them how to think about what to do." In that sense, Roth's true legacy lies not only in his responsa or published works, but in the countless conversations in which halakhah came alive as a disciplined, compassionate, and sacred process. Whether teaching or advising students informally, Roth's presence modeled what it meant to be a *poseq*—not just someone who answers questions, but someone who reasons through complex situations using the internal logic of halakhah.

[8] A *she'elah* is a question about Jewish law.

Rabbi Roth's legacy of teaching halakhah continues to inspire the students who were blessed enough to study with him. They not only learned valuable lessons from him in the classroom, but they have also continued to learn from him in their one-on-one interactions with him well after the classes were over. Indeed, Rabbi Joel Roth is truly the living embodiment of Yehoshua ben Peraḥiah's teaching in Pirqei Avot 1:6: עֲשֵׂה לְךָ רַב וּקְנֵה לְךָ חָבֵר, "Appoint for yourself a master teacher, and acquire for yourself a friend."

Rabbi Lisa Malik is a passionate Jewish educator, pastoral counselor, writer, editor, Israel advocate, and lifelong learner. Lisa, a graduate of the University of Pennsylvania College of Arts and Sciences and Wharton Business School, was ordained by JTS in 2004. Before ordination, Lisa earned a Ph.D. in Education at Stanford University, served as Education Director of Congregation Beth Sholom's Religious School in San Francisco, and was a brand management executive at Procter & Gamble. For two decades, Rabbi Malik served as a congregational rabbi, first in the Philadelphia area and then in Aberdeen, New Jersey. She is currently on the board of the Zionist Rabbinic Coalition and works with Ethiopian Israelis as a volunteer for English B'Yachad.

Rabbi Mayer Rabinowitz: Halakhist and Talmudist

Lionel Moses

Our colleague, our teacher, and our friend, Rabbi Mayer Rabinowitz, spent his professional and academic career not just as a Talmud teacher and scholar at the Jewish Theological Seminary, but also as a prolific halakhist who wrote many *teshuvot* for the Committee on Jewish Law and Standards (CJLS). During this period, Rabbi Rabinowitz also served as the dean of the seminary's List College and subsequently as the dean of the seminary's graduate school. What is more, for just over thirty years, he served as the first *av beit din* of the Joint Beit Din (JBD) of the Conservative Movement, the *beit din* that took exclusive responsibility for certifying *gittin* and annulments (*hafqaʿot qiddushin*) in the Conservative Movement. The JBD was originally sponsored by the three national institutions of the Conservative Movement, namely, JTS, the Rabbinical Assembly (RA), and the United Synagogue of America, now the United Synagogue of Conservative Judaism. Over time, the JBD became the exclusive responsibility of the RA.

Rabbi Rabinowitz was born in the Bronx, the youngest child of Rabbi Simcha and Devora Rabinowitz. His father was a Conservative rabbi, ordained in 1931 at JTS. His mother was active in Mizrachi Women and became its national president, a voluntary position that she held for many years. He was raised in a traditional Jewish home and one that was ardently Zionist. After World War II ended in 1945, when Mayer was only seven years old, the family moved to British Mandate Palestine so that his parents could help in resettling and in educating children who survived the Shoah and who in many cases were orphans.

After the family's first year in British Mandate Palestine, the British refused to renew the required visas that would have allowed Mayer's family to remain in Palestine, and they were forced to return to the United States in 1947. Reluctantly, Mayer's family returned to the United States, and his father took a pulpit in the New York area so that his wife could commute to the Mizrahi office in Manhattan and thereby continue her work helping the resettlement of children in Israel. When the State of Israel declared its

independence, the Rabinowitz family returned to Israel to continue the work that they had started in 1946. Mayer completed his elementary school education and his first year of high school in Israel, after which the family returned to the United States again, where Mayer completed high school at Yeshiva University High School for Boys, after which he attended Yeshiva College, where he earned his B.A. and M.A. degrees.

Mayer's family moved back and forth between Israel and the Bronx during the late 1940s and through the early 1950s to continue to support the immigrants who were arriving in Israel after the Shoah. Many of the children, especially children whose parents were murdered during the Shoah, arrived in Israel without family. Mayer's father directed a residential school for these orphans. During this period, Mayer was housed in a dormitory room with boys his own age. He remembers vividly how his roommates would wake up screaming from the nightmares they were having, as they were reminded of their horrendous experiences during the war.

Although Rabbi Simcha Rabinowitz and his brother, Rabbi Hayim Rabinowitz, came from a long line of traditional rabbis, Simcha understood that women had important roles to play and important work to do so that the Jewish people could transition from the world of late nineteenth-century Eastern Europe and create a more modern and more vibrant Jewry, both in Israel and in North America. Simcha's decision to remain a rabbi in the New York area so that his wife could continue her important work appears to have been a subtle, but significant factor in Mayer's approach to expanding the role of women in public ritual once he became a rabbi, from counting women as part of a minyan to advocating on behalf of women being admitted to the JTS rabbinical school.

Mayer's home life was a classical traditional, *shomer Shabbat* home. While he remembers studying with his father and his older brother, he particularly remembers the family singing *zemirot* on Shabbat and learning how to daven and how to read Torah from his father, so that he would later be able to serve as a *ba'al tefillah* and a *ba'al qeriah* during the *Yamim Nora'im*. Singing *zemirot* at the Shabbat table became a tradition that Mayer and his wife, Renah, continued with their own children and Shabbat guests.

After he earned his M.A., Mayer spent a year in Israel, after which he applied for admission to the JTS rabbinical school, where he knew that he would have the opportunity to study with the great rabbinic luminaries of the day: Professors Saul Lieberman, Hayyim Zalman Dimitrovsky, and David Weiss Halivni. Mayer was ordained as a rabbi at JTS in 1967. Upon ordination, Rabbi Mayer Rabinowitz was invited to join an elite group of

students at the Institute of Advanced Studies at JTS, which was dedicated to the advanced critical study of Talmud and its medieval critical commentaries. Rabbi Rabinowitz completed his Ph.D. in 1974, having prepared a critical edition of *Sefer haMordechai* on Massekhet Gittin. The dissertation was published by JTS in 1990.

Rabbi Rabinowitz spent his entire academic career at JTS. He was initially appointed to the department of Talmud, where he taught classes in Talmud and codes. After serving as the dean of List College and the seminary's graduate school, Rabbi Rabinowitz was asked to serve as the chief librarian of the JTS library upon the retirement of Professor Menachem Schmeltzer from that post, in 1987 a library still renowned as one of the largest collections of Judaica outside of the State of Israel. In that role, Rabbi Rabinowitz began the process of digitizing the library's enormous holdings, making them more accessible to serious scholars around the world. He also instituted exhibitions of some of the library's rare holdings, whether at JTS or displayed around the world. In addition to Rabbi Rabinowitz's teaching and administrative responsibilities, he made time to serve on the CJLS and to serve for thirty years (from 1989 until 2019) as the first chairperson and *av beit din* of the JBD, a post he filled until his retirement.

It is through his writings for the CJLS and his work on the JBD that Rabbi Rabinowitz's halakhic impact is most apparent. He authored or coauthored fourteen responsa, including one promoting the idea of ordaining women as rabbis. Rabbi Rabinowitz rarely missed a meeting of the CJLS, and, while the discussions at the meetings were unfortunately never recorded, I distinctly remember his active participation in the discussions, asking questions and raising halakhic precedents that either supported or countered the opinions of responsa written by other colleagues. Rabbi Rabinowitz's own *teshuvot* that were approved at the meetings of the CJLS were subsequently published by the RA in two volumes of responsa dating from 1980 through the year 2000. Most of his responsa relate to *hilkhot ʿorekh ḥayyim*, but he has also written responsa related to the other three sections of *Shulhan Arukh*. From his teachers, especially Professors Lieberman and Halivni, Rabbi Rabinowitz not only learned how to read a text—whether a gemara, a text from one of the Rishonim or citation from *Shulhan Arukh* or one of the other codes and their *keilim*—but he also learned the fine skill of extrapolating from the classical text to demonstrate how it should best be applied in a contemporary situation.

Even when Rabbi Rabinowitz knew that his teachers would disagree with his understanding of how the text applied today, and even when he

disagreed with the position taken by a colleague whose *teshuvah* was being discussed at a meeting of the CJLS, he remembered that at least some of his teachers would always show respect and due deference to an opinion with which they themselves would disagree. Mayer learned this deferential attitude from attending faculty meetings and watching the interactions of his colleagues, and he applied it when he evaluated the opinions of his own colleagues and members of the CJLS, with whom he sometimes sharply disagreed. Moreover, when students would ask Mayer a halakhic question, he often did not give a *pesaq din* but instead sent them to the colleague whom Mayer felt would give them the answer they needed—which was not necessarily the answer written in one of the codes or the answer that he might have given himself.

Among the many *teshuvot* that Rabbi Rabinowitz authored, the one that has had the most impact and is the most widely known is his Pesah Guide, written in 1984, either because laypersons read it almost every year or because congregational rabbis use it as their basis for answering questions about Pesah preparations and restrictions. While the Pesah Guide *teshuvah* is updated every year to incorporate new situations, Rabbi Rabinowitz's original responsum provided the impetus for creating an all-inclusive guide for Pesah observance that is grounded in traditional restrictions and leniencies but addresses questions and provides answers that specifically incorporate the legal thinking of Conservative rabbis and halakhists.

Reading Rabbi Rabinowitz's responsa, we immediately see his familiarity and comfort with reading and understanding the sources and then analyzing the relevant texts so that he can make a clear *pesaq halakhah*. In his responsum on whether a *kohen* is entitled to the first *ʿAliyah mid'oraita* or *mid'rabbanan*, Rabbi Rabinowitz concludes that the practice is *mid'rabbanan*. Nonetheless, despite it being a long-standing tradition that a *kohen* receive the first *ʿAliyah*, Rabbi Rabinowitz concludes that, "as historical and sociological realities change, so we must adapt our application of the principle of *mipnei darkhei shalom*, which served as the the justification of the gemara for the reason that *kohanim* receive the first *ʿAliyah*." He therefore writes that where a rabbi feels that his/her community is better served by substituting "*rish-on*" for "*kohen*," that rabbi has the authority as the *mara d'atra* to call up a non-*kohen* for the first *ʿAliyah*. Rabbi Rabinowitz follows the opinions of Tosafot, Tosafot haRosh, and the Rivash that always calling a *kohen* for the first *ʿAliyah* is only a *minhag*. The *kohen*'s *ḥazaqah* on having the first *ʿAliyah* is based on an *asmakhta* derived from the word וקדשתו in Leviticus 21:8. The school of Rabbi Yishmael taught in a baraita that the

context in which the word וקדשתו appears in the Torah implies that *kohanim* have first order of position in any act that could be considered a mitzvah whose performance enhances *qedushah* (religious sanctity). This, the baraita argues, would mean that, according to the Torah, a *kohen* is always entitled to the first *ʿAliyah*. Rabbi Rabinowitz argued that an *asmakhta* is exactly that, a rabbinic support, and not the basis for a "Torah-based" ruling. Instead, it was a rabbinic enactment intended to maintain peace in the community, so that there would be no arguments about who was worthy enough to be entitled to the first *ʿAliyah* to the Torah. Therefore, the local rabbi has full authority to make the change and call someone other than a *kohen* to the Torah for the first *ʿAliyah*; he or she is not violating a Torah-based obligation to exclusively call a *kohen* for the first *ʿAliyah*, since such a Torah-based obligation does not exist. While this move is implicit in the text, Rabbi Rabinowitz makes this permissibility explicit, thereby expanding the application of what was implicit, but not typically applied in the orchestration of the Torah service.

In yet another *teshuvah* Rabbi Rabinowitz demonstrates his independence in rabbinic judgement when he demurs on the postion of his friend and colleague, Rabbi Joel Roth, on a question about whether the daughter of a *kohen* may be called to the Torah for the *kohen ʿAliyah*. While Rabbi Roth permits the daughter of a *kohen* to be called to the Torah for the *kohen ʿAliyah*, his *teshuvah* concludes that daughters of *kohanim* and *leviyim* are entitled to the same *ʿAliyot* as their fathers and to none of the other six *ʿAliyot*. Their status as *bat kohen* is inalienable, even if they are married to an Israelite. Rabbi Rabinowitz voted against Rabbi Roth's opinion, perhaps in light of his own *teshuvah* that the entitlement of *kohanim* to the first, so-called *kohen ʿAliyah*, is only a rabbinic enactment and is not mandated by the Torah.

Finally, Rabbi Rabinowitz's *teshuvah* on the permissibilty of the ordination of women is remarkable in many ways. As a member of the Talmud faculty, he was by far in the minority in supporting the ordination of women. More significantly, he tackles four distinct roles that rabbis are typically asked to fulfill: *mesadder qiddushin*, counting as one of ten persons to make a minyan, serving as a *shaliaḥ tsibbur*, and serving as an *ʿeid*. Rabbi Rabinowitz responds to each of these potential obstacles seriatim, using classical rabbinic sources together with logic and sound reasoning to undermine, if not to refute, the thinking behind these classical objections to the ordination of women. Rabbi Rabinowitz's more liberal and modern approach to these and other issues that were raised to attempt to block the ordination of women at JTS may very well have been influenced by the active role his late mother took in the community outside the home and his father's willing

accomodation to the expanding role of women in contemporary society.

Rabbi Rabinowitz's most stellar contribution to the growth of the status of halakhah in the Conservative Movement and to the necessity of freeing women from the possibility of becoming *'agunot* was in his exemplary work as the *av beit din* of the JBD. At the urging of then-chancellor Ismar Schorsch to reestablish a central *beit din* co-sponsored by all three arms of the movement (JTS, the RA, and the United Synagogue of Conservative Judaism), Rabbi Rabinowitz accepted the challenge of negotiating with all three arms so that they would agree to create one independent *beit din* that would take exclusive responsibilty for all questions relating to Jewish divorce. While the late Professor Edward Gershfield had been the unchallenged *mesadder gittin* for the movement for over twenty years, ever since the passing of Professor Boaz Cohen in 1968, there were only two or three *mesadderei gittin* who had been trained by Professor Cohen who were handling *gittin* across North America.

Rabbi Rabinowitz set up a number of parameters for organizing the JBD. First, there would be nine members on the JBD, three appointed by each of the partners. Second, all members of the JBD would need to be ordained rabbis and members of the RA, but they did not need to be certified *mesadderei gittin*. Finally, other than a few colleagues who had trained under Professor Cohen and been certified by him as *mesadderei gittin* (no more than four), all other members of the RA who had been writing *gittin* independently would be required to submit a file summarizing their training, their experience, their professional practices as *mesadderei gittin*, and copies of a number of their *gittin*.

Among the early questions faced by the JBD was how to handle cases that involved recalcitrant husbands who absolutely refused to participate in the *get* process, or who set conditions such as demands for money from their former spouse before they would consider participating in the *get* process. Another tricky issue was what to do when the former husband could not easily be located or when either spouse was mentally incapacitated or had returned to his/her former religion after being civilly divorced.

A third challenge was training a new cohort of *mesadderei gittin*. In 1989, besides Professor Gershfield, there were only three known active certified *mesadderei gittin*: Rabbi Ben Zion Bergman (*z"l*), Rabbi Yehezkel Musleah (*z"l*), and Rabbi Israel Silverman (*z"l*). Others would surface as we began the certification process, but all of them were retired or approaching retirement. Much to our chagrin, we also discovered that there were RA colleagues who had no formal training in the laws and procedures for writing and delivering

a *get*, yet who were advertising their services as experts in Jewish divorce. What is more, ever since the CJLS approved *hafqaʿat qiddushin* as a halakhically viable means of annulling a Jewish marriage when it was impossible to gain the cooperation of a former husband to authorize the writing and delivery of a *get* so that his former wife could move on with her life unencumbered by being "bound and anchored" (*agun*) to a man to whom she was no longer married, the JBD discovered that a number of our colleagues were using *hafqaʿat qiddushin* as their first choice alternative rather than requiring a *get* for a divorced woman to remarry with huppah and *qiddushin*. In light of all the laxity in the area of *gittin*, and in light of how few RA members were certified *mesadderei gittin*, Rabbi Rabinowitz asked Rabbi Silverman to arrange a course to train a new cohort of *mesadderei gittin*. Within a year or or so, nearly a dozen RA members had completed their training and were certified. With the increase in the number of *mesadderei gittin*, the number of cases, not surprisingly, increased.

Keeping track of all *gittin* was yet another challenge. Rabbi Rabinowitz saw to it that the RA would create a database and use student volunteers to input the data submitted by the *mesadderei gittin*. Student volunteers, even paid volunteers, were often hard to find, and there was regularly a backlog of unfiled submissions. Adding to the frustration was the fact that at least once or maybe twice, the database crashed, and the work of inputting the data had to start all over again. Eventually, the certified *mesadderei gittin* were taught how to input the data on their own. In this way, Rabbi Rabinowitz made the database a more complete resource for colleagues who needed to check if a *get* had been issued so that a divorcée could remarry halakhically.

Rabbi Rabinowitz was committed to the idea that *gittin* issued under the aegis of the JBD would meet all the standards of *gittin* issued by Orthodox *batei din,* but would be conducted with the dignity and compassion becoming two partners whose dreams of a lifetime together had been shattered. Rabbi Rabinowitz was aware that some of the rabbis who served on Orthodox *batei din* effectively ignored the women who were being divorced, and he insisted that our *mesadderei gittin* organize their own *batei din*, taking into consideration the emotional pain and stress each of the former marital partners would be experiencing before they met the *beit din*.

Rabbi Rabinowitz's halakhic contribution and his *Weltanschaung* regarding the ongoing development of halakhah is best appreciated in his persistant advocacy for women. During his tenure as the *av beit din*, he advocated for the training of additional *mesadderei gittin*. Two cohorts have completed their studies. Already in the first cohort, at least two women were

certified as *mesadderot gittin*, and one of them, Rabbi Karen Reiss Medwed, was the first *mesadderet gittin* to be appointed as a *dayanit* to the JBD. Currently, there are three women rabbis who serve as *dayanot* on the JBD. Rabbi Rabinowitz's advocacy for the full and equal status of women in all aspects of rabbinic work has been manifested in the visible role they now play in the area of *gittin* and *hafqaʿat qiddushin*. To further protect the identity of women who serve as *mesadderei gittin* or as witnesses to the writing and/or the delivery of a *get*, the policy of the JBD is never to identify any of the *mesadderei gittin* or *ʿeidim* by name but, if asked who the officiants were, to simply say that they were halakhically kosher officiants. All those efforts have been the result of Rabbi Rabinowitz's principled stance on the equal status of men and women in all aspects of halakhah.

Over the course of Rabbi Rabinowitz's tenure as the *av beit din* of the JBD, he advocated for a broader use of *hafqaʿat qiddushin* when obtaining a *get* appeared to be impossible. At first, the JBD was reluctant to use *hafqaʿat qiddushin* in all but the most urgent situations. Rabbi Rabinowitz advocated on behalf of women who were becoming *ʿagunot*, because the negotiations with the former husband for his participation in the *get* process had become so protracted. He helped the members of the JBD develop a standard procedure for engaging with the former husband that could be achieved in a reasonable amount of time, and that would lead to *hafqaʿat qiddushin* when negotiations failed or dragged on for too long a period of time.

As a teacher and as a talmudist and halakhist, Rabbi Mayer Rabinowitz leaves his mark on Conservative Judaism. Always humble, never a self-promoter, he has been my teacher since I began rabbinical school more than fifty years ago. He has over the decades also become my colleague and my friend, as he has to many of us in the rabbinate and in the community. To this day, he continues to have an impact in the same way as he always has—humbly, quietly, and forever effectively.

Rabbi Lionel Moses is the Rabbi Emeritus of Shaare Zion Beth El Congregation in Montreal, Quebec where he has served for over 30 years. He was ordained at the Jewish Theological Seminary of America in 1977 and previously served congregations in Mamaroneck, New York, Jackson Heights in Queens and in Sacramento, California. He served more than fifteen years on the Committee on Jewish Law and Standards, as well as two terms on the Executive Council and the Nominations Committee. He has been a member of the Joint Beit Din of the Conservative Movement since its inception in 1989 and has been its Chairperson and Av Beit Din for the past seven years. He has been involved in interfaith work in all the communities in which he has lived and has served as the President of the Montreal Board of Rabbis. Rabbi Moses is a Fellow of the Shalom Hartman Institute, where he studied for three years. Rabbi Moses is married to Dr. Joyce Rappaport and they are the parents of three sons, each of whom works in the Jewish Community.

Dusting Off the Jastrow: A Reflection on Going Back to the Basics in Teaching Rabbinic Literature

Iscah Waldman

Once again, the school year has come to a close, and I find myself reflecting on what worked, and what did not, in my classes. I currently teach at a Schechter-affiliated Jewish high school on the East Coast. For the majority of the twenty-six years since ordination, I have been teaching Talmud, Midrash, and halakhah to high schoolers in two similar schools. I regularly assess my classroom successes and missteps to refine my approach for the coming year, but every so often, I consider a complete overhaul. After many years of fine-tuning my current grade curricula, this feels like one of those years. Surprisingly, what I am considering an "overhaul" may bring me back to my earliest years of teaching.

As a newly minted rabbi, I came to my department head to learn the curriculum for what would be my first real job. I was handed two volumes of the Steinsaltz Talmud—Sanhedrin for ninth grade and Bava Metzi'a for eighth—and told, "there's your curriculum." A bit deflated but not entirely unprepared, as I had already spent years as an after-school teacher, I braced myself for the hardest year in any teacher's career: the first one.

Back then, students had no laptops, and I had no Sefaria at my disposal. I laid out my source sheets manually, using CD-ROMs (remember those?), and even wrote out my own translations when necessary. I handed out Jastrow dictionaries and introduced them as their "new best friend!" I was developing my own set of tools, including something I called ATTWYFACP—Aramaic Tricks to Wow Your Friends at Cocktail Parties—and would create worksheets for the students to keep guided notes. The students were simply fascinated with everything I taught, because it was the "good old days."

Oh, excuse me while I wake up from my own fever dream.

In teaching Talmud and halakhah, it has always been a struggle to get students to see the value in excavating the past in order to understand modern Judaism. My classroom has always had students of varying levels of religious

observance and knowledge; some were living observant lifestyles, others only vaguely aware that Shemini ʻAtseret is a holiday. As a student and fan of Midrash, I would begin with the idea of drash as a basic unit to help them learn who the rabbis were and see rabbinic methods of interpretation as essential units of their methodology. One of the reasons I began there is that it helped students see that the rabbis treasured yet still challenged biblical texts as they balanced their own conflicted understandings of what God wanted from the Jewish people.

