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Ba'al Ha-Bayit-Centered Halakhic Consultation

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Much has been discussed and written about the tension between the modern value of personal autonomy and traditional Judaism's emphasis on rabbinic authority. The questions raised typically presuppose one of two familiar scenarios: (1) a learned individual who is capable of studying original halakhic source material and wants to assert his or her own analysis and decision regarding a particular issue; or (2) an area of Jewish life in which broad social and spiritual considerations seem to overshadow its specifically legal aspect, thus inviting the suggestion that the rabbi's voice may not be distinctive in this domain. Certainly, though, in areas of halakhah where the *pesak* seems straightforward and the lay input at best is only slightly informed, the term "autonomy" is entirely out of place. Indeed, what respect could a halakhic figure possibly accord to fanciful self-determination when his petitioner is being called upon, with blinding clarity, to surrender to the will of the Almighty?

At the same time, each of us, through our respective lines of work, has come to appreciate the power, and in some sense the legitimacy, of recognizing personal autonomy and self-determination even as we must confront individuals with sometimes "choiceless" realities. While one of us (S.G.) functions as a *yo'etzet halakhah* (adviser for the laws of family purity) and teacher of halakhah, to high school students and to brides, and the other (J.G.) as a physician, we have found striking similarities in the challenges we face in helping individuals understand and adjust to always changing and sometimes difficult circumstances. For the most part, whether in the realm of halakhah or in that of medicine, we are dealing with a "*hamon am*" who is neither proficient about the topics in question nor has ever actively sought autonomy in decision-making. They may approach our respective services seeking direct and blunt instructions and be unable to articulate any need for involvement. Yet what we have found is that they, too, very much benefit from feeling a degree of control over their halakhic and medical lives. Sometimes this control is not even an issue of making their own decisions, but just feeling empowered to understand their situations and play an active role in navigating their own circumstances. More than we ever could have imagined, the laypeople need to be brought into the conversation, and both their halakhic observance and their personal health flourish when they are. For our purposes, then, we interpret "autonomy" somewhat differently—not necessarily giving people the room to make their own decisions, but respecting their personhood and engaging them in a process of decision-making and education rather than just handing them a succinct directive of what to do next.

While the concept of patient-centered medicine has been well described (though not necessarily well practiced),[1] *ba'al ha-bayit*–centered halakhic consultation, by our estimation, has yet to be fully elucidated. Patient-centered care, among other things, believes (1) that the crux of a medical consultation should be a conversation rather than an opinion; (2) that the locus of control in the medical context should ultimately lie with the patient; and (3) that genuine autonomy, in contrast to its usual treatment in classic discussions of bioethics,[2]

should be interpreted as a capacity to be encouraged and nurtured through ongoing education, rather than a political right around which to tiptoe.

We believe that many of the same principles can inform and guide halakhic consultations. Admittedly, the parallel is imperfect, for two crucial reasons. First, the domains of *ḥayyei sha'ah* and *ḥayyei olam* are wholly incomparable, and one could alternatively point to either the graver consequences or the inherent potential for recovery regarding halakhic, as opposed to medical, recklessness. Second, patient-centered medicine, as it exists in the Western world, assumes an absolute autonomy of the patient regarding medical decision-making that halakhah could never countenance, not in regard to halakhic observance and not even with regard to personal health. While contemporary bioethics champions a patient's right to forgo any intervention, the foundation of a halakhic life is the sweeping surrender of one's will to something greater. A life of Torah is a life of duty, with responsibilities to both body and soul, and self-destructive behavior regarding either is no one's prerogative.

These limitations aside, we believe that patient-centered medicine still has much to offer regarding attitude, approach, and orientation, even as we avoid its extremes, and that this model can be instructive for the practice of halakhic consultation as well. Specifically, we advocate for educating the men and women of our communities, empowering them at every opportunity, bringing them into the halakhic process, and making halakhah a living and tangible part of their lives rather than just a rulebook—and all this even when the bottom line may not have any wiggle room. For our purposes, we will focus upon the experience of counseling and teaching women regarding *taharat ha-mishpaḥah* (the laws of family purity) as a model for what *ba'al ha-bayit*–centered halakhic consultation could mean.

(Note: As the bulk of this essay deals with halakhah and not with the practice of medicine, it draws mostly from Shayna's direct experiences as a *yo'etzet halakhah* and as an educator. For stylistic reasons, then, we employ Shayna's voice in the singular for the body of the essay and then return to our joint voice in the conclusion.

Nonetheless, the essay in its entirety represents our shared insights into halakhic consultation as a lived encounter and into the nature of halakhic engagement generally.)

