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"Taking Responsibility for Torah"

HOW TO TEACH HALAKHAH: FROM THE TRANSCRIPT OF AN ONGOING PODCAST

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We need to think about halakhah curricularly. I don't mean that questions of the pedagogy of halakhah should be confined, or even largely contained, within a halakhah curriculum. Rather, we need to think about how we as a school or community teach halakhah holistically – what is our students' overall experience of the practice and study of halakhah?

Let's start by distinguishing between "whether" and "why" classes.

In a "whether" class, the default goal is to be comprehensive, to present every interpretive option, and to present each option in its best possible light. "Whether" classes validate multiple practice options, and empower students to make choices.

In a "why" class, there may be less need to present positions that we won't end up following leHalakhah, at least so long as the students would not think of or encounter those options on their own. "Why" classes convince students to exclude options, and to make only choices which the teacher would approve.

Both types have a place in our schools and shuls. But they require very different pedagogies.

In every pedagogic context, teachers must decide whether their primary goal is empowerment or persuasion, validation or standardization. They must decide whether setting themselves up as a source of authority is a desideratum; and whether they seek to position the class as deepening the students' appreciation of their community, or rather as critiquing it. Sometimes these decisions can be made ad hoc; sometimes they require a sustained and consistent pedagogic approach.

These choices often reflect the instructor's goals for his and her students throughout their lives. Should students learn to see halakhah as a menu from which they can choose (not that they can refuse to eat, or skip a course – but they have options for each course) or as a blueprint they must follow? Should their study of halakhah be an experience of autonomy, or rather of submission? Should their default be to ask a sh'eilah whenever they experience uncertainty, or only when they have a conflict

of interest, or when the stakes are communal rather than individual?

On a deep level these are false either/ors. The experience of studying halakhah should be one of both submission and autonomy; students should see halakhah as both blueprint and menu; and there are many different kinds and degrees of uncertainty. We must also distinguish among "asking a sh'eilah", "looking it up yourself", "doing the research yourself", and "making your own decision". But pedagogically it is often important and necessary to choose which side of these dichotomies to emphasize.

Let's concretize these issues with a tale of two teachers, Ayelet and Brokhoh. Ayelet falls on the authority/standardization/blueprint side of the spectrum, while Brokhoh falls on the autonomy/validation/menu side. Let's make the issue the kashrut of a school sukkah under windy conditions, where the skhah has been blown away from the walls toward the middle of the roof. Ayelet and Brokhoh are each scheduled to teach their classes in the sukkah, with school-provided cookies so students can fulfill the mitzvah.

Each teacher will think of the issue of *dofen akumah*, the concept that a sukkah is valid even if kosher skhakh begins up to 4 amot away from a required wall because we treat those 4 amot as an extended wall, which goes up to where the kosher skhakh, or "roof", begins.

Each teacher will discover after minimal research that there may be a machloket rishonim, a disagreement among medieval authorities, as to whether this principle can be applied if there is in fact just open space in the 4 amot, rather than invalid skhakh. According to the Encyclopedia Talmudit, the issue depends on whether we view the wall as literally "bent over", in which case the wall must continue physically, or rather as if it is "moved over" so that its vertical component reaches the kosher skhakh. In that case the horizontal space can be ignored, so it makes no difference whether it is empty or filled. Most rishonim hold that it is considered "bent over"; therefore most rishonim hold that it must be solid; therefore a sukkah whose skhakh is blown more than three tefachim away from a

necessary wall becomes invalid. QED. So, Ayelet concludes as she emphatically takes the cookies off the table, our class will not be eating in the Sukkah today.

What questions was Ayelet asking herself as she read the Encyclopedia? It seems to me that she focused on clarity and authority. How can the dispute be most clearly and neatly explained? What are the “nafka minas”, the practical differences, that flow inevitably from the clearly identified and explained conceptual positions? Which position has more authority attached to it? How must we act?

Brokhoh also read the Encyclopedia Talmudit. But her conclusion from its citations is that the issue has not really been addressed directly by the poskim, which means that this is an opportunity for the students to think for themselves. She has a different set of questions than Ayelet: Which interpretation of *dofen akumah* fits better with the nominal phrase itself? Which interpretation seems a better explanation of the Talmudic passages in which the term appears? If walls need not reach vertically up to the skhakh, so that we treat empty vertical spaces as extensions of the walls, why can't we treat empty horizontal spaces as extensions of an L-shaped wall? What about spaces that still have a framework, just not enough skhakh to be kosher? What if the framework is tight-knit enough to meet the standards for a valid wall, even though it would not be enough for skhakh? Even if she can explain some or all of these issues to the students, will they understand them well enough, and have the breadth and maturity necessary, to evaluate them sufficiently to make their own decisions by the end of a single period? If she puts away the cookies because they can't make a decision, will they learn about the seriousness of the process, or rather about its futility? If she encourages them to eat the cookies, will they come to see halakhic discourse as a mere language game divorced from the realities of life?

There is a deeper issue hidden in the artificial limitation of the Ayelet and Berokhoh's research to the Encyclopedia Talmudit. Which is: What sort of competencies are needed to teach halakhah, in what ways?

It might be useful to think about a science classroom as an analogy. Science can be taught as an assemblage of existing knowledge, or as a process of discovery. A teacher may be excellent at digesting presentations of scientific consensus and of conveying that digest to students, but have no capacity to convey how that consensus was arrived at, or the limits of that consensus. For example, he or she may have no genuine understanding of research protocols, or of the extent to which “scientific method” is a poor description of the methods used

by scientists (especially those engaged in highly creative science). I was deeply affected by Thomas Kuhn's biting critique of most high school labs, in which an experiment is judged a success or failure based on whether it achieved the predicted result, and the reaction to “failure” is to repeat the experiment until it “succeeds”. The teacher may also wish to encourage, or rather to discourage students to consider whether they agree with the consensus based on their intuition and the evidence available to them.

Encouraging students to think independently, no matter how carefully you try to circumscribe the methods they use, will always lead to some students thinking things the teacher passionately disagrees with. In that kind of science classroom, some students will conclude that global warming is not caused by human activity; the same will happen in a halakhah classroom. Teachers and schools need to decide whether and how they can handle this. (Note: Ayelet's students are much less likely to voice their disagreements with her presumptions in class and in assignments than Berokhoh's are, but this does not demonstrate that she is more effective than Berokhoh in shaping the broad parameters of her students' longterm thinking. But Ayelet does not have to deal directly with students whom she knows reject her assumptions, or with student work that upsets her.)

Moreover, Berokhoh is unlikely to be able to effectively teach the way Ayelet does, and vice versa, because each of them likely is teaching halakhah the way they themselves experience it. So a school or community needs to decide whether that diversity is a strength or a weakness – or my preference, to consider how to make that diversity a strength. Part of that involves deciding whether education happens best when teachers are in their intellectual and spiritual comfort zones, or whether there is value in pushing teachers to model dealing with discomfort.