As the years have gone by, many of my colleagues have felt a shift in the student body, as it has become less observant or decreasingly familiar with a basic understanding of the relevance and workings of halakhah. Indeed, we have begun to notice that there are fewer and fewer students who are familiar with Shabbat or even High Holiday liturgy and practices. More concerning is that students seem to feel that rabbinic Judaism is a relic of a distant, irrelevant past. I have found this most difficult, as my entire job is to help them see themselves as very much part of this living, breathing, and ever-adapting system. So I decided to revise the curriculum to be more forward facing, inspired by my stint on the Committee on Jewish Law and Standards (CJLS). The ninthgrade curriculum, for example, was refashioned to engage with the ethical and halakhic struggles of *today's* Jewish community, and to help my students see that Jews still turn to Torah to negotiate these struggles. Judaism is dynamic and will continue to adapt to the many technologies around it, and they, too, will need to adapt. After all, their future will be far more like The Jetsons than my own 1980s upbringing. (I still want a hover-car.)

What this looked like depended on the years, but here are a few examples:

1. We studied Nevins's lab-grown meat *teshuvah* as grounds to review the basics of kashrut. Students created their own Op-Docs—an opinion-based mini-documentary piloted by the *New York Times* in 2011—that had to answer the question of whether kashrut would be a relevant construct in a world where meat was grown in a lab.

2. We learned the thirty-nine *mela'khot* of Shabbat, *pikuaḥ nefesh*, *kela'ḥar yad*, *pesiq reisha*, and other concepts that laid the groundwork for discussing how and when using electricity and other technology was problematic on Shabbat, and where concepts like *grama* or *pikuaḥ nefesh* might apply. Students then presented their own chosen piece of modern technology, ranging from Roomba vacuums and

glucose monitors to advanced artificial limbs.

3. In a business ethics course, I put halakhic concepts such as *hasagat gevul* ("unfair competition") and *ona'at mamon* ("monetary oppression") into dialogue with everyday business practices that surround them every day. Students choose contemporary business issues to explore how they believe the rabbis might respond to modern situations such as the arms industry, college admissions practices, or fast fashion.

My goal was to show students that however distant the Mishnah and Talmud may feel, the rabbis model adaptation—anchored in tradition, yet responsive to reality. Technology is rapidly changing our daily lives and includes unavoidable things like keyless-app entry to dorms, automated faucets, and even self-driving cars. I especially appreciated my time on the CJLS because I could bring what we were discussing into my classrooms. It was not particular *teshuvot* that inspired me but the model of engaging with a living tradition, with an eye toward the future.

I often joke that I live in the past (and that the middle ages were too modern for me), but my students do not. They live in a world that *does* have Sefaria, immediate translation technology, apps that start cars remotely, food cooked by robots—indeed, we ordered from the kosher Korean robot-cooking one in our neighborhood this week!—and myriad other examples of technologies that change lives for better and for worse. If we do not address the ever-changing world in which we all live, students will either ignore the Jewish perspective on these issues or turn by default to the most stringent voices. My goal is neither to promote nor dissuade, but to present different views and equip them with the tools to see how differing perspectives are reached. This has not always succeeded in every class that I have taught, but that it has been my intention.

I still believe in this approach, so where does the overhaul come in?

Nearly every year since I began teaching, I have noted that I tend to lose the forest for the trees. In my department office at work, I call this "going down the rabbit hole." My colleagues know it means I went on a deep dive that led me to four or five crazy tangents while the original question was left hanging. In a classroom, I may be better about going back to the original question, to not lose my students. In the past few years, however, I have wondered about the cost of spending so much time on the finer details of

issues like how cultivated meat is developed, when I have students who have forgotten who Rambam was. I teach the same basics each and every year in my day school classes, yet the students have difficulty distinguishing the Tannaim from the Amoraim. I am growing concerned that without a real grasp of the beauty of the halakhic system and the respect that the rabbis had for it, there will (sadly) be no real reason to worry about the students engaging with it in the future. The questions that remains are: What *really* matters in a Talmud or halakhah class? How do we leave space and inspire understanding of and respect for the methodology of halakhah? How do we encourage our students to consider how halakhah might adapt as things like AI and brain-computer interfaces take root in our everyday lives? We obviousy need a balance, but we also need to consider what our true goals are. The rest of this article lays out the goals on which I intend to base my classes in the next year.

The Value of Accessing Texts in the Original Hebrew

My father *z"l* has been gone for twenty-one years, but I will always have his voice and his deep love of Hebrew in my head. Like many, I have subscribed to the rather gendered phrase attributed to Hayyim Nahman Bialik: "Reading the Bible in translation is like kissing your new bride through a veil." Students miss so much nuance when relying on outside translations, and, frankly, the translator wields too much power in relaying the intentions of the rabbinic authors. I love Sefaria and other rabbinic texts/translations available online, but I have found many mistakes in their crowd-sourced translations. Many of us have also had moments in professionally published translations where the English favors a much more recent commentary or does not adequately relay the point that was clear in the original language. In the best of all possible worlds, my students would not rely on those translations, which semiconsciously influence their reading of a text. However, I have only fifty minutes with these students, three times a week. Is that enough time to essentially sacrifice the possibility of accessing a wider breadth of texts for my students so that they can struggle to translate a couple of lines of text? At the risk of incurring the wrath of the experienced day school teachers out there, I would ask if they consider the Hebrew level of their students to be on par with what it was twenty years ago. (Remember, I have been teaching for twenty-five!) There are multiple reasons for what my colleagues and I have been experiencing regarding Jewish observance but also for the level of Hebrew fluency, so do we not owe it to our students to

meet them where they are? There are so many new resources that were not readily available when I was younger, and my students can find them with a few taps. In addition, once I have four or five students who have learning plans that require them to use laptops, how do I keep them and their *ḥevrutot* away from those translations? In my department, we feel deeply the loss of student facility with translation in both Tanakh and rabbinics classes and have decided on a department-wide initiative of dedicating five minutes of every class to working deeply on translating even one or two core lines of text closely, at every grade level, and at every level of Hebrew. We have found that insisting on a whole day of translation causes students to lose interest quickly, while dismissing translation completely leaves students disenfranchised and alienated from ownership of these texts as their own. We do not yet know if this approach will work, but we are ready to work to find the right balance as we go.

Back to Basics

Like many teachers, I sometimes wonder if I am losing my mind. I am not exaggerating when I tell you that I teach and reteach the basics every single year. Before I delve into the details of such matters as kashrut, Shabbat, or lending at interest, I cover the time period of the rabbis, the development of Mishnah and Talmud, how drash works, and a rough timeline of rabbinic works. This is my primary motivation for reconsidering my curricula this year: teaching students the basics in the beginning is not enough. Students need context for *every single text* so that they can understand the factors to which the rabbis are responding, both inside and outside the rabbinic world. Those of you who are currently muttering "obviously" under your breath right now cannot underestimate how hard this is to do in real life for students, every single day. I have a pet project in my mind that I have not yet translated into reality: a living timeline. I am envisioning a huge (think hallway-sized) physical timeline with both Jewish and non-Jewish markers on them, to which the students can add all year so that they can get a clearer sense of what is happening in the world around each text and its author. I believe that our STEM lab will begin actively avoiding me this year, because I will be using them to help make this a reality!

Students Still Crave Practical Knowledge

As department chair of a school that offers electives on many aspects of Judaism, including Yiddish language and literature, lesser-studied biblical books like Daniel and Judges, Midrash, and philosophy, I have learned a few things about which classes are the most popular choices among our students. Surprisingly, practical halakhah classes always run. The classes that fill up first are those that cover in Jewish life cycle, business ethics and bioethics, a deep dive into kashrut (*basar beḥalav*), and other topics within Jewish practice—these are the classes that fill up first. We have found that wherever students find themselves on the spectrum of religious observance, they are consistently interested in the practicalities of how Jews doJudaism. With this in mind, it has made me wonder if I have spent too much time on complex things like cultivated meat (especially as some states and foreign countries have been banning its development for political reasons) and not enough on truly understanding the ins and outs of how kashrut works even today. I still believe in having classic Jewish texts dialogue with modern concepts—for example, the current issue of banning artificial dyes could lead to more use of carmine in foods—but perhaps my balance needs to be shifted back to the ancient world.

Flexibility is Key

Maybe it is because I would get bored teaching the same thing every year, but I have always changed some texts, assessments, and even whole units in my classes. As a result, the overhaul that I am proposing for this year may not seem dramatic, but it still represents a mental shift, as I return to those basics that I worried would bore my students in an increasingly digital world. I asked them this year if they could not stand to think about lab-grown meat any more, and I was surprised to hear that they thought it was actually an interesting topic, but maybe too long of a unit. This may mean shorter, more focused units on contemporary topics, and tighter laptop restrictions in class. (Sorry, Sefaria.) It will definitely mean keeping my eye on student needs and interests and pivoting when necessary. It has always been my belief that I can teach the rabbis—their methods, ideology, and theology—no matter the text or topic, so I will remain flexible in order to pique students'I nterest and try to stay attuned to where I can fill gaps in their Jewish literacy.

This may not feel like an overhaul at all for some of you reading this, and

perhaps that is my point. Students may change in every generation, with new realities and new technologies, but I must adjust, the way I know the rabbis did in their time. *I* will adapt so that my students may come to realize that *Judaism* will continue to adapt to the whirlwind of the life surrounding us—halakhically, ethically, and ideologically. Adaptation can also mean going back to what worked in the past. I do not yet know what will work, but in the meantime, I will dust off my Aramaic tricks (ATTWYFACP) and get ready to help my students see that rabbinic Judaism is not ancient history—it is a living conversation, one that they are invited to join.

Iscah Waldman is the Chair of Judaic Studies at the Golda Och Academy Upper School, where she also teaches courses in Talmud, Ethics, and Midrash. After being ordained at JTS, Rabbi Waldman completed her PhD in Education at NYU, writing on how Midrash was being taught in Jewish Day Schools. She lives in Teaneck, New Jersey with her husband Matt and their two children.

Teaching Halakhah at Beth Tzedec: A Case Study in Inclusive Process and Communal Integrity

Steven Wernick

Beth Tzedec Congregation, located in Toronto, is the largest Conservative synagogue in North America. It is a traditional, egalitarian synagogue deeply rooted in the rhythms of halakhic Judaism and committed to the vision of an inclusive Jewish community. The landscape of Conservative Judaism in Toronto is somewhat distinct from its American counterpart. While egalitarianism and the inclusion of the queer community emerged as pressing issues for many American congregations in the 1990s and early 2000s, these questions arrived later and with more caution in the Canadian context. Canadian congregations often maintained more traditional practices for longer, shaped by different communal dynamics and patterns of immigration.

When I was invited to interview for the position of senior rabbi at Beth Tzedec Congregation in Toronto, one of the defining criteria articulated by the search committee was a desire for "more inclusive halakhic decisions." This phrase stuck with me. It was not a call for halakhic abandonment but a yearning for a halakhic approach that took seriously both tradition and inclusion. As we clarified the committee's intent, it became evident that Beth Tzedec wanted religious decisions to be framed and supported by halakhic process yet responsive to the evolving moral consciousness of a diverse and engaged congregational community. This philosophy shaped our most significant halakhic undertaking to date: the adoption of a policy to perform same-gender weddings.

This essay is not about the halakhic permissibility of such ceremonies per se, but about how we teach halakhah in the context of real, contemporary congregational life. Specifically, I reflect on how our community was brought into serious engagement with halakhic texts and process, and how halakhah itself was taught through a transparent, respectful, and inclusive model of decision-making.

Framing the Question

Our process began by recognizing that our community was already asking: If we proclaim ourselves as an inclusive and egalitarian Conservative synagogue, how do we treat same-gender couples who seek marriage under our huppah? How do we teach our values without contradiction or compromise?

To answer these questions, we began with the halakhic literature. Our ritual committee and then the congregation at large undertook a structured study of the relevant teshuvot of the Committee on Jewish Law and Standards (CJLS), specifically:

- The *teshuvah* by **Elliot Dorff, Daniel Nevins, and Avram Reisner (2006)** permitting commitment ceremonies for same-sex couples and the ordination of openly gay and lesbian rabbis based on *kavod habriyot* (human dignity).
- The *teshuvah* by **Joel Roth (2006)** upholding the traditional prohibition based on Leviticus 18:22 and the halakhic system's constraints.
- The dissenting paper by **Gordon Tucker (submitted 2006)**, which critiqued the halakhic method of the CJLS and proposed a broader theological and legal framework for halakhic development, ultimately supporting full normalization.

Each paper was discussed not only for its conclusions but also for its methods. This was a teaching moment. Congregants and committee members were introduced to how halakhic arguments are constructed, the nature of precedent, and the interplay between law and evolving community norms. Rabbi Tucker's paper, while not accepted by the CJLS, became a pivotal document. As *mara deʾatra*, I found his theological and jurisprudential approach most compelling for our context.

Halakhic Principles Guiding the Process

In addition to *kavod habriyot* and *puq ḥazi maʾi ʿama davar* ("go out and see what the people are doing"), several additional halakhic principles framed our deliberations:

- ***Lo titosh torat imekha*** ("Do not abandon the teaching of your mother," Proverbs 1:8), which reflects our commitment to maintaining fidelity to the halakhic process even as we adapt it for contemporary needs.

- ***Horaʾat shaʿah***, or the concept of a temporary ruling made in response to urgent or emergent communal needs. While our ruling is permanent, the spirit of *horaʾat shaʿah* informed our sensitivity to the moment and the needs of our community.
- ***Darkhei shalom*** ("The ways of peace"), which promotes communal harmony and was central to how we taught and applied halakhah in an inclusive manner.
- ***Koaḥ dehetera ʿadif*** ("The power to permit is greater [than the power to forbid]"), which acknowledges that leniencies, when responsibly applied, reflect halakhic courage and vision.

Puq ḥazi: Seeing the People

Teaching halakhah means not only studying texts but also attending to lived experience. As part of our process, we hosted a session with members of the LGBTQ+ community. They shared how exclusion from Jewish ritual impacts them and their families. The stories were personal, often painful, and deeply humanizing. We learned how decisions about ritual and recognition land in the hearts of people. We also examined the impact on the ceremony itself. We studied the egalitarian same-gender ketubbahs and ritual frameworks by Pamela Barmash and Gail Labovitz. Rabbi Labovitz's work provided a model that was both rooted in halakhic language and adapted for new realities.

Community Learning and Transparency

Teaching halakhah means modeling it as an accessible, living tradition. We hosted public sessions to discuss the *teshuvot*. We invited Gordon Tucker to speak directly to our congregation about halakhic method, meta-halakhah, and his dissenting paper. The presence of our emeritus rabbi, Benjamin Friedberg *z″l*, at every session added gravitas. At the end of the process, Rabbi Friedberg, who did not agree with the ultimate conclusion, told me that, while he dissented from the outcome, "the scholarship and process were first rate." His comment underscored our true goal: not uniformity but integrity. We were not striving for unanimous agreement. We were striving to be taken seriously.

Outcomes and Reflections

The decision to perform same-gender weddings was announced in June 2022. We adopted Rabbi Labovitz's ceremony and *ketubah* and made it available to couples of all genders. The response was overwhelmingly positive. We lost a few families but gained many more. The process was characterized by seriousness, transparency, and care. And in teaching halakhah through this process, we elevated halakhic literacy, communal ownership, and the dignity of all.

Halakhah, when taught in context, becomes more than a rulebook. It becomes a mirror of our moral commitments and a path to sacred action. At Beth Tzedec, we did not teach *about* halakhah; we taught *through* halakhah. That, I believe, is the essential nature and strength of Conservative Judaism.

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Halakhah at Ramah Berkshires

Eytan Kenter

Camp is a place where rules are established quickly, passionately, and firmly. Among the halakhot of Ramah Berkshires is that Gesher (our oldest *ʿedah*, or camp community) must wear black on the final Friday night of their final summer as a representation of their sadness. The role of Friday night song leaders is passed down from the oldest *ʿedah* to the next one in the middle of the night just before that same final Shabbat. Brussels sprouts must be served on Friday night and chipwiches on Shabbat afternoons. If any of these rules were to be breached, the consequences would be steep. These are not simply camp customs. They are the halakhot of camp.

From the inception of this camp, there has existed the idea of having rules for camp and people designated to enforce them. In November 1986, at a conference to mark forty years of the Ramah movement, the specific concept of halakhah at camp was addressed. In an attempt to discuss the realities that then existed at the Ramah camps, as well as to provide a forum in which to anticipate the future of this camping movement, papers were presented by scholars and educators on the past, present, and future of Ramah. Joel Roth authored one of these papers, "*Halakhah* in Ramah."[1] He differentiates between a halakhist/consultant and a halakhist/educator. While the consultant is only invested in *pesaq halakhah* and making the rules for the camp, the educator is invested in sharing halakhah as a part of the educational goals of the camp. For this halakhist/educator, halakhah could be a means to personal and communal growth, not just an end in itself. In his paper, Rabbi Roth calls for more halakhist/educators in our Ramah camps so that halakhah can be taught and imbued into all that camp is and could yet be.

Nearly forty years later, Rabbi Roth's paper continues to resonate for me as a Ramah director. As a Ramah camp, we certainly have religious policies. Our camp hires a *mashgiaḥ* for our dining hall and establishes an *ʿeruv* surrounding our camp for Shabbat. In addition to serving as director, I am the *mara deʾatra*, or halakhic decisor, for our camp, and I establish our halakhic policies, a natural role for a halakhist/consultant. The true work of

[1] Joel Roth, "*Halakhah* in Ramah," in *The Ramah Experience: Community and Commitment*, ed. Sylvia Ettenberg and Geraldine Rosenfield (Jewish Theological Seminary, 1989), 63–68.

camp—indeed, the magic of camp—is the work we attempt every summer as halakhist/educators, which often goes unexpressed and unnoticed. Yet this work is among the most essential components of the Ramah experience. The implied halakhic curriculum of camp is not just about what we do, but about the way that our campers come to internalize the logic of what we do. For example, our campers cannot use their cell phones while at camp. While it is not addressed daily, the experience of being off of social media and fully engaged with their peers "in the flesh" is something that they come to appreciate and internalize. Once they have understood the value, the lessons become deeper and the behaviors can last longer. The halakhot we enforce at camp not only make camp better but enrich the lives of our campers throughout the year.

We cannot explore the topic of halakhah at Ramah Berkshires without a deeper understanding of how I understand halakhah to be defined and implemented. Not only are there myriad understandings of halakhah within the broader Jewish world, there are also a wealth of definitions and applications even with Conservative Judaism. As Elliot Dorff posits in *The Unfolding Tradition: Jewish Law After Sinai*:

> The particular processes rabbis use to interpret Jewish law depends critically on their deeper convictions concerning the nature and goals of Judaism, the place of God and human beings in determining the content of Jewish law, the degree to which historical, moral, social, and economic considerations can and should have a role in shaping and Jewish law, and the reasons why one should obey Jewish law—or at the very least pay attention to it-in the first place. All of these larger issues are treated in a person's theory of law.[2]

Halakhah, gratefully, encompasses not only what the laws are, but, as its name implies, the processes, values, and contexts that determine how they are to be enforced. As Rabbis Roth and Dorff have both suggested, an exploration of the rules and policies of Ramah Berkshires would not truly represent the essential role that camp plays in creating an environment to live according to halakhah but also in how we can teach the next generation of Jews to best approach matters of Jewish law in their own lives.

[2] Elliot Dorff, *The Unfolding Tradition: Jewish Law after Sinai* (Oxford University Press, 2005), xi.

One of the primary ways this is accomplished at Ramah Berkshires is through living our values. Ramah Berkshires is guided by five *middot* (or, core values), expressed in a mnemonic we created in 2024 in which the first letters of each aspiration spell out "Ramah." These values are:

***R**uaḥ* (fun and joy)

***A**ḥrayut* (responsibility and respect)

***M**alkhut* (wonder)

***A**havat Yisra'el* (love of the People and Land of Israel)

***Ḥ**averut* (friendship and community)

Everything we do at camp is meant to help us live these values. Halakhah at camp is no different. The observance of Shabbat is a perfect example of a rule at camp that is lived and loved because it is observed according to our *middot*.

Ruaḥ **(Fun and Joy)**

Everything at camp is meant to be fun and joyful; the observance of Shabbat is no different. While Ramah Berkshires is proud to offer outstanding outdoor education, performing arts, sports (and more), the parts of camp that are most often named as campers' favorite are those connected to our observance of Shabbat**.** When I ask campers and returning staff what their favorite part of the camp program is, they almost always answer *Kabbalat Shabbat* overlooking the *ʿagam* (Lake Ellis) or Friday night *Shirah*. Last summer, when we took our oldest campers to Canada for five days, the only thing that disappointed them was missing a Shabbat at our camp. A big factor is that those same campers are the ones who lead Friday night *Shirah*. I myself have never experienced anything quite like Friday night *Shirah*—the sheer power and passion of half of our camp singing together in our *ḥadar okhel* (dining hall). For our campers, Shabbat is not a time where they miss out on the most fun parts of camp, Shabbat *is* the most fun part of camp. It is not a day when campers feel that they are missing out; it is a day they desperately do not want to miss. Ramah Berkshires imbues Shabbat with so much fun and joy that our campers realize how special a siastically and diligently volunteer to read from the Torah every week is a

day it can be, not only at camp, but all year round.

Aḥrayut (Responsibility and Respect)

In a world that is increasingly homogeneous, it is rare to encounter communities as blessedly diverse as Ramah Berkshires. We have people at camp who observe Shabbat every week as well as those who do so only while at camp. We have people who have never used electricity on Shabbat and people who have never been off their phone for twenty-five hours. We have Israelis who have never experienced an observant, egalitarian community and non-Jews who have never before heard the Hebrew language. This is the beauty of Ramah. As such, part of the experience of Shabbat at camp is learning to live with other people whose practice is very different from our own and to be open to them and their needs. Every member of our community learns the importance of respecting our fellow campers and staff and their practices. While the communal practice is to leave off the lights in the main cabin room and leave on the lights in the bathroom, we still have campers who will turn on a flashlight to read a book or because they cannot sleep if it is fully dark. Those same campers, however, are learning that while they may use that light, they cannot shine it toward their peers or play games with it on Shabbat, as that is disrespectful of the needs and practices of other campers. They learn responsibility by remembering not to turn lights on or off as a way to assure that everyone has what they need. Many take on the *aḥrayut* of reading from the Torah on Shabbat, some for the very first time. Shabbat is a time of fun, but also a time that is imbued with the values of responsibility and respect in all that we do.

Malkhut (Wonder)

The value of *malkhut* focuses on camp as a place where campers and staff try new things and realize all that they can accomplish. While we often speak of climbing the high ropes or taking a lead role in a play as the moments when this takes place, Shabbat is also a time where *malkhut* is sought and often accomplished. In different *ʿedot*, varying amounts of Torah are read. In our youngest *ʿedot*, campers recite only one verse for an *ʿAliyah*, while our oldest campers recite the full Torah reading. This is partly an effort to be mindful that our services are age-appropriate, but it is also about affording as many campers as possible the opportunity to read from the Torah over the summer. Watching our *kokhavim* (rising fourth-grade) campers enthu-

highlight of my job. Dozens of kids are eager for the chance to read from the Torah and show off what they learned. Listening to ten-year-olds chant *Eichah* (Lamentations) or Israeli women take an *ʿAliyah* for the very first time underscore the halakhot we practice at camp.

Ahavat Yisraʾel (Love of Israel)

At its heart, this *middah* is about Ramah Berkshire's love for Israel as well as our love for all Jewish people. We are blessed at camp to have Jewish staff from Europe, Africa, Israel, and throughout North America. During the week, these staff members serve as counselors, life guards, art educators, fishing instructors, and more. Because Shabbat is spent not engaged in these activities, we dedicate time during Shabbat for these members of our staff to share themselves and not just their talents with our campers. They do *hargaʿot* on Friday night, which involves sharing stories about their lives with our campers as the campers drift off to sleep at the end of an exhilarating Friday evening. They help lead *peʿulot* ("activities") throughout the day that focus more on their passions than their talents. The slowing down of Shabbat and the prohibition of certain activities makes space for even more *ahavat Yisraʾel* to be experienced and enjoyed on that day.

Ḥaverut (Community and Friendship)

At any given time during the summer of 2025, there will be between 650 and 700 people living together at camp. It is nearly impossible to facilitate engaging programming (or honestly to find the space) to bring the whole camp together over the course of the week. Meals and plays are done in two shifts, and much of amp operates as either A side or B side. It is on Shabbat that our full camp community is able to gather together. Whether at our pre-Shabbat pep rally to celebrate our weekly successes, *Kabbalat Shabbat* overlooking the lake, or Havdalah with singing and dancing, there is something special about sharing these moments together. Moreover, it is on Shabbat that the deepest conversations are possible and relationships are able to grow. The slower pace of the day allows deeper connections to be established and lifelong bonds to be formed. Community and friendships are enriched by the presence of Shabbat in camp. The realization of what can be accomplished by being together and without technology is accomplished through these meaningful Shabbat experiences at Camp.

While I decided to use Shabbat to illustrate the ways in which our values inform and enrich the policies and practices of camp, Ramah Berkshires establishes rules and grounds them in our approach to Jewish life in countless other ways. Two summers ago, we made some changes to our dress code. In explaining the camp's decision, it was made clear to our campers and their families that two Jewish values guided the decision making. While *'anava* ("modesty") was certainly one of those *middot*, the community truly internalized the fact that the policy was also informed by our commitment to gender equity/egalitarianism. All too often, dress codes are overly punitive toward women, such as limiting what tops could be worn by female-identifying members of our camp community, while allowing our male-identifying community members to play sports or walk around camp without a shirt at all. The camp's new policy was designed to assure that the expectations for all campers' attire would be the same. We likewise created a food policy in which only nut-free, resealable, and kosher foods could be brought into camp. When discussing this rule, we ground the conversation in the values of *pikuaḥ nefesh* (the priority of keeping people healthy and safe) and *kol Yisra'el 'arevim zeh bazeh* (we are all responsible for one another). Our rules are not meant to be punitive or arbitrary; they are created in order to assure that we are all able to live our values.

One of the blessings and challenges of Ramah is that it exists, much like Shabbat, according to Abraham Joshua Heschel, as a "palace in time," allowing the camp experience to be singular and, in some ways, unable to be replicated. While the ability of Ramah Berkshires to dictate certain policies for our campers is certainly a piece of this success, I believe that our approach to instilling these values not only will inspire our campers to continue these practices when they return home at the end of the summer but are also easily replicable in all of our homes. While the famous Jewish summer camp joke has a child lamenting that they cannot do Havdalah at home because there is no lake, our program is designed to inspire campers to bring the magic and beauty of camp into their everyday lives.

The idea that actions have consequences undergirds any legal system. In camp life and Jewish law, "consequences" is erroneously understood to mean "punishments," whether losing free time or, for the rabbis of the Talmud, lashes or *karet* ("expulsion"). What is often missed is that the consequences of abiding by halakhah are even more powerful than the potential consequences of breaking it. That is the lesson at the heart of the camp experience. The food we eat, the holidays we observe, and the social mores

that we keep—these practices are done not because of fear of abrogation, but because of how meaningful and inspiring they are. Only with a true appreciation for the rationale behind the laws, the *taʿamei hamitsvot* can the fullness of the experience be accomplished. This is equally possible in our families, schools, and shuls.

Ramah Berkshires is a camp firmly guided and governed by halakhah. We pray every day, our food is kosher, Shabbat is observed, and we study Judaism daily. But that is not what halakhah is. The practices of Jewish life, just like the practices within camp, are ever-changing. Camp rules can and will always adjust over time. Halakhah, the approach to applying and enforceing those rules, is what remains constant. We encourage our campers to observe and perpetuate halakhah not only by exposing them to camp practices that are inspiring, but also by making sure they understand *why* the rules are what they are. Only by being required to be off their phones for the summer can our campers realize how impactful this can be in their daily lives and every Shabbat. Experiencing and truly comprehending the deep meaning behind our Jewish laws and practices is what inspires them to engage meaningfully with them at camp and beyond.

It is a tremendous privilege to be the cirector of a Ramah camp. I feel this most strongly in my ability to help train, inspire, and learn from the next generation of leaders in our movement and in our world. Perhaps in no way are we more able to accomplish that goal than through our approach to halakhah at Ramah Berkshires. Rabbi Ḥanina taught, "I *have learned much* from my teachers, more from my colleagues, and most from students." Thank you to my teachers, colleagues, friends, and campers who continue to inspire me in this work every day. I am so glad to be able to share those chipwiches with you every Shabbat afternoon.

Rabbi Eytan Kenter serves as Director of Camp Ramah in the Berkshires.

Halakhah in Stereo: Teaching Praxis Pluralistically

Michael McCloskey

I'm not a halakhic Jew. This may seem like a strange statement coming from an officer of the Cantors Assembly, a rabbi-cantor within a Conservative/Masorti synagogue, and moreover, someone who sits on the Committee for Jewish Laws and Standards (CJLS). Yet most of my congregants at Temple Emeth in Chestnut Hill, Massachusetts are not halakhic Jews, either. Very few observe Shabbat by refraining from the thirty-nine categories of labor delineated in the Mishnah and so voluminously elaborated and interpreted by our Talmuds, Geonic literature, and legal codes.

However, I am *in relationship* with halakhah, as are all Jews and Jew-adjacents, whether we live within the "four cubits" or not; whether we accept or reject it, renew it, mitigate it; whether we are "Sinai" or "uprooters of mountains." We are compelled or inspired (or something in between) to wrestle with questions of peoplehood like Who is Jewish? With whom and what can we eat? Who prepared the food, and were they treated fairly? How do the particular and universal play into our marriage choices, and what are the benefits, challenges, and consequences of our preference in partners? We are likewise presented with more universal halakhic queries such as Who is included within the category of "loving our neighbor as ourselves"? What is our obligation to the stranger in our midst? and Must we love our enemies and, if so, to what degree?

As my colleague, Aaron Alexander, who sits with me on the CJLS, teaches: Each morning, as we prepare to depart our homes, perhaps drop off kids at school, get coffee, and negotiate traffic, we are making hundreds of halakhic decisions, whether consciously or not. My goal as a rabbi, *ḥazzan*, and educator is to be and empower others to be conscious and mindful about such choices.

In fact, scholars of the ancient Near East like the late Tikva Freymer-Kensky point to the Babylonian origins of both halakhah and *torah*, (in Akkadian, *alaktu* and *lamadu*, respectively) as reflective of spiritual attunement.

Both of these terms relate to roots that mean "to go" and have their origins in oracular activity, the former through consulting astrological omens and the latter through extispicy, consulting the liver or other entrails of an animal for omens. The Hebrew root of the word *torah*, *yod-resh-heh*, also carries the meaning of "to aim or shoot arrows." In other words, there is or *should be* something inherently gutsy and dynamic about *torah*, cutting straight to the heart, impelling us to move. *Alaktu*, the antecedent of halakhah describes not only the astrological path of the deity but, more important to our concern, the arc of the deity's ethics and justice. Both terms imply *imitatio Dei*, a desire to draw near to God through walking in God's paths and internalizing God's teachings.[1]

Halakhah, as I teach it and strive to embody it, is, to quote Frymer-Kensky, "mapped but not forced." The Torah reveals, to my mind, our ancestors' striving to build an awareness of a transcendent dimension within a community of former slaves. Through legislation, or proto-halakhah, our ancestors aimed to help the people embody this kind of holiness in their actions and relations, finding a sense of sovereignty and agency, as people of the King of King of Kings. What a formidable and awesome challenge this was for them and is for us!

The question that animates me as rabbi, educator, *ḥazzan*, and pastor, is how to bring the halakhah, or halakhic values, into conversation with the challenges of our particular time. Enlivening each *siman* or mishnah within a halakhic code is a talmudic sugya or a series of sugyot, and these sugyot are vivified by implicit principles and/or values that are accessible to the sensitive reader and sometimes in conflict with one another. The delicious challenge for me is empowering students to be able to discern these values and envision the conversations and concerns beneath the surface of the text.

For example, two years ago, for the *siyum bekhorin*, I taught about the ritual of the *'eglah 'arufah* as envisioned not only by the biblical text, but also by the two Talmuds. When zooming out, we discovered the sages grappling with the tension between "law and order" and "social welfare." These texts compel us to ask: what best creates a safe society wherein vulnerable people are not found dead in the public square, whether George Floyd or Yaron Lichinsky and Sarah Milgrim? Moreover, we considered these talmudic sugyot and classic commentators in light of rhetoric about "law and order" that has been utilized to justify racism, marginalization, and dehumanization from

[1] Tikva Frymer-Kensky, *Studies in Bible and Feminist Criticism* (Jewish Publication Society, 2006).

the time of Richard Nixon to the era of current president Donald Trump.

Similarly, during the COVID-19 epidemic, in the context of a course on Digital Presence from Jewish Perspectives, we did a deep dive into halakhic sources on what comprises community and being together. Our study, discussion, and debate ultimately guided us as a community to choose to continue Zoom rather than YouTube Live for our hybrid services due to the possibilities for greater interactivity and engagement in the former.

My partner and I were even moved to reflect upon our own practices a number of years ago when we taught a course on both classical and innovative Shabbat practices and, in it, reflected deeply upon the commandments and values animating Shabbat observance. How could we "walk in the ways of the Unconditional," embodying Shabbat praxis in a way that felt personal, meaningful, and authentic? We began by hosting guests nearly every Friday evening. With the joyous addition of our children and a lot more stuff and balagan, and inspired by the advice of a friend, I began the practice of a Friday morning deep clean of our house to help engender the relaxing atmosphere of Shabbat. As our children became a bit older, we added the purchase of pastries on Friday morning to enjoy on Saturday morning before attending synagogue.

All of these home practices inspired me to consider how we could bring this atmosphere of *'oneg Shabbat* into our congregation in order to create a more cohesive community, because one important truth about halakhah is that it creates a container for community. So, about eleven years ago, in that spirit we created our Shabbat K'ley Zemer program. It entails a service with a group of leaders utilizing both their voices and their instruments (violin, clarinet, piano, percussion, and guitar) to create an atmosphere of uplifting and transporting worship. Riding upon this emotional and spiritual high, our community joins together for an equally delightful meal prepared by our in-house Moroccan-Israeli caterer. This year, we added an additional monthly program, Shishi B'yachad, which is a simplified version of K'ley Zemer, simply a Shabbat dinner preceded by *Kiddush*, *Motsi*, and a few *zemirot* (Sabbath hymns). Our Hebrew school students, when asked about the highlights of their year, recently told us that celebrating Shabbat together with their family and friends at Temple Emeth was the greatest joy of their year!

In addition to serving as rabbi-cantor in my shul, I am honored to teach in the Jewish philosophy department at the Academy for Jewish Religion in Yonkers, New York, the institution wherein I received my ordination.

Currently, I am team-teaching a group of thirty or so students in a pluralism course, which is a requirement for cantorial and rabbinic students. Pluralism is an animating principle and practice that is integrated into all coursework and very much part of the active and democratic process of the school community.

One of the issues we have wrestled with this trimester is that of authority, asking questions such as Who wields it? and What substantiates it? One of the challenges that comes up again and again in our discussions is that of constitutive authority, which means that a judicial or legislative body itself constitutes or comprises authority. A positive characteristic of this kind of authority is that it empowers judges and legislators to interpret halakhah creatively and broadly, adapting it to the needs of the time. However, when the law-making body has a questionable agenda, emanating from a spirit of factionalism, this becomes a kind of tyranny. Our students wrestle with the implications of this model, particularly vis-à-vis decisions of the Israeli Ultra-Orthodox rabbinate regarding conversion, marriages, and the broader question of who is Jewish. Questions have been raised as well about our eroding faith in institutions when they command more than the people can bear. According to another model of authority, institutions and a corpus of law are given authority by their acceptance over time by the people. Our learners have engaged this question more specifically through the evolving stances of Conservative/Masorti Judaism toward marriage to gentiles. Finally, our future *ḥazzanim* and *rabbanim* have wrestled with the blessing and challenge of an epistemic model of authority vis-à-vis halakhah. They have discussed the kind of spiritual leaders they want to be, wielding authority through truth and knowledge but much more democratically, engaging and empowering many partners in our community to learn together and then make decisions. The greatest hurdle to this model is the high bar for literacy, let alone, fluency. This goal, although well worth it, really demands rabbi-educators and cantor-educators.

Most importantly, I envision, feel, and try to embody and teach halakhah as a polyphonic entity. "Words of the living God" demand a constant investment of vitality and life within each generation and a counterpoint of different voices, temperaments, views, expertise, and social and cultural backgrounds. You will not find this kind of counterpoint at asktherabbi.com or chabad.org, but I have found it in the halls of the Academy for Jewish Religion, teaching Talmud in my community, and in my own weekly *ḥevruta* study with my rabbi-cantor colleague Luis Cattan. In the words of Yehiel

Mikhl Epstein from the introduction to *Ḥoshen Mishpat* in his halakhic code *Arukh Hashulchan*,

> And, in truth, every dispute of the Tannaim, Amoraim, Geonim, and Poskim in order to understand the ultimate course of the matter, they are "words of the Living God," and to each of them belongs a facet of halakhah. And contrary [to the view that disputes are by necessity toxic], this is the beauty of our holy and pure Torah! And all of the Torah is called "song," and the "song's" beauty is when the voices are polyphonic and this is the essence of harmony. And whoever swims in the Sea of Talmud sees the harmony in all the diverse voices.

This is the essence of being in relationship with halakhah. Human beings are not meant to be bound or coerced, but *related to*. This is not a monistic approach to halakhah but a pluralistic one. It is halakhah not in mono but in stereo!

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Creating a Vibrant Conservative Community: A Layperson's View of Halakhic Engagement at Congregation Beth Sholom

Zack Wainer

For many Conservative Jews, truly engaging with halakhah—the living tradition of Jewish law and practice—is the purview of rabbis and scholars. Congregants at Conservative synagogues can see Judaism as core to their identities and connect with certain aspects of halakhah without thinking of their Judaism in terms of halakhah or how halakhah affects their own observance; if these individuals consider halakhah, it is often as a distant or abstract concept – something that is peripheral to who they are. At its worst, halakhah can seem stale, elitist, and irrelevant. But many Conservative Jews miss what it can be at its best: a collective language, a shared practice, and a dynamic force that shapes the spiritual and intellectual lives of individuals and communities alike.

How, then, can we help more Conservative Jews experience the best of halakhah and ultimately choose to "opt in" to a halakhic life? We need to create joyous, unapologetically Jewish spaces where a critical mass of individuals are invested in living halakhically. For people not already invested in such a lifestyle, these spaces will offer a taste and a chance to opt in. The Conservative Movement once predicated its youth programming, including Ramah and United Synagogue Youth, on this very premise.

At Congregation Beth Sholom (CBS) in Teaneck, New Jersey, there is a critical mass of individuals who have committed to living in a halakhic community. That's not to say that every member of our kehillah has a certain level of halakhic observance, or that each individual considers halakhah to be a key aspect of his or her Jewish identity. CBS welcomes individuals with different levels and conceptions of halakhic practice to actively come together as part of our halakhic community. We strive to cultivate a culture

of halakhic engagement that is both deeply rooted in tradition and truly responsive to modern needs. When we succeed, we approach halakhah with *kavvanah* and creativity, offering an array of educational initiatives, leadership opportunities, and grass roots programming that appeals to different swaths of our community.

In this article, I analyze specific CBS halakhic learning opportunities, with a special focus on who leads and how that leadership is manifest. "Top-down halakhah" refers to rabbi-led teaching and decision making, where the *mara de'atra* guides the community through structured learning and halakhic processes. "Middle-out halakhah" captures the importance of skilled laypeople, who step into the role of educator and lead their peers in halakhic inquiry. Finally, "bottom-up halakhah" describes grass roots learning initiatives in which halakhic engagement is largely self-directed but still highly effective.

By examining how halakhic learning unfolds across these three dimensions through examples from the Jewish textual tradition and the CBS community, I try to paint a picture of Jewish law as dynamic, iterative, and deeply intertwined with the rhythms of communal and personal life. More than painting a picture, I hope this article challenges us to think through two related things: how we can nurture communities of all types that energize individuals to truly "opt in" to and take ownership of halakhah, and what it would take to create a broad, multigenerational halakhic culture that is both intellectually rigorous and spiritually fulfilling.

Top-Down Halakhah

Top-down halakhah has a strong analog in the Torah (and rabbinic literature), where the main expression of halakhic transmission and learning can be described as "top down" or "frontal." God gives the majority of his instruction to Moses on Mount Sinai, with Moses bringing the law to the children of Israel. Sometimes, it's clear that there's some larger impulse for God giving a set of laws to Moses – as with the Passover laws transmitted to Moses (and Aaron) before the last plague in Egypt (and Israel's impending freedom);[1] In other cases, there is no clear logic within the Torah for why certain laws are given when they are, although our sages certainly try to

[1] See Exodus 12:1–28, 43–51; 13:3–10. While these laws associated with the Passover sacrifice are located within the larger Passover story, laws about Passover and its sacrifices are included in many other places in the Torah outside the Exodus narrative; see, for example, Exodus 34:18, 25; Leviticus 23:5–8; Numbers 28:16–25; Deuteronomy 16:1–8.

connect some of these laws to proximate narratives or events. There are a few instances where a slight wrinkle is introduced to this paradigm of top-down halakhah. The classic story of the daughters of Zelophehad toward the end of *Bamidbar* is one of those instances:

> The daughters of Zelophehad—son of Hepher, son of Gilead, son of Machir, son of Manasseh—of the family of Manasseh, son of Joseph, came forward. These were the names of his daughters—Mahlah, Noah, Hoglah, Milcah, and Tirzah. They stood before Moses, Elazar the priest, the chieftains, and the whole assembly, at the entrance of the Tent of Meeting, saying: "Our father died in the wilderness. He was not part of the faction that banded together against the Eternal—the faction of Korah—but died for his own sin; he had no sons. Why should our father's name be withdrawn from his family just because he had no son? Give us a holding among our father's kinsmen!" Moses brought their case before the Eternal, and the Eternal said to Moses: "Zelophehad's daughters are speaking truth—you should certainly give them a hereditary holding among their father's kinsmen and transfer their father's share to them. Further, speak to the Israelites as follows: 'If someone dies without leaving a son, you should transfer his property to his daughter. If he has no daughter, you should give his property to his brothers. If he has no brothers, you should give his property to his father's brothers. If his father had no brothers, you should give his property to his nearest relative in his own family, who will inherit it.' This will be the procedure law for the Israelites," in accordance with the Eternal's command to Moses (Numbers 27:1–11).[2]

The top-down halakhic paradigm is true to form in verses 6–8. Here, God speaks to Moses, tells him what the law should be, and then commands Moses to transmit that law to the Israelites. But verses 1–5 introduce a complication to this paradigm. Instead of appearing as part of a larger group of

[2] For translations of the Tanakh in this article, I've used the most recent NJPS as a base with my own alterations included throughout.

laws (which is common in broad swaths of the Torah),[3] the laws in verses 6–11 are fronted by a short pericope that explains how they came to be. In this text, the daughters of Zelophehad expose a key gap in the Israelite system of inheritance law to Moses, as the system does not account for men who die without male heirs. This is not simply an academic exercise for Zelophehad's daughters; their father recently died without any sons, and so they have standing. Here, the people's own experiences and questions trigger God to create a new law and transmit it to Moses, who is entrusted with giving it to the people.

The *mara de'atra* at CBS, Rabbi Joel Pitkowsky, also leads the congregation in halakhic exposition when the community is confronted with new situations. In the mid 2010s, congregational leadership brought the question of whether the *shaliaḥ tsibbur* could, or should, include *immahot* within the *Amidah*. Instead of simply deciding himself (or in consultation with congregational leadership) whether or not to allow *immahot*—as would be his right as *mara de'atra*—Rabbi Pitkowsky decided to turn the question into a halakhic learning experience. He did his own research on the topic and gathered a range of opinions (with different practical implications) that he could support. Over a period of six–twelve months, Rabbi Pitkowsky, along with the ritual committee and other leadership, shepherded the shul through a process that included congregational surveys, discussions, and learning, all in the service of creating new halakhic parameters for davening at CBS. As the centerpiece of this process, the rabbi led various learning opportunities during which members of the congregation could read and discuss *teshuvot* connected to the inclusion of *immahot* from different ideological and denominational viewpoints. Members of CBS grappled with age-old Jewish questions and modern sensibilities, all while gaining a greater appreciation for the strategic choices and exegetical approaches that differentiated these halakhic building blocks from one another.

Importantly, Rabbi Pitkowsky and synagogue leadership did not begin this process with a "right answer" that they wanted the shul to get to on the question of "immahot." Instead, success was defined as a well-run process in which individuals had ample opportunities to learn about and discuss the intricacies of the question at hand. In the end, the congregation voted to allow the *shaliaḥ tsibbur* to choose whether or not to include *immahot* within the first paragraph of an *Amidah*; the *ḥatimah* of that first *berakhah* would remain unchanged even if the leader had included *immahot* within

[3] See, for example, Exodus 21–23, Leviticus 17–26, and Deuteronomy 12–26 (the so-called Covenant, Holiness, and Deuteronomic Codes) for different collections of laws within the Torah.

the body of the first *berakhah*, which sidesteps the problem of changing the concluding formula of a blessing.[4] For example, Shabbat morning davening at CBS could include *immahot* in the first paragraph of the *Shaḥarit Amidah* (but not in the *ḥatimah*) and a more traditional *Musaf Amidah*, depending on the decisions of the *sheliḥei tsibbur*. While this solution did not please everyone, it best represents where the congregation was (and is) on this issue.

In a related form of top-down learning, Rabbi Pitkowsky often leads individual sessions for the congregation that explore how new halakhah is created through *teshuvot*. While the learning opportunities connected to the inclusion of *immahot* occurred over a set period of time in order to prime the community for halakhic change, these individual sessions are ongoing and purely *leshem shamayim*, or learning "for the sake of heaven." These learning opportunities, variously offered on Shavuot or at the shul's annual Shabbaton, have focused on Conservative *teshuvot* that respond to hot-button issues. While some Conservative Jews have a basic idea of how the halakhic process works in our movement, fewer have read through and dissected a modern *teshuvah*. By diving into this process of halakhic innovation, the rabbi both draws back the curtain, so to speak, on a core system of Conservative Judaism and invites his congregation to weigh in on the process.

While there are many differences between the story of Zelophehad's daughters and both of these examples of top-down halakhah at CBS, the similarities that obtain are instructive. Each case moves beyond simple paradigms, where halakhic decisions can feel as if they are made "on high"—parallel to, but not part of, the world of real human interaction. In both cases, change occurs as a response to evolving communal needs and through real interactions between a community and its leader. In the biblical pericope, the laws of inheritance are altered because of a complaint brought by Zelophehad's daughters when they see that the current system does not account for them. Moses listens to their account and, through divine consultation, creates a new law to fit the evolving needs of his people. At CBS, some congregants expressed interest in using a liturgy that better fit their spiritual views and needs with Rabbi Pitkowsky, who then led the community in a months-long process of learning that culminated in giving the *shaliaḥ tsib-*

[4] But see the well-known (and accepted) opinion of Rav in b. Berakhot 12b to change the *ḥatimot* of the third and eleventh *berakhot* during the *'aseret yemei teshuvah*, as well as the brief (but enlightening) manuscript discussion in Joseph Tabory, "The Changes to the Amidah Blessings during the Ten Days of Penitence, TheGemara.com (2016) https://thegemara.com/article/the-changes-to-the-amidah-blessings-during-the-ten-days-of-penitence/.

bur the option to include *immahot* in the repetition of the *Amidah*.

Halakhic discussion is not an isolated enterprise in either case presented here. Instead, it is an iterative and productive activity. Some of the after-effects of Moses's ruling for the daughters of Zelophehad are felt at the very end of Numbers, where tribal heads from Manasseh come to Moses and note that, if the daughters of Zelophehad, who are from Manasseh and have now inherited property, marry out of the tribe, then some of the tribal territory will be lost. Moses deals with this potential downstream effect by proclaiming that the daughters of Zelophehad have to marry within the tribe so that Manasseh retains its territorial integrity. At CBS, engagement with the halakhic process is not limited to times of communal change. In fact, congregants have a chance to learn about how halakhic decisions are made in our movement at different times throughout the year with deep-dives into Conservative *teshuvot*. The case of Zelophehad's daughters and the two forms of rabbi-led learning at CBS are all strong examples of top-down halakhah—responsive to current needs, deeply connected to the community, and essentially iterative and ongoing.

Middle-Out Halakhah

In top-down halakhah, the community leader engages congregants in halakhic learning. Middle-out halakhah is still a top-down enterprise, but skilled congregants assume the role of halakhic educator in place of the *mara de'atra*. Middle-out halakhic engagement is evident in the *Tanakh*, although it is not as common as its top-down counterpart. This mode of teaching is potentially present in a number of biblical texts that allude to it in passing; for example, Deuteronomy mentions the "Levitical priests" and "elders of Israel" as enjoining the people, alongside Moses, to keep various aspects of the Law.[5] In addition to these subtle allusions, a few texts do elaborate on middle-out aspects of teaching, including the Deuteronomic example of a group of officials (or potentially scribal functionaries, depending on how one understands the term שוטר) who speak to the troops before battle and excuse those soldiers who meet certain criteria (Deuteronomy 20:1–8).[6] What may be the strongest description of middle-out halakhic engagement

[5] See esp. Deuteronomy 27:1, 9.

[6] While the dynamics in this text are not fully clear, these officials seem to have some standing within the community, although they are not its leader(s). Instead, one would imagine that the leader is an empowered chieftain (as depicted in the book of Judges), a king (as is common later in the history of Israel and Judah), and/or a high priest (potentially to be identified as the priestly speaker in Deuteronomy 20:2–4).

in the *Tanakh* can be found in the book of Nehemiah:

> On the first day of the seventh month, Ezra the priest brought the Torah before the congregation, men and women and all who could listen with understanding. He read from it, facing the square before the Water Gate, from the first light until midday, to the men and the women and those who could understand; the ears of all the people were focused on the scroll of the Torah… And Yeshua, Bani, Sherebiah, Yamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Yozabad, Hanan, Pelaiah and (the rest of) the Levites were explaining the Torah as the people were standing there. They [the Levites] read from the scroll, explaining from the Torah of God and giving (it) sense; so they [the people] understood the reading (Nehemiah 8:2–3, 7–8).

In this biblical depiction of middle-out halakhah in action, Ezra, a priest and scribe who leads the newly returned Judean community, is the primary educator, reading the Torah to the population that has come back to Jerusalem from Babylonia. While Ezra teaches the Torah to those "who could listen with understanding," Levitical educators seemingly pick up where Ezra leaves off and explain the Torah to the people. Unlike Ezra, who is described only as reading from the Torah, these Levites both read from the scroll and explain it to the people so that they can make sense of the ideas therein. In this pericope, the Levites act as halakhic intermediaries of sorts, both reading the Torah and interpreting it in order to ensure that its ideas are accessible to the larger populace. While the Levites are somewhat set apart from the rest of the returnees through their education and tribal affiliation, they clearly connect with the rest of people, intermingling with them and teaching them Torah in such a way that it can be understood.

At CBS, congregants (regardless of tribal affiliation) draw on their knowledge and talents to become middle-out halakhic educators. In this role, individuals can volunteer to lead one-off sessions at the shul's annual learning Shabbaton or teach "Mini U's" that dive into different aspects of a single topic over three lessons. Although many Shabbaton sessions and "Mini-U's" do not focus on halakhic issues per se, some do cover law, often from a practical perspective. In addition to these regular opportunities for

middle-out teaching, congregants at CBS are also empowered to propose and lead extemporaneous educational undertakings that delve into different aspects of halakhah.

In January 2024, the CBS Shabbaton featured sessions especially connected to ideas of Israel, Zionism, and contemporary Judaism in light of the horrific events of October 7th and their aftermath. A number of sessions at that Shabbaton dealt with halakhic issues, including one concentrated on the laws of war. This session drew on *hilkhot milḥamah* from the *Tanakh*, the Talmud, various Rishonim, and more modern *posqim* to paint a complex and varied halakhic picture of a topic that had been all but theoretical for centuries but is unfortunately more timely now than ever. The congregant who led this session is an esteemed scholar who has real facility for the sources he employed but is not an expert on Jewish laws of war. Instead, he volunteered to lead a halakhic discussion on a timely topic during a session set aside for open inquiry, when congregants are encouraged to lead their peers in learning, whether or not they are specialists on the topics in question.

After the passage from Nehemiah quoted above, the Levites come together with the priests and heads of the ancestral houses to learn more Torah with Ezra. They read about Sukkot and its customs and ostensibly instruct the people how to observe the festival, so that the people could then go and build *sukkot* themselves. The Levites' instruction is timely, teaching the people about the festival of Sukkot just when it should have been celebrated. While the topic could not have been further from Sukkot, the individual who led the Shabbaton session on *hilkhot milḥamah* similarly chose a germane and fitting subject to explore. Both examinations of halakhah were immediately applicable, although under dramatically different circumstances.

In the first half of 2025, another congregant led a three-session "Mini-U" focused on Jewish rituals of death and dying. While "Mini-U's" are premised on lay teaching and learning, they do not necessarily focus on halakhah. The community member who led this "Mini-U" incorporated Jewish law and halakhic discussions within the larger framework of death in Judaism. The leader now works in the funerary field and is well versed in both Jewish death practices and halakhah, although he is not necessarily an expert on the halakhot of death. He leveraged his professional skills and interests to teach other congregants about an integral halakhic topic that, while potentially less taboo than it once was, is still not as discussed and studied as it should be. In explaining the Torah to the returning Judeans eager to better under-

stand their own tradition, the Levites leaned on their professional training as well to expound on halakhic ideas that were clearly not common topics of discourse during the time of Ezra.[7]

In addition to these structured opportunities for middle-out teaching, CBS community members are encouraged to act on their own ideas for halakhic initiatives. A number of congregants have been studying Talmud in the current *Daf Yomi* cycle, and one of them came up with a creative way to engage others in this learning on a limited basis. For *Masechet Makkot*, one of the shortest tractates in the Talmud, this congregant brought together a group of middle and high school students to commit to learning the tractate on the *Daf Yomi* cycle. While some of these students were actively engaged with Talmud through school, others were not, and almost none had regularly learned Talmud outside of school before. Over a number of Shabbatot, this individual gathered the students to connect with one another and discuss the halakhic and aggadic highlights of *Masechet Makkot* from the past week, further reinforcing their learning. He also told any of the participants who were interested about an online Haredi *Daf Yomi* program that had resources to augment their daily study, including videos posted by learners from around the world, easily digestible summaries of the *daf*, and more.

This example of middle-out learning, like the case of the Levites in the time of Ezra, exposed individuals to halakhah in new settings with strong results. While not fully clear, the passage from Nehemiah above implies that the exiles who returned to Jerusalem were communally engaging with Torah in Jerusalem for the first time during the public reading of the text. This unique opportunity caused the people to start observing specific laws, including the building of *sukkot* for the upcoming holiday, and to react strongly to what they heard from Ezra and the Levites.

For middle and high school students learning *Masechet Makkot*, engaging with Talmud outside of a classroom setting and among friends from shul allowed them to explore and relate to Jewish texts in new ways. Moreover, it pushed these kids to grow as both individuals and learners. In this *Daf Yomi* program, participants did the learning and preparation themselves because they wanted to, not as a requirement for school. Although the learning at-

[7] It is not explicitly stated in the text that the Levites here are teaching about ideas that were not common topics of discussion. This can be derived from the verses immediately after those quoted above (Nehemiah 8:9–12), where the people's initial reaction at hearing the public recitation and explanation of the Torah is to weep (which one would not expect if these ideas were already common knowledge in the community); they have to be instructed by Ezra, Nehemiah, and the Levites to instead celebrate with those around them.

mosphere was relatively informal, participants felt responsible to the larger group, so they continued to engage and grapple with the text even if there were no grades involved. Participants learned as much from their peers as they did from the text itself. The leader of this group also tried to instill in participants how remarkable it was that they were engaging in *Daf Yomi* as middle and high school students and pushed them to understand that if they continued to seriously learn Jewish texts outside of school, they would develop skills and cultivate knowledge that few do, both in our movement and beyond. Indeed, one of the strongest effects of this *Daf Yomi* program was how it exposed adolescents to the potentially transformative nature of informal learning opportunities, which are the linchpins for continued Jewish growth as one leaves the structure of school and enters adulthood.

Another potentially transformative effect of this *Daf Yomi* program was how it challenged participants to see themselves within the larger Jewish world. All of the participants in this program were part of CBS and came from Conservative Jewish homes. Their conceptions of Judaism, whether they knew it or not, were heavily colored by the fact that they now lived (and most had grown up) in Northern New Jersey, with its strong Jewish culture. Additionally, many went to pluralistic or Modern Orthodox day schools throughout the school year and attended pluralistic, Conservative, or Modern Orthodox camps over the summer. Those individuals who used the online *Daf Yomi* program encountered videos and other materials made by Jews from around the world—from South Africa to Australia, Europe, and South America. Participants got a real taste of the geographical diversity of our people and the differences that may come with that diversity. Additionally, the participants who engaged with the online *Daf Yomi* program were often presented with materials that came from a (radically) different *hashqafah* than what they were used to. While these perspectives could pose some difficulties, the larger Shabbat discussion groups that gave participants opportunities to digest what they were learning were also places for them to understand similarities and points of departure between their own perspectives and those expressed in materials from the online program. Encountering these materials gave participants a way to engage with diverse Jewish viewpoints in a familiar space. Moreover, it concretized for participants the idea that the *Daf Yomi* project in particular, and a commitment to engaging with halakhah more generally, can be a point of connection for communities and individuals across ideological and geographical lines of difference.

This idea of Jewish learning as a unifying force is present in the text from Nehemiah as well. In that text, the community of returnees from Babylonia gathers together in Jerusalem to engage with Torah, although this community is far from homogenous. The previous chapter in Nehemiah details the different ancestral locations within Judea, Benjamin, and the wider land from where the exiled families (if not the individuals themselves) had originally come from and to which they returned (Nehemiah 7:6–60); the gathering in Jerusalem crosses those geographical boundaries and ostensibly includes returned exiles from each of these locales. Moreover, Ezra and the Levites explicitly teach Torah to both men and women together (Nehemiah 8:2–3), and because the text notes that "the entire people were assembled," we can infer that attendees from different social, economic, and religious strata came together here as well, to say nothing of the different viewpoints or experiences these individuals must have had.[8]

Bottom-Up Halakhah

I have dubbed the final type of learning we will investigate in this article "bottom-up halakhah." Each of the other forms of halakhic engagement that we have encountered are led by someone, whether that individual is the leader of the community or a learned layperson. In bottom-up halakhic engagement, a layperson may organize the circumstances in which learning takes place, but there is no leader to speak of. Instead, bottom-up halakhic engagement is characterized by individuals taking up the mantle of learning themselves, often in small groups. They may have broader latitude over what, how, and even when they want to connect with halakhah. The leader here can plan certain aspects of the initiative, including setting intentions and larger goals for engagement, helping participants with questions that arise during learning, or even organizing when and how participants should come together. But this individual typically does not develop source sheets or bring others on a highly curated learning journey. Instead, participants take the initiative and wrestle with halakhah themselves.

Classical Jewish sources are overwhelmingly created by and cater toward the elite (in some sense of the word), so examples of bottom-up halakhah are relatively sparse.[9] Still, there are a few instances where subsets of the

[8] For an idea of the different social, economic, and religious groupings among the returned exiles, see Nehemiah 7:5, 72; 8:13.

[9] Notwithstanding the times when the people's collective initiative is praised in the Tanakh,

population come together and take on halakhic *ḥumrot*, or stringencies, themselves. A good example of this is recounted in the Talmud with the so-called *Humra deRabbi Zeira*:

> Rav Yosef said Rav Yehuda said (that) Rav said: Rabbi (Yehuda haNasi) decreed (that) in the fields, if (a woman) saw (blood on) one day, she must sit (for) six (days without a discharge) and that (first day—as if she were menstruating, even though she could be only a minor *zava* who is impure for one day). (If she sees blood for) two (days), she must sit (for) six (days without a discharge) and those (first two days, for a total of eight days—as if she were a minor *zava* for a day and menstruating for a day). (If she sees blood for) three (days) she must sit (for) seven clean (days, for a total of ten days—as she might be a greater *zava* who must count seven clean days). Rabbi Zeira said: the daughters of Israel were stringent with themselves, so that even if they see a drop of blood like (the size of) a mustard (seed), they sit seven clean (days) for it (as if they are greater *zavot*) (b. Niddah 66a).[10]

The gemara above conveys two related ideas about women's impurity as a result of vaginal discharge. The first, which was only operative in "the fields" (places where there were no rabbinic authorities), presents a stringent heuristic that tries to eliminate doubt connected to a woman's purity.[11] This ruling was instituted from the top, by Rabbi Yehudah haNasi, with no mention in the text of how it was accepted by women themselves. The idea related by the third-generation Amora, Rabbi Zeira, also tries to eliminate doubt connected to women's purity, this time through a *ḥumrah* that the "daughters of Israel" took upon themselves, not through a rabbinic ruling. Importantly, the statement of Rabbi Zeira is instituted from the bottom up; although it is conveyed by a rabbi in our gemara, it does not come about through a top-down decree. Instead, the idea for this *ḥumrah* seemingly

including Moses's response to the prophesying of Eldad and Medad—"if only all the Eternal's people were prophets" (Numbers 11:29)—or the people's famous response when presented with the law at Sinai, "we will do and we will listen" (Exodus 24:7).

[10] The translation here is an adaptation of the Koren (Steinsaltz) Talmud.

[11] For this interpretation of "in the fields," which is now the de facto (although certainly not the only possible) understanding here, see Rashi's comment on this word.

came from the same women who were affected by the law; as such, it is a prime example of women taking halakhah into their own hands.[12]

Two examples of recent bottom-up halakhic engagement at CBS illustrate how transformative this type of learning can be. The first case took shape as a way to honor Rabbi Pitkowsky before he went on sabbatical in early 2025. A congregant took it upon himself to organize a community-wide program in honor of the rabbi and set a goal of studying the entire Mishnah as a congregation before the sabbatical began. While there was initially some skepticism over whether we could accomplish this goal, the congregant in charge of this endeavor pushed through, putting together a shared spreadsheet that included each chapter of the Mishnah and encouraging individuals and small groups of congregants from across the CBS community to sign up to learn. As with the construction of the *Mishkan*, individuals volunteered to contribute what they could toward this common goal and, in so doing, came together in a way that was nothing short of spectacular. People signed up for single chapters, pledged to learn entire *masekhtot*, and, at the end, studied whatever chapters were left to ensure that the congregation could meet its goal. Congregants read the Mishnah in translation, in the original Hebrew, and in a mix of the two, with and without the help of various commentaries. Individuals signed up to learn, friends learned in groups, couples volunteered to learn as one, families learned together, and grandparents took advantage of the opportunity to learn with their grandchildren.

This initiative was a wide-ranging, bottom-up endeavor that energized congregants from all walks of life to personally engage with halakhah in the service of something bigger. As such, it had an oversized impact on our congregation. One individual took on learning all of *Masekhet Ḥallah* because he was a regular (and accomplished) challah baker. This initiative gave him a reason to study the debates and learn the halakhah around a practice that is directly connected to his own life, helping to enrich and reinforce the ritual aspect of something that could otherwise slip into the mundane.

At the *siyyum* to celebrate this communal achievement and honor our *mara de'atra*, we heard from a number of individuals who were especially affected by this initiative. One was an older couple, neither of whom had studied Mishnah independently before, who went on to discuss what it was like for them to learn from this foundational Jewish text as both a first-time

[12] So the Meiri on b. Berakhot 31a. Other *mepharshim* see a rabbinic basis for this *ḥumrah*; for more, see Miriam Berkowitz, "Reshaping the Laws of Family Purity for the Modern World" (approved September 13, 2006), 12–13, https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/berkowitz_niddah.pdf.

ḥevruta and part of a larger community. Another group that told its story was a grandfather and his two young grandchildren; while the grandfather was well-versed in Torah, the trio were learning Mishnah together for the first time. When they learned chapters of *Masechet Sukkot*, this group went beyond the text, reinforcing that learning and bringing it to life by creating edible models of what they had studied. In both groups, the initiative spurred individuals to forge real learning partnerships, all while engaging with special people in their lives in new ways.

This second example of bottom-up halakhic engagement at CBS, like the initiative to study the entire Mishnah as a congregation, has a strong intergenerational learning component, although here intergenerational engagement through text is the goal, as opposed to a potential (desirable) outcome. In our community, a number of Orthodox synagogues run parent-child learning *motsei Shabbat* in the fall and winter and normally attract dozens of participants. After some CBS members attended a few of these sessions and experienced what it was like to regularly learn with their children in an energetic *beit midrash* setting, two individuals decided to start a similar program at CBS.

Parent-child learning at CBS takes advantage of early Shabbat start-times to offer monthly programming on Saturday night in the fall and winter; during the spring and summer, this learning shifts to Shabbat afternoon, after *kiddush*. A hallmark of parent-child learning is the inherently multivocal and bottom-up nature of the program. Each *ḥevruta* of (grand)parents and (grand)children chooses its own course of study depending on the interests and abilities of the learners involved, from reading and discussing Torah in translation to probing the depths of a sugya of Gemara in its original language (and everything in between). For those *ḥevrutot* that want to participate but do not know what to study, there are always engaging materials available connected to the weekly *parashah* or an upcoming holiday. In addition to *ḥevruta*-based text study, participants can expect snacks (including kosher pizza for sessions after Shabbat), prizes, games, and the unrivaled din of a *beit midrash*. The program attracts a wide range of learners, including children in both day school and public school, (grand)parents who regularly study Torah, those with some background but without a regular learning practice, and individuals who are relatively new to Jewish learning.

Participants in parent-child learning understand what makes the program special. For (grand)parents, it is an amazing opportunity to learn closely with (grand)children, to demonstrate for them that the study of

Torah is a core value and inculcate them with a lifelong love of learning. Kids enjoy engaging with Torah over snacks in a laid-back atmosphere, spending time with friends, winning prizes, developing text skills, and getting an opportunity to share the knowledge they have acquired outside of a classroom setting with some of the people they love the most. No matter their age, learners come out of the program having learned something new and with a drive to continue that learning in the weeks and months to come.

In the *Humra deRabbi Zeira*, the way the daughters of Israel adopt a *ḥumrah* for how to deal with vaginal bleeding is deceptively simple. The brevity of the text smoothes over the inevitable complications this process of bottom-up halakhic change would have entailed; a critical mass of Jewish women would have potentially needed to bridge socioeconomic, geographical, religious, and other differences to achieve the communal buy-in needed to codify this halakhic practice in the first place and make it stick over the long term. The Meiri notes that the *Humra deRabbi Zeira* came about because a core of "scrupulous" women (*benot zerizot*) decided together that they would set themselves apart for seven days no matter the length and type of bleeding; in so doing, this group created a standard not just for themselves, but for the Jewish community as a whole.[13]

In the *Humra deRabbi Zeira*, as with the two CBS initiatives explored above, individuals came together in service of Jewish Law. Moreover, these three examples of bottom-up halakhic engagement reinforce the importance of halakhah as a cornerstone of contemporary community and a link that simultaneously connects us to our past and our future. Both in studying the Mishnah as a congregation and at parent-child learning, "scrupulous" individuals set the bar for others, showing them that acts of bottom-up learning and halakhic engagement are important. A few congregants, including the person who suggested the idea of studying the entire Mishnah in the first place, closely followed the Mishnah sign-ups over months and learned any free *masekhtot* to ensure that the congregation could complete its goal on time. In the case of parent-child learning, a core group of *ḥevrutot* (including the individual who suggested CBS adopt this program and the congregant who now runs it) not only make an effort to attend each monthly session but reach out to others to invite them to participate as well. Without core groups, it is doubtful whether these two bottom-up initiatives would have gotten off the ground, let alone thrive as they have.

[13] See the Meiri on b. Berakhot 31a, where this *ḥumrah* is presented as an example of a "conclusive halakhah" (*halakhah pesuqah*).

Conclusion

Halakhah, when approached with intentionality and creativity, can become a unifying communal force that invites participation, fosters ownership, and deepens connection. When we get things right, halakhic engagement at CBS is not confined to the pulpit; it is woven into the fabric of communal experience, shaped by rabbis, lay leaders, and congregants alike. Whether through structured rabbinic teaching, peer-led inquiry, or grassroots initiatives, CBS endeavors to make halakhah dynamic, inclusive, and deeply personal.

The challenge we all face is to construct communities that truly showcase the joy and meaning of halakhah; where halakhic discourse is accessible, compelling, and relevant; where Jews of all backgrounds "opt in" to a halakhic life that is communally focused, individually fulfilling, and spiritually alive. While this article outlines what a halakhah-centered community looks like at CBS, we all know that what works for one congregation may not work for another. To make this article more actionable, I will finish with a few key takeaways from the initiatives described above that can be adapted to fit any circumstance:

1. **Find inspiration anywhere, even from other communities.** CBS's parent-child learning was inspired by similar initiatives in neighboring Orthodox synagogues. What other ideas exist adjacent to our communities that we could adapt to our own needs?

2. **Design content-rich initiatives that are broadly accessible.** The organizer of the community-wide Mishnah study worked hard to get different congregational cohorts involved. It is easy for us to constrain ideas to the audiences most likely to be receptive to them. What would happen if we did that less often?

3. **Lean in to the expertise of congregants.** A CBS member with professional experience in the funerary field led a Mini-U on Jewish end-of-life rituals. What kind of expertise remains untapped that we can leverage to help us have better halakhic conversations?

4. **Create spaces for open inquiry where congregants are empowered to lead.** A member took the initiative to organize a *Daf Yomi* group for teens at shul, encouraging them to connect to Talmud in new ways. How can we catalyze more individuals to step up?

5. **Do not let fear of failure constrain innovation.** Despite initial skepticism, CBS completed its goal of studying the entire Mishnah before the rabbi's sabbatical, thanks to persistent leadership and communal buy-in. All too often, we abandon good ideas because we think they will not succeed. Instead, let's put more effort into removing the obstacles those ideas face.

6. **Leverage halakhah to build bridges across difference.** Multivocality is a cornerstone of the Jewish textual tradition, and an idea that came to the fore as CBS decided whether to include *immahot* in the *Amidah*. At a time when people are struggling to connect—or even talk—to individuals who hold different opinions, we should lean into Jewish life and learning to help us rebuild this lost skill.

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The Language of Halakhah

Avram Israel Reisner

Judaism is not a civilization.[1]

It is a way of life.

Halakhah is its guidebook. Halakhah, from the root meaning "to walk," sets out the way to walk, the path, the Tao of Judaism.

How does one describe or instantiate that way of life? Let us begin as observers. Living halakhah, one's life is divided and structured by a Jewish flow of time, each week moving toward Shabbat, the day that Abraham Joshua Heschel describes as a "palace in time."[2] Each week begins with workaday vigor but by midweek has begun its inexorable turn toward awareness of Shabbat. Perfunctory emails sent on Wednesday or Thursday end reflexively with "Shabbat shalom." And Shabbat itself is a day spent at home or in synagogue, in family and community, aware of the Torah and pleasures of reading and thought, unplugged, a bit removed from the hurly-burly of the news and greater tensions outside. Together, they share a language of Torah and mitzvot that marks the community as unlike any other.

The year is likewise marked by the Jewish holidays. As I write, in the month of Adar, those who are living halakhah are oriented to the coming holiday of Purim and looming requirements of Pesaḥ. Come fall, the High Holidays will figure prominently in their consciousness. For better or worse, Tishah b'Av interrupts summer's reverie, for Jewish time overwrites the world's other patterns.

Judaism speaks of kashrut, and, for those who adhere to it, that food discipline completely transforms their lives. It structures their every shopping experience by accustoming them to the products they buy and those they do not. It affects what restaurants they frequent and which are beyond their experience, and how they negotiate those they enter. Living in this way is rarely experienced as a constraint. It is, simply put, a way of life.

Again, depending on how thickly you incorporate halakhah into your life, each day may be punctuated by acknowledgments of God's place in the universe through blessings and prayer, and the mezuzah on the door.

[1] Mordecai Kaplan, *Judaism as a Civilization* (Thomas Yoseloff, 1934) insisted it was best understood that way.

[2] Abraham Joshua Heschel, *The Sabbath* (Farrar, Straus and Giroux, 1951).

It is likely that the art in your home, the books on your shelves, the very visual environment surrounding your every day is distinctively Jewish—and shared by others in your community, although there is no halakhah requiring that. This is the stuff of thick belonging. It is the product of the halakhah we live and are taught in our homes, in our synagogues, and through our associations.

This is not a necessary life pattern. It is a choice. And different in untold regards from another life.

So why live this life, when, in our emancipated reality, other options exist before us?

There are, broadly speaking, two answers to that question.

The first and strongest is the belief that God gave us the Torah—or at very least that it represents the teaching that He has inspired in us. The Torah, with all of its family stories and national history, is nothing if not clear about its message: God has ordained a way that we should live, has commanded us mitzvot and adjures us to follow them and not to transgress them. In the words of the Shema (Deuteronomy 6:4–9), because we love God and cling to Him, we choose to adopt the words of Torah as our life, to live by them, to speak of them, and to teach them to our children. This way of life, this complex of mitzvot, this halakhah woven through our existence is who we are, or choose to be.

If/since God created the universe and is the sole source of its meaning, there can be no higher human purpose than to fulfill in our lives that which God intends and fervently wishes that we do. Our presence here is precisely in order to fulfill the role of furthering His creation through our action, as guided by the Torah, mitzvot, and halakhah—our ordained way of life.

Can this be true? Do we not have a human purpose, a different task—namely, to pursue the good of every human being? Of course that is our task, but it is not a *different* task. It is part of the divine path, to be acted upon within the ambit of our daily lives lived *ʿal haderekh*, or "on the path." The fourteenth-century sage Jacob Bar Asher starts one of the four sections of his law code, known as the Tur, with this declaration: "May the Holy One's Name be praised, for He is eager for the welfare of His creatures" (*Arbaʿah Turim*, *Even haʿezer* 1:1). As this is God's will, it is part of our purpose.

Halakhah, as it has been developed over the ages, is intended to answer in every situation the question answered more generally by the prophet Micah: "What does God seek from you?" (Micah 6:8).[3] Answering that

[3] A similar question, less often quoted, is asked in Deuteronomy 6:12: "Israel, what does God ask of you?"

question broadly, and as fully aware of its implications as possible, generations of halakhists (known also as *posqim*, "decisors") have grappled with these questions. And we, those who choose to live the life of halakhah, the life of *Torah umitsvot*, have sought to incorporate their thoughts, decisions, and rulings into the daily life that we live. That is the strong answer, and for those who can commit to the belief statement at its core, who believe that the Torah is God's instruction manual and commandment for us, it imbues this way of life with sanctity and incomparable meaning. And that meaning is reinforced and supported by a community of like-minded adherents speaking together the language of Torah, the language of halakhah.

There is yet another, less potent answer to the question of why choose to live this life. By referring to this approach as "less potent," I mean not to denigrate it but simply to describe it. This second answer speaks the language of emotional affinity, of comfort and meaning and self-fulfillment. It is available to those who do not or cannot subscribe to the first approach. The reason to choose to live within this community, then, to choose this way of life, is that it is supportive and warm and rich, that it embeds you within a community that you know shares its values and its identity with you. This is something that other lifestyles may not offer. Recall that any other way of life is challenged by the selfsame question of why choose to live this way. It is not self-evident that any other way of life offers a richer life.

The primary way people find their place in such a community and find themselves drawn to live their lives in this way is through their upbringing. Raised in such a family and community, it seems natural and comfortable—right and affirming and somehow sacred, if not quite divine—to continue in the ways that were modeled for us and that we so appreciate, and in turn to offer these to our children, whom we hope will want to be our continuers. This is the sense in which the Conservative Movement's name is precisely correct. It is the sentiment of *Fiddler on the Roof*'s "Tradition." If, looking around you, you see no comparable life that might offer you more (but only less), and you feel the warmth of your community and upbringing, then even without the conviction of God's direction, this life that you know and cherish recommends itself as the life to choose to live.

But a not insignificant number of people arrive at this place of their own intellectual search or the encounters they have with this world. The many Hillel and Chabad houses on university campuses pitch themselves to precisely these young Jews who may find direction, meaning, community, and warmth at their Shabbat meals and programs and choose to mold their lives toward an observant life. Some of these may find their way to belief, but

others will choose this way of life because it is fulfilling, thick and intense and warm and affirming. That, too, is fine.

The truth is, though, that the Conservative Movement has not excelled at drawing in members through this door. More often it draws adherents through the pathway. of love and family. The other group of people who choose to live the thick life of mitzvot are the spouses and children of those already committed to the life of Jewish observance, who bring their chosen families with them into their Jewish life. These people may convert, which our communities welcome, or, increasingly they may not, while still choosing to raise a Jewish family within the world of synagogue, holidays, and even kashrut. These, too, choose to live the Jewish way of life and seek to perpetuate it by teaching it to their children by living the life and speaking the language of mitzvot.

I write these words as a long-standing member of the Conservative Movement's Committee on Jewish Law and Standards (CJLS). The CJLS represents the Conservative Movement's iteration of Judaism's continuing commitment to the ongoing progress of halakhah. In the past, individual rabbis who were recognized (in some amorphous way) as masters of Jewish law, sought on their own, and in response to the questions raised by the community, to consider the continually changing face of reality and new twists of events, to determine what halakhah—what the Jewish path—should be in such new circumstances. These judgments were then catalogued and passed along, becoming the newest face of the halakhic way. The Conservative Movement judged, perhaps in light of newer democratic ideas, that fresher, more foresighted rulings would come from many individuals than from a single mind, so it established a committee, today consisting of twenty-five rabbis and several lay participants, to respond to halakhic questions.

But CJLS does not teach halakhah directly to the Conservative Movement.[4] It is an advisory body whose opinions, although available to all, are regularly conveyed to the Movement's rabbis. It is they who lead the discourse of a Jewish lifestyle in their communities and congregations by modeling, speaking, and teaching halakhah and mitzvot. That is as it should be. For that is where Jewish life is lived, where the community chooses to share its identity, its values and commitments, and Torah and halakhah find their purpose. In living an observant Jewish life, we feel rich and happy

[4] There has been an attempt of late to push CJLS to undertake the teaching function in order to popularize its rulings. That project may succeed, or it may fail. It is not there but in our congregations and communities under the tutelage of their rabbis that the Jewish way of life shall extend across generations.

with our lives. As Ben Zoma taught, "Who is rich? One who is happy with his lot" (איזהו עשיר? השמח בחלקו, Pirkei Avot 4:1).

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Yashan Noshan

From the Archives of Conservative Judaism

A Halachic Agenda for the Conservative Movement

Conservative Judaism 46:3, Spring 1994

(The article presented here is as revised for *The Unfolding Tradition: Philosophies of Jewish Law*, Elliot N. Dorff, editor, Aviv Press, New York, 2011, pp. 408-422)

David Golinkin

We are told that Rembrandt, the famous Dutch painter, used to hide behind his paintings at the art gallery to listen to people's criticism. Once, a cobbler looked at one of his paintings and remarked: those shoes are all wrong! No one makes shoes like that! After he left, Rembrandt popped out and fixed the shoes. A week later the same cobbler passed by the same painting and said: that face is all wrong! Upon hearing this, Rembrandt jumped out and said: Look here Mr. Cobbler — you have the right to criticize *shoes*, but who gives you the right to say anything about *faces*!

In the following article, I shall take Rembrandt's advice. Since I teach *halakhah* and write a great deal about *halakhah*, I shall give a critique of the attitude of Conservative Judaism towards *halakhah*. In so doing I shall follow in the footsteps of Bernard Lazare, the nineteenth-century French Jewish writer, who said: "I shall have the courage to point out the ulcers of my people and to cure them". But I shall also bear in mind the warning of Benjamin Disraeli: "It is much easier to be critical than to be correct." Lastly, I shall follow the advice of Moshe ibn Ezra, the medieval Hebrew poet: "A critic must be like a grinding stone, which *sharpens* but does not cut." My intent is to sharpen, not to cut. I would like to point out certain shortcomings in the Conservative approach to *halakhah* and to suggest corrections and improvements to our approach.

There is a tendency in our movement to restrict our halakhic discussions to three topics:

1) What is our halakhic philosophy and how does it differ from the Orthodox and Reform approaches?

2) How and to what extent is it possible to change halakhah?

3) How can we improve the halakhic status of women and, more recently, of homosexuals in Judaism?

Indeed, I have spoken about these topics on many occasions and have published articles and responsa dealing with these very topics.[2] Nevertheless, I will not be discussing these topics despite their significance and interest, because they are not the major challenge facing us today. On the other hand, the Orthodox and ultra-Orthodox attacks on our legitimacy are not the major challenge facing our movement either. I am not afraid of such a challenge. If we are truly *committed* to a modern halakhic approach, we can withstand any external challenge.

What then is the major challenge facing us today? I believe that the main problem is internal *within* the Conservative movement, to wit: Are we a halakhic movement at all? Do our members accept upon themselves the authority of the *halakhah*? Do our members pray three times a day, keep kosher both within the home and without, and keep Shabbat and the Jewish holidays? Do our members pay taxes and refrain from *ona'ah* (overcharging) as prescribed by Jewish law? Do they observe the laws connected to *leshon hara* (slander) and keeping far from falsehood? Do they give *tzedakah* and visit the sick according to Jewish law?

If the answer to all of these questions was in the affirmative, we could discuss one of the three popular topics that I mentioned above. Since that is clearly not the case,[3] let us set those questions aside for a moment and seek a solution to the major problem I have outlined above. Stated simply, that problem is: *how can we foster the study of halakhah and its observance within the Conservative movement?*

Four Things to Avoid or De-emphasize

First of all, I would like to stress four things which we currently do or emphasize which we should avoid doing or de-emphasize since they do not help us foster Conservative Jews who are committed to *halakhah*. On the contrary, they frequently lead to the opposite result.

1. **We should avoid overemphasizing the Conservative approach to *halakhah*.** Every few years we publish another book or pamphlet on this topic.[4] In addition, there are numerous symposia and articles in Conservative periodicals such as *Proceedings of the Rabbinical Assembly* and *Con-*

servative Judaism magazine. These books and articles are very interesting and very important *but they are not enough*. They have not succeeded and *will not succeed* in bringing our members closer to the observance of the *mitzvot*. In order to observe *mitzvot*, it is not enough to know *why* we must observe them. In order to observe *mitzvot*, we must know *what* the *halakhot* are and *how* to observe them. Books and articles on our philosophy of *halakhah* do not satisfy this need.

2. **We must cease talking constantly about the need to change *halakhah*.** This topic has been the obsession of our movement almost since its inception. Most of our publications and our struggle are devoted to this subject simply because many Orthodox rabbis reject the concept of change and development within the *halakhah*. But this is not *our* agenda; it is *their* agenda! We have a much more basic problem. In order to change *halakhah*, one must first accept *ol mitzvot* — "the yoke of the commandments". In other words, before we can attempt to *change* the tradition we must first accept the *authority* of that tradition. Perhaps it is possible to change or to reinterpret or even to do away with certain aspects of the *halakhah* — but such things must be done from *within* the system. If the *halakhah* is not *binding* upon us, what right have we to change it? *Mashal l'mah hadavar domeh* — to what can such activity be compared? To a person who changes the rules of driving when he himself does not know how to drive. Does he have the right to make such changes?

The preoccupation of some Conservative rabbis with changing *halakhah* was epitomized in an article published by Rabbi Harold Schulweis in 1993.[5] He eloquently argued that the only way to save *halakhah* and to make it relevant to unaffiliated Jews is to abrogate immoral laws such as those regarding *mamzerut* and homosexuality. I must confess that his logic escapes me. I readily agree that we must *grapple* with *halakhot* that we consider immoral and perhaps even modify some of them. But to say that *abrogating* such laws will lead Jews back to observance is beyond my comprehension. After all, we have ample proof from the decision of the Law Committee in 1950 to allow Conservative Jews to drive to the synagogue on Shabbat.[6] The majority of the committee abrogated or circumvented or ignored a host of biblical and rabbinic prohibitions in order to "revitalize the Sabbath." Yet the Sabbath was not revitalized. We simply legitimized something that our congregants did in any case and enabled some Conservative *rabbis* to drive to synagogue on Shabbat — which is , in any case, a direct violation of the lenient responsum from 1950! You don't revitalize something by abrogating

it. To use a modern analogy, you don't convince consistent speed violators to obey the speed limit by *removing* the speed limit. You may *adjust* the speed limit or *educate* people to observe the speed limit by formal instruction and by personal example. But if you *remove* the speed limit, what exactly have you revitalized?!

Therefore, I strongly concur with the rebuttals to that article penned by Profs. Ismar Schorsch and Jack Wertheimer. The former states that our laity "want more Judaism, not less. They want higher standards and clearer boundaries... they seek a rabbinic leadership marked by exemplars of piety, learning and love, not halakhic revolutionaries." The latter says: "There are many Conservative... Jews who respect a Judaism that insists on standing for religious principles — even when such principles conflict with prevailing social mores. Many Conservative Jews may not agree with or even understand all of those religious principles, let alone observe the bulk of *mitzvot*, but they want to know that Judaism is a normative religious system with a set of obligations, not merely a pick and choose religion that helps Jews feel good. If we wish to compete for these Jews, we must clarify our understanding of the *obligations* of Judaism, not just the *rights* of Jews."[7]

Nonetheless, Rabbi Schulweiss's approach has been evident in recent decisions of the Committee on Jewish Law and Standards (CJLS) or Conservative publications. Within a few short years, the CJLS has allowed testimony by women which is a biblical prohibition; has declared the laws of *mamzerut* "inoperative" which is another biblical prohibition; has taken a liberal approach towards homosexuality which is another biblical prohibition; and a booklet about sex has condoned couples living together for long periods of time before marriage or without marriage.[8]

The trend of these and other recent decisions is clear: Conservative Judaism must accommodate current American or Western cultural norms. To this entire *trend* in the CJLS and in our movement I reply: *"Lo zo haderekh"* — this is not the right path! I say this for four reasons:

a) The Talmud (*Avodah Zarah* 37a) says that a *bet din* which makes three major *heterim* (leniencies) is a *Bet Din Sharya*, a "permissive *bet din,*" while Yossi Ben Yoezer Ish Zeredah gives testimony about three heterim in *Mishnah Eduyot* 8:4 and the Mishnah labels him Yosef Sharya, "Joseph the Lenient." These are not compliments. A Law Committee which issues *major heterim* every year or two is a *Bet Din Sharya*. How many major *issurim* (leniencies) have been issued by the CJLS during the last ten years? A serious legal system and a serious religious movement must rule *l'kula and*

l'humra, leniently *and* stringently. A legal system which *only* rules *l'kula* is not a legal system at all. It is simply a fig leaf to accommodate Judaism to the norms of general society.

b) We are all aware of the many passages which talk about God's *midat hadin* and *midat harahamim*, His Attribute of Justice and Attribute of Mercy, but our Sages also discussed Justice and Mercy in connection with *halakhah*:

> Rabbi Akiva says: *ein merahamin badin* — one does not apply mercy in court cases (*Mishnah Ketubot* 9:2-3).
>
> Rabbi Elazar intended to allow maintenance [of daughters] out of the movable property [of their deceased father].
>
> Rabbi Shimon ben Elyakim said before him: "Rabbi, I know you are not using the attribute of Justice, but the attribute of Mercy, but the students might observe this ruling and fix it as a law for future generations!" (*Ketubot* 50b).

A Law Committee must exercise both justice *and* mercy, not just mercy.

c) Once the CJLS has made such major changes in Jewish law, then within one generation, it will probably recognize patrilineal descent and allow intermarriage. If our main goal is to *justify* current values of American society and to make *every* person feel "OK," then these steps are inevitable. And if so, the Conservative and Reform movements will eventually merge.

d) Finally, radical leniencies do not make Conservative Jews more halakhic as explained above.

3. **We must stop the process of democratization which has penetrated most of our congregations.** The halakhic system is indeed democratic but only within a forum of rabbis who have the proficiency to make halakhic decisions. We have reached the point where in many of our congregations *halakhah* is decided by congregational vote. This practice stands in contradiction to the entire history of *halakhah* from the *Tannaim* — the rabbis of the *Mishnah* — until our day. Laypeople do not decide *halakhah*, rabbis do; *amei ha'aretz*, those ignorant of Jewish law, do not decide *halakhah* but rather the Sages do. When a halakhic problem arises, one must turn to an ordained rabbi for the solution.

Indeed, after I wrote these words I discovered that "there is nothing new under the sun". The same point was made over ninety years ago by Prof. Louis Ginzberg upon his assumption of the Chairmanship of the Committee

on the Interpretation of Jewish Law, the first law committee of the Conservative movement which functioned from 1917-1927. He said:

> It is certainly one of the most grievous misfortunes of modern Judaism, that the cobbler will not stick to his last and will imagine himself able to judge all things in heaven and earth. We Jews glory in the fact that we have no privileged class or caste which is the sole possessor of truth... A promise is made in Scripture to Israel that "all children shall be taught of the law so that great shall be the peace" [Isaiah 54:13]. As long, however, as this promise is not fulfilled, we must be guided in questions of law and doctrine by those who know. Judaism never taught that "ignorance is bliss" or that "the majority cannot be wrong." The conception that in religious matters anyone, however ignorant, can judge for himself, is the direct denial of the old Jewish maxim, "The ignorant cannot be pious" [Avot 2:5]... A majority vote of a Board of Directors of a synagogue, is after all, a negligible quantity when it is in opposition to the vote of historical Judaism with its myriads of Saints and thousands of Sages. We have a vast inheritance but no inventory of our treasures transmitted to us by the past. The sorting, distributing, selecting, harmonizing and completing, can only be done by experienced hands.[9]

4. **In our movement, there is a widespread perception that the halakhah and the mitzvot are primarily a public matter.** In *public*, within the walls of the synagogue or in the four ells of Camp Ramah or USY, a Jew must observe the *mitzvot*, but at *home* — to use the biblical phrase — "every person does as he pleases" (Judges 17:6, 21:25). We have reached a situation which brings to mind the famous motto penned by the Hebrew poet Y.L. Gordon: "*Heye adam b'tzeitekha vi'yi'hudi b'oholekhah*" — "Be a human being in your going out, and a Jew in your home."[10] Many of our members aspire to be Jews in the synagogue and human beings in their going out! But that is *not* the way Judaism works! Judaism is a way of life, as we read in the *Shema* every day: "When you sit in your house, when you walk on the way, when you lie down, and when you rise up" (Deut. 6:7).

An ultra-Orthodox Jew once said: "The life of a modern-Orthodox Jew

is *punctuated* by Torah and *mitzvot*; the life of an ultra-Orthodox Jew is *permeated* by Torah and *mitzvot*." One can certainly argue with this assertion, but I like the imagery. We must set ourselves a goal of allowing the *halakhah* to *permeate* every area of our lives. There is hardly any topic which our Sages did not discuss in the Talmud [11] or in our vast halakhic literature.[12] The *halakhah* can guide our steps at home and in the office, at the supermarket and in the stock market, in the hospital and in the lab — if we give it a chance to influence our lives.

To recap, there are four things we should *avoid* doing if we want to foster the study of the *halakhah* and its observance within the Conservative movement: we should avoid the overemphasis on our halakhic philosophy; we should avoid the overemphasis on the need to change *halakhah*; we should stop deciding halakhic issues by congregational vote; and we should stop viewing the *halakhah* as something to be observed in public rather than as a way of life.

Three Ways to Foster the Observance of Halakhah

Now let us pass from criticism to constructive suggestions. What practical steps can we take to help foster the study of *halakhah* and its observance within the Conservative movement? I believe that we must concentrate our efforts in three areas:

1. **We must study and teach practical *halakhah* in every branch of the Conservative movement:** in congregations, at Camp Ramah, in Solomon Schechter Day Schools, in Hebrew schools, in USY, in Women's League, and in the Men's Clubs. And what texts should we study? Needless to say, Rabbi Isaac Klein's *Guide to Jewish Religious Practice* is an excellent place to start. Prof. Ismar Schorsch of the Jewish Theological Seminary has called the Guide "one of the most important books ever published by the Seminary". He continues:

> One need not agree with every judgment or detail to appreciate its extraordinary merits — its combination of theology and *halakhah*, its theological balance, its attention to the work of the Law Committee, not to speak of its sweep, learning, and clarity. It is an educational tool of immense potential for igniting the kind of halakhic discourse which should come to pervade the movement, if we have but the courage and imagination to use it.[13]

But our study of practical halakhah should not end with the *Guide*. We should also learn Rambam, *Tur*, *Shulkhan Aruch, Hayyei Adam, Aruch Hashulkhan, Mekor Hayyim* and other medieval and modern codes of Jewish law. In addition, we should study the Conservative responsa discussed below.

There is a tendency in our movement to prefer the study of Jewish history, philosophy, *midrash*, and Talmud over the study of *halakhah*. There is no question that "*Torah lishmah,*" "Torah study for its own sake," is extremely important, as we have learned in the tractate of *Ta'anit* (7a): "Whoever studies Torah for its own sake, his Torah becomes to him an elixer of life." However, we must recall the famous discussion in the tractate of *Kiddushin* (40b):

> Rabbi Tarfon and the Sages were reclining in the loft of the house of Natza in Lod. The following question was put to them: which is greater — study or action? Rabbi Tarfon replied: action is greater. Rabbi Akiva replied: study is greater. They all concluded and stated: study is greater because study *leads* to action.[14]

A similar point was made by Rabbi Yishmael son of Rabbi Yohanan ben Beroka in *Pirkei Avot* 4:5:

> He who learns in order to teach will be given the opportunity to learn and to teach; but he who learns *in order to do* will be given the opportunity to learn and to teach, to observe and to do.[15]

Lastly, the *Tosefta* (Sanhedrin 7:7, Zuckermandel edition, p. 426) tells us that if the Great Sanhedrin in the Temple was presented with a practical problem and a theoretical problem — they first attended to the practical problem. And if presented with a problem of *halakhah* and a problem of *midrash* — they first attended to the *halakhah*.

So we see that although Torah study is wonderful, it must not be pursued in a vacuum; it must *influence* our actions and *permeate* our lives. Therefore, in order to foster Conservative Jews who observe the *mitzvot*, we must learn practical *halakhah* for the sake of action.

2. **We must increase our output of responsa literature.** Our laymen must turn to their local rabbis with their halakhic questions, and the rabbis must turn to the Committee on Jewish Law and Standards and other Conservative *poskim* (halakhic authorities) with their halakhic questions. On the other hand, our rabbis must learn how to write responsa and how to publish them. Responsa are the best sign of vibrant halakhic life. They show that the questioner cares enough about *halakhah* to turn to a rabbi to ascertain what the *halakhah* requires of him, and that the rabbi responding cares enough about the *halakhah* to have spent the many hours required to research and write a formal *teshuvah*. With that thought in mind, let us note the following statistics:

Beginning in 1959, the late Rabbi Moshe Feinstein of New York published eight volumes of responsa entitled *Igrot Moshe*. Between 1945 and 1998 the late Rabbi Eliezer Waldenberg of Jerusalem published 22 volumes of responsa entitled *Tzitz Eliezer*. Between 1954 and the present, Rabbi Ovadiah Yosef of Jerusalem has published 16 volumes of responsa entitled *Yabia Omer* and *Yehaveh Da'at*. Between 1976 and 1998 the late Rabbi Hayyim David Halevi of Tel Aviv published 12 volumes of responsa entitled *Aseh Lekha Rav* and *Mayyim Hayyim*. In other words, these four *poskim* published 58 volumes of responsa and they are only the most notable of the hundreds of volumes of responsa published by Orthodox rabbis in the past 65 years.[16]

And what about the Reform movement which is considered non-halachic? Between 1954 and 2010, the Reform movement has published 13 volumes of responsa by Rabbi Solomon Freehof, Rabbi Walter Jacobs, and the Responsa Committee of the Central Conference of American Rabbis.[17]

And what is the situation in the Conservative movement which prides itself on being halachic? It is improving but still not satisfactory. Between 1917 when Prof. Louis Ginzberg founded the Committtee for the Interpretation of Jewish Law until 1972 just two booklets of responsa were published by Conservative rabbis! Since 1972, the situation has improved greatly: 31 volumes of Conservative *teshuvot* have been published — six by the CJLS, six by the *Va'ad Halakhah* in Israel, and the rest by individual rabbis such as Isaac Klein, David Novak, David Golinkin, Wayne Allen, Monique Susskind Goldberg, Diana Villa and others. Nevertheless, all published volumes of Conservative reponsa can still be listed in one footnote.[18]

This is indeed a revolution in the history of the Conservative movement, but it is a revolution which must be expanded and strengthened if

the Conservative movement is to be a vibrant halakhic movement.

3. **The four Conservative/Masorti Rabbinical Seminaries — JTS, Ziegler, the Seminario and the Schechter Rabbinical Seminary — must give our rabbinical students a thorough grounding in practical halakhah, a thorough grounding in the medieval and modern responsa literature, and teach our rabbis how to write modern, Conservative responsa**. The rabbis and professors at our seminaries must emulate the definition of the ideal rabbi as defined by Rabbi Moshe Isserles in his glosses to the *Shulhan Arukh* from the 16th century:

> These days the real rabbi or teacher is not the person who teaches his students *pilpul* or hairsplitting as is customary in our day; rather he is the person who teaches him *pesak halakhah* [halakhic decision-making] and the method of arriving at practical *halakhah* in a truthful and intellectually honest fashion.[19]

For many years, it was assumed that the Talmud professors at JTS were only interested in *Torah Lishmah* and *Wissenschaft*, not in *pesak halakhah*. We now know that this is not true. Beginning in 1917, there were *poskim* in every generation of Seminary professors who wrote responsa even though they did not publish most of their responsa.[20] This is a tragedy because their published responsa would undoubtedly have had a lasting impact on Conservative *halakhah*. In addition, practical *halakhah* and responsa were not emphasized in the rabbinical school curriculum at JTS for many decades.[21]

There is, of course, a simple solution to this problem: our rabbinical seminaries must put a heavy emphasis on practical *halakhah* and responsa in their curricula. This was suggested as long ago as 1956 by Rabbi Arthur Neulander, Chairman of the Committee on Jewish Law and Standards at that time. He said:

> We feel confident that we should be able to enlist the faculty of our Seminary in this enterprise... the Seminary faculty should encourage and urge a greater interest in the study of Jewish law. Unless the Seminary will be able to produce masters of Jewish law, our movement will not be able to make its contribution to the development of Jewish law in the spirit which we should like to promote.[22]

An additional practical suggestion was made by Rabbi Kassel Abelson in 1983. He said:

> How can the movement encourage rabbis to study the Halakhah and to write Responsa? The Seminary is the place to begin. The founder of the Conservative movement, Zechariah Frankel, was among the first to publish a paper describing the Responsa literature as a rich source for the study of Jewish history.[23] Surely our Conservative Responsa literature is no less a valuable source for understanding the history of the American Jewish community, and its contemporary trends. Beyond history and sociology, there should be a systematic training in the "Responsa of Modern Judaism", Conservative, Orthodox, and Reform, with examinations taking the form of writing a Responsum. One result will be graduates experienced in reading contemporary Halakhic literature. A second will be providing a rich source of future members for the Committee on Jewish Law and Standards.[24]

As far as I know, no one has undertaken a survey of the way that practical halakhah and the responsa literature have been taught at our four rabbinical seminaries throughout the years of their existence. I do know that at the Schechter Rabbinical Seminary in Jerusalem every rabbinical student for many years has taken at least four courses in Jewish law: Introduction to *Poskim*, a survey of *Shulhan Arukh Orah Hayyim* and *Yoreh Deah*, one course in medieval or modern responsa and one workshop in writing responsa. This type of curriculum is the only way in which our movement will produce Conservative halachic authorities who cannot only learn a page of Talmud, but also know how to teach practical halakhah and to write a modern Conservative responsum.

In conclusion, there are three things we *should* do if we want to foster the study of the *halakhah* and its observance within the Conservative movement: we should teach practical *halakhah* in every branch of the movement; we should encourage our laypeople to ask halakhic questions and our rabbis to write responsa and publish them; and our rabbinical seminaries should emphasize practical *halakhah* and responsa in their curricula and thereby prepare our rabbis to teach practical *halakhah* and to write responsa.

This then is the halakhic agenda I would like to propose for the Conservative Movement. I hope it will lead to discussion and debate and — most of all — to action.

Notes

1. This article is based on a lecture I delivered in Hebrew at the Third Annual Convention of the Masorti Movement on Rosh Chodesh Kislev 5749 at Kfar Hamakabia in Ramat Gan. A revised version of that lecture was subsequently published in Hebrew in *Eit La'asot* 2 (Summer 1989), pp. 33-39. An English version was published in *Conservative Judaism* 46/3 (Spring 1994), pp. 29-39. It has been revised and updated for this volume in 2011 at the request of Rabbi Prof. Elliot Dorff. For an oblique reaction to my article in *Conservative Judaism*, see Joshua Gutoff, *Conservative Judaism* 47/3 (Spring 1995), pp. 28-36.

2. Regarding the first two questions, see, for example, my books, *Halakhah for Our Time: A Conservative Approach to Jewish Law*, New York, 1991 (which has also appeared in Hebrew, Spanish, French and Russian) and *Responsa in a Moment*, Jerusalem, 2000, pp. 11-21 and my introductions to the *Responsa of the Vaad Halakhah of the Rabbinical Assembly of Israel* (Hebrew), volumes 3-6. Regarding women in Jewish law, see my book *The Status of Women in Jewish Law: Responsa* (Hebrew), Jerusalem, 2001, which is now being translated into English.

3. See Charles Liebman, *Conservative Judaism* 56 (2004), Special Supplement, p. 49; the results of the National Jewish Population Survey vis-à-vis Conservative Judaism at www.ujc.org/njps; and the summary of that survey by Rabbi Joel Meyers in the *Rabbinical Assembly Newsletter* 64/4 (February 2004), pp. 1-2, 7.

4. I am referring to books such as: Mordechai Waxman, *Tradition and Change*, New York, 1958; Boaz Cohen, *Law and Tradition in Judaism*, New York, 1959; Elliot Dorff, *Conservative Judaism: Our Ancestors to Our Descendants*, New York, 1977; Seymour Siegel and Elliot Gertel, *Conservative Judaism and Jewish Law*, New York, 1977; Robert Gordis, *Understanding Conservative Judaism*, New York, 1978; Louis Jacobs, *A Tree of Life: Diversity, Flexibility and Creativity in Jewish Law*, Oxford, 1984 (second edition, Portland, Oregon, 2000); Joel Roth, *The Halakhic Process: A Systemic Analysis*, New York, 1986; *Emet Ve-emunah: Statement of Principles of Conservative Judaism*, New York, 1988; Elliot Dorff, *Mitzvah Means Commandment*, New York, 1989; Golinkin, *Halakhah for Our Time* (above, note 2); Elliot

Dorff, *The Unfolding Tradition: Jewish Law After Sinai*, New York, 2005; *idem*, *For the Love God and People: A Philosophy of Jewish Law*, Philadelphia, 2007.

There is nothing inherently wrong with these books. But they must be *balanced* by books of practical *halakhah* and responsa as I shall explain below. For a similar preference for Conservative responsa over Conservative halakhic philosophy, see Rabbis Aaron Blumenthal and Benjamin Kreitman in *Proceedings of the Rabbinical Assembly* 34 (1970), pp. 207-208.

5. *Conservative Judaism* 45/4 (Summer 1993), pp. 5-13.

6. See *Tradition and Change* (above, note 4), pp. 351-400; David Golinkin, editor, *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1927-1970*, Jerusalem, 1997, pp. 1109-1190; my responsum in *Responsa of the Va'ad Halakhah of the Rabbinical Assembly of Israel* 4 (5750-5752), Jerusalem, 5752, pp. 17-30 (Hebrew) which is also available at www.reponsafortoday.com and the symposium in *Conservative Judaism* 56/3 (Spring 2004), pp. 21-50.

7. Above, note 5, p. 19 and *Conservative Judaism* 46/2 (Winter 1994), p. 24.

8. Rabbi Susan Grossman, "*Edut Nashim K'edut Anashim,*" adopted by the CJLS in 2001 and available on the RA website; Rabbi Elie Spitz, "Mamzerut" in: Kassel Abelson and David Fine, eds. *Responsa 1991-2000*, New York, 2002, pp. 558-586; Rabbis Elliot Dorff, Daniel Nevins and Avrum Reisner, "Homosexuality, Human Dignity and Halakhah," adopted by the CJLS in 2007 and available on the RA website; Rabbi Elliot Dorff, *This is My Beloved, This is My Friend,* [New York], 1996, pp. 30-36 = *idem, Love Your Neighbor and Yourself*, Philadelphia, 2003, pp. 111-119. My point here is not to take issue with a specific ruling but to point out a *trend* in Conservative *halakhah*.

9. Louis Ginzberg, "Address of the Acting President," *The United Synagogue of America, Sixth Annual Report*, New York, 1919, p. 24 = David Golinkin, editor, *The Responsa of Professor Louis Ginzberg*, New York and Jerusalem, 1996, p. 44. Also see the remarks of Boaz Cohen in the *Proceedings of the Rabbinical Assembly* 11 (1947), pp. 60-61 = Golinkin, *Proceedings* (above, note 6), pp. 193-194. For a typical example of the democratization of the halakhic process within our movement, see Melvin Dow, *Proceedings of the Rabbinical Assembly* 40 (1978), pp. 20-23 along with the critique of David Resnick in *Conservative Judaism* 42/2 (Winter 1989-90), pp. 50-51.

10. In his poem "*Hakitza Ami,*" *Kitvei Yehudah Leib Gordon: Shirah*, Tel

Aviv, 5713, p. 17.

11. Sometimes what seems like a totally theoretical question turns out to be based on an actual case. See, for example, the discussion in *Menahot* 37a regarding *tefillin* and *pidyon haben* for a person who has two heads. Five scholars have shown that these questions were not mere *klutz kashes*. There are many documented cases both ancient and modern of people with two and even three heads. See S.Y. Rapoport, *Kerem Hemed* 6 (1841), pp. 131-132; Saul Lieberman, "*Tana Heikha Kaey,*" *Kovetz Madaee Lezekher Moshe Shor*, New York, 5705, pp. 184-185 = *idem*, *Mehkarim B'torat Eretz Yisrael*, Jerusalem, 1991, pp. 111-112; Y.L. Zlotnick, "*Anashim Ba'alei Shenei Rashim,*" *Sinai* 19 (5706), pp. 17-25; Daniel Sperber, "Varia Midrashica," *REJ* 129 (1970), pp. 87-89; Aharon Ben Zion Shurin, "*Vegn a Mentsch mit Zvei Kep,*" *Forvertz*, March 4, 1980, p. 7.

12. For some good examples, see my article "Richard Cohen and the Talmud", *The Washington Post,* February 17, 1990, p. A29. For good anthologies of the responsa literature, see Solomon Freehof, *The Responsa Literature*, Philadelphia, 1955 and *idem*, *A Treasury of Responsa*, Philadelphia, 1963.

13. Ismar Schorsch, "Centenary Thoughts: Conservatism Revisited," *Proceedings of the Rabbinical Assembly* 48 (1986), p. 84. For a balanced review of Rabbi Klein's *Guide*, see Martin Lokshin, *Tradition* 18/2 (Summer 1980), pp. 227-230.

14. Cf. *Sifrei Devarim, Ekev, Piska* 41, Finkelstein edition, p. 85 and the parallels cited there.

15. The passages from *Kiddushin* and *Avot* were stressed by Rabbi Yair Hayyim Bachrach in the seventeenth century (*Responsa Havot Yair,* No. 124) in his outline of the ideal curriculum, which lays a heavy stress on practical *halakhah* such as *Shulhan Arukh Orah Hayyim* and *Yoreh Deah*.

16. Needless to say, quantity does not guarantee quality but it does indicate interest and commitment. For a complete bibliography of the responsa literature from the invention of printing until 2000, see Shmuel Glick, *Kuntress Hateshuvot Hehadash*, Vols. 1-4, Jerusalem and Ramat Gan, 2006-2010.

17. Eight volumes by Rabbi Solomon Freehof; two volumes by Rabbi Walter Jacob; two volumes by The Responsa Committee; one volume by Rabbi Moshe Zemer (in both Hebrew and English). For evaluations of Reform responsa, see Walter Jacob, editor, *Liberal Judaism and Halakhah*, Pittsburgh, 1988 and Alan Yuter in *Tradition* 24/3 (Spring 1989), pp. 87-98.

18. For indices of Conservative responsa, see David Golinkin, *An Index of Conservative Responsa and Practical Halakhic Studies 1917-1990*, New

York, 1992; *Summary Index: Committee on Jewish Law and Standards*, New York, 1994 and ff.

The volumes of responsa published by Conservative law committees are: *Proceedings of the Committee on Jewish Law and Standards,* 1927-2000, various editors and titles, 6 volumes, Jerusalem and New York, 1988-2000; *Responsa of the Va'ad Halakhah of the Rabbinical Assembly of Israel*, Volumes 1-6, 5746-5798 (Hebrew); *Tomeikh Kehalakhah: Responsa of the Panel of Halakhic Enquiry*, Volume 1, The Union for Traditional Conservative Judaism, Mt. Vernon, New York, 1986 (after which the Union left the Conservative movement).

The volumes of responsa by individual rabbis are (in chronological order): Phillip Sigal, *New Dimensions in Judaism*, Jericho, New York, 1972; Isaac Klein, *Responsa and Halakhic Studies*, New York, 1975 (second expanded edition, Jerusalem, 2005); David Novak, *Law and Theology in Judaism*, 2 volumes, New York, 1974-1976; *idem*, *Halakhah in a Theological Dimension*, Chico, California, 1985; David Blumenthal, editor, *And Bring Them Closer to Torah: the Life and Work of Rabbi Aaron Blumenthal*, Hoboken, New Jersey, 1986; Simon Greenberg, editor, *The Ordination of Women as Rabbis*, New York, 1988; Byron Sherwin, *In Partnership with God: Contemporary Jewish Law and Ethics*, Syracuse, New York, 1990; David Lincoln, *Mizmor Le-david: Responsa, Studies and Texts*, New York, 1991; David Golinkin, editor, *The Responsa of Profesor Louis Ginzberg*, New York and Jerusalem, 1996; Louis Jacobs, *Ask the Rabbi: Questions and Answers on Judaism*, Portland, Oregon, 1999; Byron Sherwin, *In Partnership With God: Contemporary Jewish Law and Ethics*, Syracuse, 2000; Aaron Mackler, editor, *Life and Death Responsibilities in Jewish Biomedical Ethics*, New York, 2000; David Golinkin, *Responsa in a Moment*, Jerusalem, 2000; *idem*, *The Status of Women in Jewish Law: Responsa*, Jerusalem, 2001 (Hebrew); Wayne Allen, *Perspectives on Jewish Law and Contemporary Issues*, Jerusalem, 2009; Monique Susskind Goldberg and Diana Villa, *Ask the Rabbi*: *Women Rabbis Respond to Modern Halakhic Questions*, Jerusalem, 2010.

Responsa online include the responsa of the CJLS on the RA website; all the responsa of the Va'ad Halakhah at www.responsafortoday.com; David Golinkin, "Responsa in a Moment" at www.schechter.edu; Monique Suskind Goldberg and Diana Villa, "Ask the Rabbi" at www.schechter.edu.

19. *Yoreh Deah* 242:30. My translation is based on the explanation of Boaz Cohen, "On Rendering Legal Decisions", *Conservative Judaism* 3/3 (May 1947), pp. 1-2 = *Law and Tradition in Judaism*, New York, 1959, p. 121.

20. For the old assumption, see the original version of this article from 1994 (above, note 1), pp. 37-38. For the correct facts, see David Golinkin in *The Responsa of Profesor Louis Ginzberg*, New York and Jerusalem, 1996, pp. 22-24 and *idem*, "The Influence of Seminary Professors on Halakha in the Conservative Movement: 1902-1968" in Jack Wertheimer, editor, *Tradition Renewed*: *A History of the Jewish Theological Seminary of America*, New York, 1997, pp. 443-482.

21. I lamented this fact when I completed Rabbinical School at JTS in 1980 — see David Golinkin, "The Rabbinical School and the Seminary: Some Suggestions for Improvement", *Ikka D'amrei: A Student Journal of the Jewish Theological Seminary of America II/2* (April 1980), pp. 49-50.

22. Arthur Neulander, "Committee on Jewish Law and Standards", *Proceedings of the Rabbinical Assembly* 20 (1956), p. 31.

23. He is referring to Zechariah Frankel's pioneering study „Etwurf einer Geschichte der Literatur der nachtalmudischen Responsen", *Jahresbericht des Judisch-Theologischen Seminars*, Breslau, 1865, pp. 1-96.

24. Kassel Abelson, "The Rabbinical Assembly and the Development of Halakhah", *Proceedings of the Rabbinical Assembly* 45 (1983), p. 81.

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Halakhah and Women's League for Conservative Judaism

Ellen S. Wolintz-Fields

Often when I meet someone and they hear that I am a rabbi, they ask where my pulpit is located. They assume that a rabbi has to have a pulpit and be a congregational rabbi. Nowadays, rabbis are found in many different venues, not only in the congregational pulpit life. I was a pulpit rabbi, in the traditional sense, serving three different synagogue communities for the first eighteen years of my rabbinate. In 2018, I began my dream job as the executive director of Women's League for Conservative Judaism (WLCJ). The mission statement of the WLCJ reads as follows: "Women's League for Conservative Judaism engages, enriches, empowers and unites our Conservative/Masorti members. We promote the sense of community, provide opportunities for learning and advocacy, and cultivate leaders. We are committed to Israel and the Torah Fund Campaign."

Our members are from approximately three hundred different communities, which means that they have over three hundred rabbinic opinions providing them guidance. As the first rabbi to serve as executive director of WLCJ, I am its religious decisor, or *mara de'atra*, on the international level. When I make decisions for the organization, I am very cognizant of the fact that our women are members of Sisterhood affiliates and need to follow the rabbis of their local communities as their local *mara de'atra*. However, it is very meaningful and humbling to be the *mara de'atra* of WLCJ, helping 27,000 women internationally come to halachic decisions.

Two very powerful spiritual decisions that I was able to facilitate both have to do with virtual *tefillah*, or prayer. Families today do not live near each other. Furthermore, people often do not live in close proximity to a synagogue. In addition, many communities do not have a daily minyan. This poses a dilemma when someone wants to be with their family when they need to say *Kaddish* and observe a *yahrzheit* but do not live near them or a synagogue. Such a situation was brought to my attention in the summer of 2019, long before COVID. Members of WLCJ who were sisters by blood were observing the *yahrzheit* of their mother, and they wanted to be able to

say *Kaddish* together. But there were a number of dilemmas: they did not live near each other, it was Father's Day, and their local synagogues were not having services. WLCJ always used Zoom for meetings and learning, so I was asked if we could use it to gather people together to say *Kaddish*. I reread Avram Israel Reisner's 2001 *teshuvah* from the Committee on Jewish Law and Standards (CJLS), "Wired to the Kadosh Barukh Hu: Minyan via Internet," and studied my teacher and colleague's responsa.

On June 13, 2019 (an auspicious day), I wrote the following email in response to the question about a virtual minyan for my WLCJ sisters:

> I have been studying the *teshuvah*, and I do not agree with how Rabbi Reisner pasqened (decided) in 2001. But that is why I am the *mara deʾatra*, and can interpret it how I see fit. In 2001, he said ten people had to be together and then one could join them via cyberspace. I think that today, it is more possible than it was in 2001, to have ten people in separate places, and seeing each other totally fine, and feeling together as a *qehillah*, community, even if ten are not all together, but two may be in one place, four in another, etc., until ten are all together on the screen. That is more practical today. So times have even changed since 2001. Bottom line, ten can be in various places in my opinion, and together on Zoom, to constitute a minyan. Reisner in 2001 said the ten had to be in one place, and then others can be added virtually.

We arranged a Zoom line and sent an email to inform people about our upcoming virtual service. We hoped that at least ten Jewish adults would join the Zoom meeting, with their cameras on, so two sisters could say *Kaddish*. Once the information was disseminated about when the virtual minyan would be, it was discovered that many women had to say *Kaddish* that evening. It was truly a lovely service. As the *mara deʾatra* of WLCJ, I helped our organization, as an international community, be ahead of our time. We put into practice the concept that a community can be defined in many different ways.

In June 2019, when I was asked if we could have virtual minyan so some WLCJ Sisters could be together to say *Kaddish*, we could not foresee that this would soon become common practice. While searching my thousands of emails, I found an email I wrote on June 18, 2019, to Elliot Dorff, the sitting

chair of the CJLS, while contemplating my decision for WLCJ. I wrote, "I want to talk to you and Avi about updating his *teshuvah* on virtual minyan. I think things have changed since 2001." At that time, I had the privilege of being a member of the CJLS, so we did talk about virtual minyan, but at that time no one thought it was necessary to write a new *teshuvah*.

Fast forward to March 2020 and COVID. We closed our offices and began working virtually on Wednesday, March 11, 2020. I met with some of our WLCJ international leadership, and we knew that our women were going to be isolated and would need community. We did not realize how isolated we would all become and for how long. Many of our women needed to say *Kaddish*, so I began to think about how it is common in some synagogues to recite an extra Psalm and then an additional Mourner's *Kaddish* if someone had a *yahrzheit*. On Sunday, March 15, 2020, with my guidance as the *mara de'atra* of the WLCJ, we launched a Zoom program for our sisters, and whoever else wanted to join, that would allow them to recite a Psalm and say *Kaddish*. We decided that just saying the Psalm was not enough, so we began to also learn what the Psalm meant. As the days progressed, we added the singing of *Mishabeirakh*, a prayer for healing. We each shared the names of those for whom we were praying, and for whom we were saying Kaddish, and as the list got longer, we began to pause so that we could quietly say the names to ourselves. We came up with an organized way to have people sign up to participate. We streamed our program on Facebook and have always been open to people who are not members of WLCJ.

As the half-hour, Sunday-through-Friday program continued, we realized we needed a name with more depth and significance. When anyone asked a WLCJ sister if she would be on "Psalms," she knew the reference. Yet, as our virtual sacred space grew, we needed a name for it that would hold special meaning for our WLCJ sisters. The Torah Fund of Women's League for Conservative Judaism is the designated philanthropy of WLCJ, which helps support programs and student scholarships at the Jewish Theological Seminary (New York), the Ziegler School of Rabbinic Studies (Los Angeles), the Schechter Institute of Jewish Studies (Jerusalem), Seminario Rabinico Latinoamericano (Buenos Aires), and Zacharias Frankel College (Potsdam, now Abraham Joshua Heschel Seminary). Each year there is a different Torah Fund campaign, and the 2020–21 theme was *beyaḥad*, "together." When we debated what our virtual prayer community should be called, we tossed around a number of different names and finally decided on Makom B'Yachad, because during the pandemic it was our place to be together. And it continues to be our sacred space. Eventually we moved from meeting six

days a week to five, and we continue to meet three days a week. Our Makom B'Yachad participants come from all time zones and all backgrounds.

Makom B'Yachad, our WLCJ virtual sanctuary, is truly a sacred space to share happy times and sad times. We hold *shiva minyanim* and *Yizkor* services, we host special programming for Jewish holidays in addition to International Women's Day, and we recite Hallel together on Rosh Ḥodesh. We have added prayers for Israel and the hostages, and I wrote one compiling the many individual prayers we say as well. We also sing "Hatikvah." We have often had guest speakers, especially after October 7. After we concluded our study of the entire book of Psalms, we had a *siyyum*, complete with people sharing their own original psalms.

We needed teachers in addition to me. Occasionally, one of our WLCJ women would teach about the psalm. Eventually, we hired a part-time educator, Rabbi Margie Cella, to join our WLCJ staff to teach as well. Friday is the day that our members lead a lively discussion about *parashat hashavuah*, the weekly Torah reading. Since March 15, 2020, we have had a *siyyum* ceremony for everything we have completed learning during Makom B'Yachad, which includes the book of Psalms, Pirkei Avot (Ethics of our Ancestors), the book of Ruth, Song of Songs, the book of Proverbs, and several tractates of the Mishnah, including Rosh Hashanah, Qiddushin, and Middot. At the time of writing this article, Rabbi Cella is teaching texts related to female personalities in Jewish texts, and I am teaching m. Niddah.

How were some of these texts chosen, you might ask? Prior to COVID, WLCJ was engaged in an eighteen-month study of m. Berakhot and was supposed to have a *siyyum* at our 2020 international convention. We still had the *siyyum*, but, like the convention, it became virtual. I realized that once we had completed studying Berakhot, Pirkei Avot, and Rosh Hashanah, I decided that we should learn a tractate from every seder, or order, of the Mishnah. It has been a wonderful accomplishment to study all these sacred texts in our holy Makom B'Yachad community. Until our 2023 international convention, many women had never met each other, and it was truly special to meet our Makom sisters. One member even made pins as gifts to the Makom regulars.

As the executive director of the WLCJ, it is an honor and a privilege to be the *mara de'atra* on the international level for 27,000 women and help interpret the *teshuvot* generated by the CJLS. The virtual minyan I helped establish for our women was the path to helping create a truly sacred space of prayer, learning, and friendship—a Makom B'Yachad, or place for our members to be together.

Rabbi Ellen S. Wolintz-Fields has served as the first rabbi in the position of executive director of Women's League for Conservative Judaism. Prior to 2018, she was the Vice President for Congregational Engagement at Israel Tour Connection and served for eighteen years as a congregational rabbi and educational director in Toms River, New Jersey, as well as Grayslake and Long Grove, Illinois.

A Bell and a Pomegranate

Teaching Halakhah in the Work of Rabbi Harold Bell

Joseph H. Prouser

The first time I examined a volume of Talmud, I was not quite twelve years old. Rabbi Harold Bell, of blessed memory, then Director of Connecticut Region, United Synagogue Youth (USY), was spending the weekend with my home congregation in Northampton, Massachusetts. On Shabbat afternoon, he opened a Talmudic tome and showed a group of young students the Aramaic text, demonstrating how to identify the tractate and chapter, and where to find the commentary of Rashi and Tosafot. He explained the Talmud's characteristic pagination.

He then pointed out small notations, handwritten in pencil, which appeared within the text and around its margins, and he asked us to guess what they might be. I theorized that the notes were his own, personal commentary on the Talmud. Flattered and bemused, Rabbi Bell smiled broadly at my innocent perception. He wistfully expressed hope that someday he would have the scholarly wherewithal to compose such a commentary. "No," he explained. "Those are translations of words I had to look up in the dictionary." The humble confession of this master pedagogue was a revelation! Even learned rabbis have more to learn! Jewish study is a lifelong process, challenging even for the accomplished scholar! It was one of the most transformative and freeing moments in my early Jewish education.

I had the profound privilege, over the next six years or so, to learn more from "Reb Tzvi" during my time as a member of Connecticut Region Kadimah and USY. While an undergraduate at the Jewish Theological Seminary (JTS), I reconnected with him when I returned to a USY Summer Encampment as an aide in the Seminary's Recruitment Department. There I saw him pursuing his familiar, long-standing mission as a Jewish educator, and as an advocate and personal role model for committed halakhic observance in the context of the Conservative Movement.

Not long after our Summer camp reunion, Rabbi Bell left his USY post and joined the faculty of the Charles E. Smith Day School in Rockville, Maryland, one of the largest independent Jewish day schools in North America. There he chaired the rabbinics department and led the Prayer Program. He was also active in the Educators Assembly and a founding member of its Seaboard Region.

Rabbi Bell had earned his B.A. from Yeshiva University, a master's degree from New York University, and was ordained by JTS, where he later earned his D.H.L. in Jewish Education. His doctoral dissertation was titled "Oral Torah Education."

Alas, Rabbi Harold Bell, engaged to be married, died suddenly in 2005, at the age of fifty-nine. Both a comprehensive theoretical framework and a practical guide based on his fruitful (albeit too few) years of real-life, front line experience as a teacher of Rabbinics, Rabbi Bell's "Oral Torah Education" is an invaluable resource in our continuing analysis of "Teaching Halakhah in the Conservative Movement."

In Rabbi Bell's 321-page dissertation, he explores a broad array of curricular and pedagogical challenges, too numerous and thoroughly developed for detailed analysis in this essay. These include, inter alia, the need to tailor the content of rabbinics curricula based on students' personal levels of interest and religious commitment, the study of *dinim* versus the study of Talmud ("the apodictic versus the argumentative"), the effort to achieve balance in the study of halakhah and aggadah, "the possible counterproductivity of teaching *ta'amei ha-mitzvot*" (!), justification of rabbinics curricula in terms of theories of human development, the study of Oral Torah as a way of enriching one's life, and, critically, "Role Models as the Most Significant Influence on Religious Behavior." This final, essential aspect of "Oral Torah Education" merits careful examination in our current consideration of "Teaching Halakhah in the Conservative Movement."

Role Models

The teaching of halakhah in a day school setting—or congregation or camp or seminary—is generally not intended to be an entirely academic exercise. Unless one is studying an area of Jewish Law no longer practicable in the twenty-first century (*Hilkhot issurei hamizbeaḥ*, *ʿAvadim*, *Nezirut*, etc.), a defining objective of teaching halakhah is its translation into practice: its willing, principled, and loving adoption by the student as a guide and code for everyday life.

Rabbi Bell warns that formal instruction, even by the most gifted of teachers, is insufficient for achieving this goal.

> The classroom study of *dinim* and of the rationale for *halacha* and specific areas of *halacha* will, by themselves, have only a limited effect in encouraging greater religious observance. Indeed, the most significant role of classroom instruction is to reinforce existing behavior patterns, set by role models – e.g., parents, teachers, literary figures (such as rabbis), the school curriculum, peers, historical figures, etc. These role models are also found at school (both in and out of the classroom), at home, at youth group and camp settings, etc. As with any behavior, students are more likely to be inclined to observe *halacha* if their parents do so. Teachers who serve as accessible role models of observance of halacha can also influence students to do the same (though probably less so than their parents).[1]

It should be noted that teachers who, as a function of their own religious life and values, do not "serve as accessible role models of observance of *halacha*" nevertheless do indeed serve as "role models"—reinforcing and seemingly validating the all too common bifurcation between Jewish identity and religious observance.

It is particularly significant and instructive that Rabbi Bell includes among accessible role models the school curriculum itself. He explains:

> The school curriculum (both the explicit curriculum and the "hidden" curriculum) also has an effect on a student's commitment to *halacha*. The explicit curriculum can have an influence on the student's attitude toward *halacha* by giving the study of *halacha* a prominent place in it.... The hidden curriculum also can influence attitudes. For example, by not allowing other activities during time set aside for *t'fila*, the school sends the message to the students that daily *t'fila* is an important value.[2]

[1] Harold H. Bell, "Oral Torah Education," (D.H.L dissertation, Jewish Theological Seminary (1988), 90–91.
[2] Bell, "Oral Torah Education," 91–92.

The very act of elevating the place of halakhah in the school curriculum and culture serves the sacred goals of "Teaching Halakhah in the Conservative Movement"—and of influencing individual and communal behavior—even before classroom instruction begins. Analogous to the day school curriculum are the educational and programmatic priorities of the congregation, the culture of a summer camp, and the literary organs, rhetoric, standards, and activities of Conservative Movement affiliate organizations.

Also of special significance among the prospective role models identified by Rabbi Bell are peers. It is the responsibility of rabbis and educators to maximize the influence of peers by elevating their visibility and sense of mission.

> Opportunities should be sought whereby students in one grade can serve as role models for younger students. An intergrade *havruta* program is one way to accomplish this. Through such a program, students in one grade can be prepared to teach rabbinic texts to a small group of students (2–4 students per group) in a lower grade... For example, 9th grade Honors Rabbinics students at the Charles E. Smith Jewish Day School taught *G'mara* from *B'rachot* which they had studied in grade 7 to *havrutot* of the current 7th graders.[3]

Rabbi Bell testifies to the direct benefits of such an arrangement:

> 1) The 9th graders, in preparing to teach the material, learned at least as much, if not more, than the 7th graders; 2) the students in both grades seemed to enjoy this interaction; and 3) the 7th graders gained an increased awareness of the commitment of a group of older students to serious study.[4]

The applications of this approach to camps and supplementary religious schools are obvious. In a congregational setting, cultivation of lay role models requires of the rabbi a measure of *tsimtsum* (humble self-contraction in action, privilege, and ego) that allows for others among her or his staff and laity to share in the role of teacher of halakhah. "Teaching Halakhah

[3] Bell, "Oral Torah Education," 281.
[4] Bell, "Oral Torah Education," 281–82.

in the Conservative Movement" may, in the congregational setting, be the ultimate responsibility—but surely not the exclusive purview—of the rabbi. Adult as well as youth education efforts lend themselves to this expansive approach to teaching halakhah, as do opportunities for *divrei Torah*, *tiqqun leil Shavuot*, board and ritual committee deliberations. Naturally, as suggested above, the expansive nature of such "power sharing" is wisely to be balanced with a prudent and informed (indeed, discriminating) approach to selection of instructors.

Bat/bar mitzvah education is also an area of congregational life in which "The Teaching of Halakhah in the Conservative Movement" might be lent enhanced emphasis, in what Rabbi Bell terms both the "explicit" and the "hidden" curriculum. Student *divrei Torah* might be focused on the halakhic content of the *parashah*, the halakhic demands of the season, the halakhic implications of one's newfound status as bar or bat mitzvah, or, indeed, on a reasoned analysis of the term "bar/bat mitzvah" itself.

"Mitzvah Projects" might not focus exclusively on philanthropy or social justice (as worthy as these causes surely are!), but include enhancing halakhic literacy and observance—by which I mean things like mastery of a body of halakhic literature, familiarization with responsa or the submission of a learned question to a rabbinic authority, examination and repair of congregational *tallitot*, or a campaign to increase observance of specific ritual mitzvot, whether mezuzah, Shabbat candle-lighting, Havdalah, *sukkah*, *tefillin*, daily prayer, or selected *berakhot*. Directing such bar/bat mitzvah student projects toward younger students (or involving them in the process) would, additionally, be perfectly in keeping with Rabbi Bell's proposed *ḥevruta* approach.

The mere fact of including (and encouraging) such possibilities in selecting bar/bat mitzvah projects elevates the visibility, status, and standing of halakhah in the experience and perception of students at a formative moment in their Jewish development, again, even before actually embarking on formal study. Such an arrangement allows us to make of our young educational charges effective role models in their own right: resources that rabbinic and congregational leaders can, in the moment or subsequently, deftly mobilize in pursuing their own religious and educational objectives.

The biblical allusion in this article's title, "A Bell and a Pomegranate," is to the vestments of the *kohen gadol* (see Exodus 28:33-35). In his aptly titled volume, "Lectures to My Students," celebrated Baptist leader and seminary educator Charles Spurgeon notes that "[t]he priest was to have in his robes bells and pomegranates; the one a figure of sound doctrine, and the other of

a fruitful life."[5] The aptly named Rabbi Harold H. Bell, of blessed memory, demonstrated throughout his career that the bell alone, which conveys information through classroom instruction (lecturing our students, campers, and congregants, however sound the doctrine), is insufficient. We must direct our efforts in "The Teaching of Halakhah in the Conservative Movement" toward inspiring fruitful, joyful, willing, eager, thoughtful lives of Jewish piety and commitment. Rabbi Bell repeatedly demonstrates that we can accomplish this only by providing accessible role models and admirable exemplars of that lifestyle.

Rabbi Bell was himself a devoted, principled, and effective role model of traditional halakhic observance in the context of the Conservative Movement. Furthermore, he consistently placed the critical task of cultivating and empowering accessible religious role models at the very core of his leadership in both informal and formal Jewish educational settings.

Of the bells adorning the *kohen gadol*, Scripture states "its sound (literally, 'his voice') shall be heard (*vayishama qolo*) when he goes into the Holy Place before the Lord and when he comes out" (Exodus 28:35). If we are to take the challenge of "Teaching Halakhah in the Conservative Movement" to heart, we as Jewish professionals would do well to direct our attention to the voice, the sound doctrine of a gifted Bell. May we demand much of ourselves as halakhic role models and exemplars, and gratefully perceive among our colleagues, coworkers, constituents, and students invaluable and cherished partners in that indispensable process, as we occupy that Holy Place.

Years after my early introduction to Talmud at his hands, it was my privilege to participate together with Rabbi Bell in a Rabbinical Assembly convention. In a *limmud* session he led, we sat and studied halakhic texts together at some length, and discussed the direction of the Conservative Movement. We had become colleagues. But I remain his grateful student still.

[5] Charles H. Spurgeon, *Lectures to My Students* (London, 1875), 15.

Rabbi Joseph H. Prouser is editor of this journal. He has served on both the Rabbinical Assembly's Committee on Jewish Law and Standards and the Joint Beit Din of the Conservative Movement.

Teaching Halakhah at the Seminario Rabínico

Ariel Stofenmacher

Introduction

This model of halakhic education was designed at the Seminario Rabínico and is currently being implemented, with full realization expected in 2026. The teaching of Halakhah is central to rabbinical education. At the Seminario Rabínico, we are not simply transmitting rules but are forming rabbis capable of independent judgment, who can address the realities of contemporary Jewish life with creativity and integrity. Students are being trained to "think halakhically": to approach sources critically, apply them to new circumstances, and guide communities responsibly.

I also wish to acknowledge with gratitude some of my own teachers and mentors in Halakhah, in particular Rabbis Abraham Skorka, Shmuel Glick, David Golinkin, Joel Roth, and Reuven Hammer, whose guidance and scholarship have deeply influenced this work and the vision behind it.

Naturally, every student will ultimately need to know the psak—the final halakhic ruling, the halakhah lemaʿaseh—on a given issue. Yet the distinctive emphasis of the Seminario's pedagogy lies in the process rather than in the outcome alone. By training students to follow the full chain of reasoning—from the identification of a problem through the consultation of sources to the weighing of precedents—the program is cultivating habits of thought that can be applied to new and unforeseen situations. The goal is to form rabbis who are not dependent on pre-formulated answers, but who are developing the intellectual independence to engage the tradition in any context.

A hallmark of this approach is the "text-based case study" method, which combines close reading of classical texts with practical problem-solving. Students are exploring real and hypothetical dilemmas—such as Shabbat observance in technological contexts, kashrut in regions with limited infrastructure, or bioethical questions—and are being guided through the process of consulting sources, weighing precedents, and formulating answers.

To support this process, the broader program is comprising roughly thirty courses across Talmud and Halakhah. Within this structure, the time devoted specifically to Halakhah is being divided into eighteen course-equivalents: twelve focused on textual mastery and six on case-based practice. In parallel, twelve courses in Talmud are equipping students with the analytical skills and sugyot foundations that undergird halakhic reasoning.

Historical Background and Philosophical Foundations

The Seminario is building on two distinct yet complementary legacies. From the classical yeshivot, it inherited the emphasis on mastery of Talmud, codes, and responsa as the indispensable foundation of rabbinic authority. Students are expected to know the sources in depth and to navigate the dialectical reasoning that characterizes traditional halakhic discourse.

At the same time, the Seminario is incorporating the methods of modern academic scholarship, particularly the historical and philological study of Jewish sources. From the beginning, biblical criticism, historical contextualization, and close textual analysis have been informing the way students are being trained to approach tradition. This dual commitment—to the rigor of yeshiva learning and to the tools of academic research—is giving the Seminario its distinctive identity and positioning it within the broader Masorti/Conservative movement.

Philosophically, Halakhah is being taught as an ongoing conversation. Texts are binding, but their application depends on interpretation. Students are learning not to reproduce fixed answers but to engage responsibly with sources in light of community realities. Pluralism is central: multiple legitimate interpretations are being acknowledged, and rabbinic authority is being understood as something earned through knowledge and pastoral sensitivity rather than imposed hierarchically.

This balance—serious textual study, methodological rigor, and openness to real-life challenges—is defining the Seminario's distinctive contribution as the program moves toward full implementation.

Curriculum

The halakhic curriculum at the Seminario is being structured on two complementary pillars: intensive textual study and systematic case-based learning. Together, the time devoted to Halakhah is being divided into eighteen

course-equivalents: twelve focused on textual mastery and six on case-based practice.

Textual Formation (12 courses).

These courses are being implemented in a reverse education model. Students first prepare the material individually, then study it in havruta (paired learning), and finally participate in classroom sessions where faculty deepen, refine, and challenge their understanding. This structure is ensuring that learning is active, student-driven, and oriented toward critical engagement.

The twelve courses are covering the full breadth of halakhic sources and include:

–Two courses on halakhic processes, focused on methodology and the dynamics of decision-making.

–Four courses on the Shulchan Arukh, one for each of its sections (Orach Chayim, Yoreh De'ah, Even HaEzer, Choshen Mishpat), studied with their principal commentaries. These courses are not aimed only at reaching the halakhah lemaʿaseh but also at engaging in comparative analysis with other foundational codes such as the Mishneh Torah, the Tur, the Rif, and others.

– Two courses on the poskim, covering medieval through modern authorities.

–Four courses on responsa, divided between classical responsa and modern responsa. The modern track includes responsa of the Masorti/Conservative and Reform movements, as well as Orthodox authorities, in particular the writings of Rabbi Ovadiah Yosef and Rabbi Moshe Feinstein.

Case-Based Formation (6 courses).

In parallel, six course-equivalents are being dedicated to the case study track. These are not traditional lecture courses but laboratories of practice: the faculty are presenting or proposing cases, students are working on them in groups, and then the class is reconvening to deliberate solutions. Over the years, more than one hundred cases have been developed, and new ones are being added annually in dialogue with the students themselves. The six case-study courses are being distributed across the curriculum, providing continuous training that complements and deepens the textual study.

The repertoire of cases is covering a wide spectrum of dilemmas, from Shabbat and kashrut to bioethics, technology, gender, and interfaith family issues. In the current period, particular attention is being given to exploring the implications of artificial intelligence in Jewish life—its role in decision-making, ritual practice, and the ethical challenges it raises for communities. In collaboration with the Universidad Abarbanel, the Semi-

nario is also developing a conversational AI trained to respond to halakhic questions, an innovative project carried out jointly by students and faculty. This initiative is not only offering a laboratory for examining the interface of tradition and technology but is also allowing students to participate directly in shaping new tools for the future of halakhic discourse.

By dividing the time for Halakhah in this way—twelve courses of textual mastery and six of case-based work—the curriculum is ensuring that students are achieving both a comprehensive grasp of the sources and the ability to apply them creatively to real-life challenges.

Faculty and Mentorship

Courses are being taught by a faculty of halakhic specialists, many trained at the Seminario and others in leading institutions abroad. They combine academic rigor with a strong commitment to observance, modeling the integration of learning and practice.

Each student is being assigned a mentor who accompanies them throughout their rabbinical formation. Mentors are helping with personal halakhic questions, guiding methodological development, and fostering reflective habits of decision-making. This combination of expertise and mentorship is ensuring that students are growing not only as scholars but as rabbis with a clear halakhic voice.

An additional layer of the mentoring system is involving the students themselves. Those in advanced stages of their rabbinical studies are being encouraged to serve as mentors for junior students. This peer-to-peer mentorship is reinforcing learning on both sides: senior students consolidate their knowledge by teaching and guiding others, while newer students benefit from the support of colleagues who recently faced similar challenges. In this way, mentorship is becoming a communal process, strengthening the culture of collaborative learning that is accompanying the program's implementation.

Impact on Rabbinical Identity

This integrated approach is shaping a rabbinical identity that is both authoritative and empathetic. Graduates are being trained to support congregants in their personal journeys of observance, encouraging growth without imposing rigid uniformity.

In diverse Latin American communities, rabbis must meet people where they are. The Seminario is equipping them to listen carefully, apply Halakhah authentically, and adapt responsibly. Authority is being expressed not as control but as guidance, enabling each person to discover their own path within Jewish law.

Such an identity is strengthening Jewish life by fostering communities that are both rooted in tradition and welcoming in practice.

Conclusion

The Seminario Rabínico has designed and is currently implementing a model of halakhic education that is at once rigorous and adaptable, with full implementation expected in 2026. By combining classical study, modern responsa, continuous case work, and personal mentorship, it is ensuring that rabbis are not passive transmitters of law but active interpreters who can guide their communities with wisdom and integrity.

In contexts where resources are limited and diversity is the norm, this model is providing rabbis with the tools to sustain and renew Jewish life. More broadly, it demonstrates that Halakhah remains vital when taught as both a tradition of texts and a practice of living engagement. By forming rabbis who can think halakhically, the Seminario is contributing to the strength of Latin American Jewry and to the ongoing vitality of the Masorti/Conservative movement worldwide.

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Elliot Dorff, *Ethics at the Center: Jewish Theory and Practice for Living a Moral Life*. University of Nebraska Press, 2024

Reviewed by
Eric Fisher

In *A Theory of Justice* (1971), John Rawls introduced the method of reflective equilibrium to describe the process by which we reconcile our individual moral judgments and intuitions with philosophical principles. According to Rawls, arriving at a moral position requires an ongoing negotiation between our considered real-world convictions about morality, on the one hand, and abstract principles, on the other, until we arrive at a place where all these varied considerations fit together into one coherent understanding. For Rawls, the practice of reflective equilibrium helps us navigate the moral missteps that can arise from overreliance on broad ethical formulas and principles, while also correcting for the indeterminacy and bias that comes from an ethics focused excessively on our individual moral intuitions and convictions.

In *Ethics at the Center: Jewish Theory and Practice for Living a Moral Life* (2024), Elliot Dorff models a similar approach to ethics through a Jewish lens. In varied contexts, Rabbi Dorff shows how "living a moral life" as a Jew requires a willingness to engage deeply with the principles that emerge from Jewish texts and to bring those principles into conversation with our individual and often evolving moral convictions. In this anthology, Rabbi Dorff adapts selections from his wide-ranging articles and responsa on varied topics in Jewish ethics, providing a window into how he, as a leading voice for Conservative Judaism, has wrestled over time with evolving ethical questions through the lens of Jewish texts and his own moral intuitions.

Rabbi Dorff's chapter on providing aid in dying demonstrates how he views Jewish ethics as an evolving and iterative practice rather than an abstract appeal to unyielding rules and principles. Here he reflects on the factors that caused him to change his own views on this issue. In 1997, he authored a categorical responsum forbidding "assisted suicide." Revisiting the issue more than two decades later, in 2020, he authored a new responsum that carved out "narrow exceptions to the general prohibition on seeking or offering aid in dying" (p. 59), including extending medical aid to those expected to die soon and suffering uncontrollable pain."

In the 2020 responsum, Rabbi Dorff discusses how the nomenclature he used in the earlier responsum, "assisted suicide," was part of

what obscured for him the ethical nuances of the issue. The more neutral term, "aid in dying," as well as developments in US and Canadian law since the 1997 responsum concerning "death with dignity," helped him to appreciate the ethical stakes with greater complexity and nuance. In contrast to his 1997 responsum, Rabbi Dorff understands his 2020 responsum, which gives greater weight to the interests of those suffering with late-stage disease, to put an emphasis on the notion that "God's compassion embraces all God's creations" (Psalm 145:9).

A secular ethicist might understand this evolution in thought as striking a different balance between the sometimes competing values of promoting human life and compassion for individual suffering based upon evolving societal understandings. But as Rabbi Dorff conceptualizes his own life's project, as a religious Jew, he sees himself as rebalancing values that are all contained within God's revelation in order to arrive at a truer expression of that revelation. In most of the varied and wide-ranging topics covered in the volume—abortion, war, sexual identity, and more—Rabbi Dorff shows us how he discerns moral principles in the biblical and rabbinic textual traditions and then brings those principles into dialogue with contemporary circumstances and his own moral insight to arrive at a coherent Jewish ethical perspective, if not necessarily a normative pronouncement.

Although Rabbi Dorff asserts that God is the source of moral norms and explores his concept of God in the book's early chapters, it is not at all clear how much his ethics actually are reliant on any specific metaphysical claims. On topic after topic, he admirably "shows his work," putting his own positionality and personal intuitions into dialogue with the Jewish tradition. Yet it seems important to him to maintain some deniability around this practice, as he wishes to retain a sense that the source of Jewish ethics lies outside of human agency in an authoritative tradition based on divine revelation.

In this regard, Rabbi Dorff includes in the book an interesting series of exchanges with Eugene Borowitz (1924–2016), a leading liberal theologian and ethicist associated with Reform Judaism, about the extent to which the moral judgments of individual Jews are a basis for ethical decision-making (76-90). Throughout the exchange, Rabbi Dorff resists Dr. Borowitz's arguments about the importance to be afforded to the ethical reasoning of individual Jews. One senses that Rabbi Dorff is reinforcing a denominational boundary, seeking to draw a sharp distinction between Conser-

vative and Reform Judaism based upon the former's professed commitment to Jewish law as normative and authoritative. But if the exchange is included in the volume to highlight a distinction between Rabbi Dorff's approach to Jewish ethics and that of Dr. Borowitz, the reader comes away from the exchange with a sense that the approaches are much more similar than they are different. As Dr. Borowitz explains, both he and Rabbi Dorff acknowledge that "there is a significant human factor in revelation" (p. 83), so they are in much the same situation of using their individual abilities to reason morally in light of the tradition in order to arrive at Jewish responses to ethical issues.

Speaking with admiration for Rabbi Dorff, Dr. Borowitz explains that he finds Rabbi Dorff's writing about Jewish ethics "persuasive" precisely because of Rabbi Dorff's qualities as a person. The "self makes itself felt even in legal decision-making. One factor in decision-making is simply who you are as a person and how you act on that individuality. Were you a different person, you would not be the *posek* (decisor) we know you to be, the author of your *shitah* (approach)" (84). Readers of this volume will come away with a sense of deep appreciation for Rabbi Dorff's *shitah*, which involves epistemological humility and a willingness to work and rework the often conflicting ethical insights of the Jewish tradition until they reach, at least provisionally, reflective equilibrium.

Eric B. Fisher, an attorney practicing in the field of commercial litigation and a rabbinical student at the Academy for Jewish Religion, is passionate about Jewish text study.

Arnold Eisen, *Seeking the Hiding God: A Personal Theological Essay*. Ben Yehuda Press, 2024

Reviewed by
Rabbi Katie Greenberg

Jews often do not feel comfortable talking about God. We are stereotypically more comfortable talking about history, law, and Jewish texts. Professor Arnold Eisen, in his new book *Seeking the Hiding God: A Personal Theological Essay*, encourages us to dive into our personal theologies to see what we find. In the beginning of the book, he writes: "Jews rarely pause to take stock of the big questions of life, and almost never discuss them with our children.... I gladly seize the chance to face them" (45). He models this quest for theological answers by tackling many difficult subjects in the book and how he has approached God and religious belief throughout his life.

Professor Eisen writes the book as if the reader were his *ḥevruta*, study partner. It is meant to be a dialogue and an exchange of ideas. He writes that "nothing truly important in life can be learned alone and nothing significant can be learned without questioning and challenge." He models this mode of learning by including imaginary letters between himself and different friends about their differing approaches to Judaism and theology. They disagree and challenge each other in the letters with love and respect. It is a different modality to approach theology, one I found to be very engaging.

As a graduate of the rabbinical school of the Jewish Theological Seminary, I have had many opportunities to engage with the scholarly work of Dr. Eisen. He was the chancellor when I was in school, and we read many of his articles and books and got the chance to hear him speak on many occasions. *Seeking the Hiding God* is the most accessible and personal piece of writing I have encountered. It is not esoteric and full of academic jargon. On the contrary, it is full of Eisen's embodied lived experience. There is mention of laughter, crying, and feeling unmoored. He shares many deeply personal stories, including the death of his siblings, dancing with overflowing gratitude when his daughter was born, and an ecstatic experience he had while viewing the Webb telescope images. Eisen ends the book with a beautiful love letter to his wife, the scholar Ace Leveen, in which he writes that just as Shabbat has anchored his weeks, she has anchored his life.

A recurring theme in the book is love and how it brings transcendence. He talks about love for his parents, his wife, his kids, and his grandkids. And over and over he talks about his love for God. He writes that "Love is the connective tissue linking us to God—and via God, to one another. One can imagine it as some sort of umbilical cord that has nourished humanity from the infancy of the race and continues to do so ever after" (134). I found the image of God as a mother who has birthed us to be striking and resonant. Eisen rereads the first sentence of the *Ve'ahavta* prayer to read not "love the Lord your God" but "love with the Lord your God." When we love our neighbor it is because God loves our neighbor and God loves us. It is God's love that transcends all differences.

I found one of Eisen's stories particularly moving. When he went to Jerusalem for the first time, he was struck by the fact that the city seemed extremely religious. Yet, at the Western Wall, he did not find himself particularly moved, so he prayed for God to give him a prayer.

Seconds later, a piece of a siddur flew toward him with the *Ashrei* prayer on it, specifically the line "Happy are those who dwell in Your house. They will praise You forever." He has kept the piece of paper with him ever since. This story seems to resonate with Eisen's idea of God loving us. Eisen is not sure that the prayer was from God, but one way to read that experience is that God sent him the gift of that prayer. As he writes "some verses, on some days, know me better than I know myself" (177).

Eisen does not shy away from the more complicated and difficult aspects of theology. He writes about yearning for God, who is constantly hiding. Eisen describes this experience as painful and at the same time a creative gift. He also addresses in his epilogue how much harder all these conversations and ideas are in a post–October 7th world. There are days when God feels absent, and it is hard to see how redemption will come from this bloody and horrific time. He writes that the answer is "do as much good as you can, for as long as you live…there will be blessing and not just curse, there will be life fighting death, if we choose life as best as we can" (215). He acknowledges that there are days when this wisdom will seem utterly inadequate and others when it will seem like the ultimate wisdom.

The book is an invitation into a conversation with yourself and those you love around what your theological beliefs are. It is not meant to sit on an academic shelf. It is meant to be used as a catalyst for discussions we do not often have the emotional courage to engage in. Eisen encourages us, through his own lived reality and experiences, to examine our own stories and see what theological nuggets we can find and then share them with others.

Rabbi Katie Greenberg is the Rabbi-Director of Engagement and Programming at CSAIR in Bronx, New York. She was ordained from the Jewish Theological Seminary, where she received a master's degree in education as well as a certificate in pastoral care.

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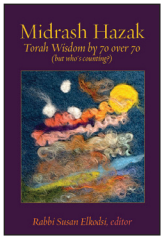
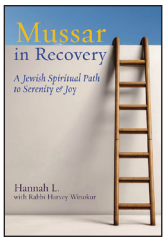
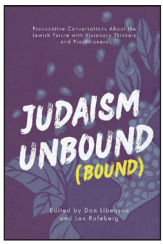


Midrash Hazak: Torah Wisdom by 70 over 70 (but who's counting?) edited by Rabbi Susan Elkodsi. "Those over 65 will see themselves in these textual analyses, finding camaraderie and connection. Those earlier in life will learn from the careful thinking and deep wisdom of those who have experienced more. As usual, Torah becomes the center around which we all orbit at all times of life."—Dr. Ora Horn Prouser, CEO and Academic Dean, Academy for Jewish Religion



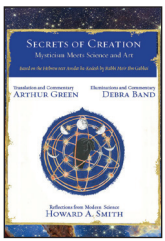
Mussar in Recovery: A Jewish Spiritual Path to Serenity & Joy by Hannah L. with Rabbi Harvey Winokur. "A lucid and practical guidebook to recovery." —Dr. Alan Morinis, founder, The Mussar Institute, author, *Everyday Holiness: The Jewish Spiritual Path of Mussar.* "A process of recovery that is physically healing, morally redemptive, and spiritually transformative." —Rabbi Rami Shapiro, author of *Recovery: The Twelve Steps as Spiritual Practice*

Can Judaism Be Saved? Its Future After Gaza by Arthur Green. At a moment when so many Jews are disillusioned with the presentation of Judaism in American Jewish life and with the political direction of the Israeli government, Arthur Green, one of our great scholars and teachers, shows us a different path: how Judaism's religious teachings can lead us to a Zionism of peace and a commitment to foster diversity and overcome exclusivity. —Susannah Heschel, Eli M. Black Distinguished Professor of Jewish Studies at Dartmouth College, author, *The Aryan Jesus: Christian Theologians and the Bible in Nazi Germany*

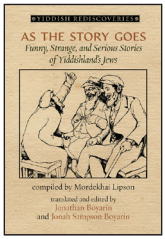


Burning Psalms: Confronting Adonai after Auschwitz by Menachem Rosensaft. "It's amazing that Menachem Z. Rosensaft's *Burning Psalms: Confronting Adonai after Auschwitz* doesn't burst into flames. This book of poetry — every poem in it a response or counterpoint to every one of the psalms in the biblical book — written by the son of Holocaust survivors and the brother of a murdered sibling he never knew, is composed with fire, fueled by a combination of rage, love, and despite-it-all faith that sears your eyes as you read it." —*New Jersey Jewish Standard*

Judaism Unbound (Bound): Provocative Conversations About the Jewish Future with the Most Visionary Thinkers and Practitioners edited by Dan Libenson and Lex Rofeberg. "Those concerned about Judaism's future will find plenty to chew on in these creative and expansive dialogues." —*Publishers Weekly*



Secrets of Creation: Mysticism Meets Science and Art (Based on the Hebrew text Avodat ha-Kodesh by Rabbi Meir Ibn Gabbai) by Arthur Green, Debra Band, and Howard A. Smith. "*Secrets of Creation* combines science, Kabbalah, and art, linking together old kabbalistic and new scientific accounts of origins with the imaginative insight of the artistic eye. Bringing them together is an act of contemporary Jewish creativity." —Melila Hellner-Eshed, author, *A River Flows from Eden: The Language of Mystical Experience in the Zohar*



As the Story Goes: Funny, Strange, and Serious Stories of Yiddishland's Jews by Mordekhai Lipson; Jonathan Boyarin and Jonah Sampson Boyarin, translators and editors. "Every page contains nourishing glimpses into a world that is no longer but whose ideas are eternal. Every reader of this gem of a book will be grateful for the opportunity to encounter the 'old country' through these profound and enriching stories and sayings." —Arthur Kurzweil, *author, The Persistence of Memory: My Father's Ukrainian Shtetl–A Holocaust Reckoning*

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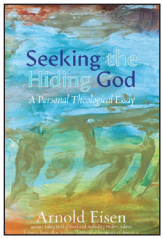
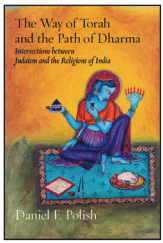
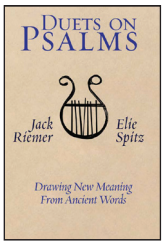


Seeking the Hiding God: A Personal Theological Essay by Arnold Eisen. "This generation's preeminent scholar of contemporary Jewry, Arnold Eisen has devoted his career to studying the spiritual strivings within the Jewish soul. In *Seeking the Hiding God*, Eisen provides a personal window into his own theological vision. Eisen's explorations will inspire readers to ask today's urgent questions of meaning and faith." — Rabbi Dr. Elliot Cosgrove, author of *For Such a Time as This: On Being Jewish Today*.

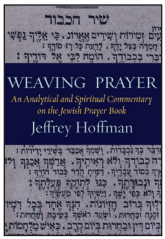
Turning the Pages: Conversations through Time with Rabbi Isador Signery edited by Aliza Arzt. "Rabbi Singer was a very erudite rabbi, fully at home in the Bible, the Talmud, the poetry of Ibn Gabirol, and the contemporary thought of Bertrand Russell. Through his sermons on a wide range of topics, we learn what bothered him and his congregants as Jewish Americans ca. 1925-1950." —Rabbi Dr. David Golinkin, president of The Schechter Institutes, Jerusalem.



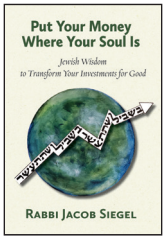
The Way of Torah and the Path of Dharma: Intersections between Judaism and the Religions of India by Rabbi Daniel Polish. "A whirlwind religious tourist visit to the diversity of Indian religions: Sikh, Jain, Buddhist, and Hindu, led by an experienced congregational rabbi with much experience in interfaith and in teaching world religions." —Rabbi Alan Brill, author of *Rabbi on the Ganges: A Jewish Hindu-Encounter.*



Duets on Psalms: Drawing New Meaning from Ancient Words by Rabbis Elie Spitz & Jack Riemer. "Two of Judaism's most inspirational teachers offer a lifetime of insights on the Bible's most inspired book." — Rabbi Joseph Telushkin, author of *Jewish Literacy.* "This illuminating work is a literary journey filled with faith, wisdom, hope, healing, meaning and inspiration." —Rabbi Naomi Levy, author of *Einstein and the Rabbi.*



Weaving Prayer: An Analytical and Spiritual Commentary on the Jewish Prayer Book by Rabbi Jeffrey Hoffman."This engaging and erudite volume transforms the prayer experience. Not only is it of considerable intellectual interest to learn the history of prayers—how, when, and why they were composed—but this new knowledge will significantly help a person pray with intention (*kavanah*). I plan to keep this volume right next to my siddur." —Rabbi Judith Hauptman, author of *Rereading the Rabbis: A Woman's Voice.*



Renew Our Hearts: A Siddur for Shabbat Day edited by Rabbi Rachel Barenblat. From the creator of *The Velveteen Rabbi's Haggadah*, a new siddur for the day of Shabbat. *Renew Our Hearts* balances tradition with innovation, featuring liturgy for morning (*Shacharit* and a renewing approach to *Musaf)*, the afternoon (*Mincha*), and evening (*Ma'ariv* and *Havdalah*), along with curated works of poetry, art and new liturgies from across the breadth of Jewish spiritual life. Every word of Hebrew is paired with transliteration and with clear, pray-able English translation.

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