THE EVOLUTION OF HALAKHIC EDUCATION

Most Orthodox Jews are first exposed to the basic concepts of halakhic observance in their homes, where the laws of Shabbat and *kashrut* are organically intertwined with other aspects of their lifestyles from infancy onward. Observance of these *halakhot* is therefore something that feels largely natural and familiar to the native Orthodox Jew. Over time, knowledge of these laws expands through formal education in school and in the synagogue, and possibly through self-education by reading halakhic works that are available to the public. The fundamental relationship to these laws, however, will always be intrinsically tied to the experiences of childhood. This familiarity often helps enable young adults to maintain their commitment to these laws after they have left their parents' homes, even when other areas of observance may suffer from some degree of neglect.

With regard to the laws of family purity, however, the majority of young Orthodox Jews have no exposure to, experience with, or education about these laws before they find themselves on the cusp of marriage and about to undertake their observance. *Taharat ha-mishpaḥah* is built upon a set of laws that a young couple must learn from scratch, much the way a nonreligious individual on the road to observance must build a knowledge of halakhah without the helpful grounding of practical experience. The question for educators, then, is how to teach the complex *halakhot* of *taharat ha-mishpaḥah* to someone for the first time. For many years there were not many great options for an engaged man or woman who needed to learn these laws. As Dr. Deena Zimmerman writes about her own engagement period at the beginning of *A Lifetime Companion to the Laws of Jewish Family Life,*

> The books available at the time had laundry lists of what to do and not do, but not placed in any framework that I

> could comprehend and thus retain. . . . Classes for brides and grooms of modern backgrounds did not exist. The classes that existed were, once again, listings of what to do and not to do, without sources and without much explanation.[3]

Many women and men of that generation will confirm a similar experience with their first encounter with these laws. Even to this day, many *taharat ha-mishpaḥah* classes teach only the bottom-line practice without any explanation of the development of the laws or any differentiation between a biblical law, a rabbinic law, and a custom. This method of teaching is often justified with an explanation that roughly goes as follows: "If you teach someone the difference between a biblical law and a custom, then he or she will feel entitled to make choices about what to keep and what not to keep and will often abolish the observance of anything considered nonessential."

While I agree that a little knowledge can, in fact, be a dangerous thing and that awareness of different halakhic categories always engenders a risk of selective observance, I have come to prefer a different teaching approach, for both practical and more fundamental reasons. While it would be wonderful if everyone did everything they were supposed to all of the time, it is natural for people to make choices. To some degree, this can come from laziness, forgetfulness, apathy, or just from a feeling of being overwhelmed. More significantly, however, making choices should be anticipated as an inherent part of mature adult behavior. As individuals' lives become increasingly complex, they instinctively begin to prioritize, relegating some concerns to either the back-burner or the dustbin altogether. In all of our lives, we make daily choices about which traffic laws to sidestep, which aspects of health maintenance to forgo, and which deadlines are not absolute. Indeed, we view the ability to sift through myriad pressures and demands as a critical skill for effectively managing a complex lifestyle, and we worry about students or children who do not seem to be developing this type of executive function.

One might speculate that prioritization has no role in a body of religious law that warns us to be "punctilious about a minor

commandment as with a weighty one."[4] But to the contrary, a hierarchical structure of values and obligations is a hallmark of the halakhic system. Central to almost any halakhic inquiry is the need to identify any particular obligation or pressure as biblical, rabbinic, or customary; as the reflection of consensus opinion or a subject of controversy; and of any unique features that give it unusual weight. This information is not just "study for its own sake" but allows those intimately familiar with the halakhic system to override some concerns in the face of others, be it conflicting obligations or transcendent values such as *shelom bayit*, *kevod ha-beriyyot*, or *hefsed merubbeh*. And this is just as true for issues of everyday practice as it is for monumental questions. While giants of *pesak* are grappling with the most difficult challenges of halakhic living, *benai* and *benot Torah* around the world are deciding on a constant basis whether a given circumstance may justify, for instance, forgoing prayer with a quorum, relying on a particular *eruv*, taking the extended hand of a member of the opposite gender, or skipping the third Sabbath meal.

We sometimes pretend, for the sake of simplicity, that halakhah presents a monolithic, homogeneous set of demands that can neither be negotiated nor even prioritized. But our constituents know better. They know that halakhah has its flexibilities (even if they fail to recognize the limits), and they know that not all obligations of the system are treated equally. As mature and sophisticated adults, they are going to bring their organizational skills to the halakhic dimension as well, in particular to the interface between their halakhic and material lives. The question for us, then, is whether we are prepared to empower them to make better, rather than worse, decisions, and whether we will give them the information they need to make informed, and hopefully more productive, choices.

I say "better," not "perfect." We may never respect the fundamental value set that any given petitioner or student brings to a particular choice. But we may not be able to revise it in the short run either. That does not mean that we cannot still respect people's essential goodness; their innate desire to do the "right," or at least the "righter," thing; the likelihood that they, like their rabbis and teachers,

recognize that different halakhic categories exist; and the unavoidable fact that they must ultimately take ownership of their own decisions and actions.

Over my years of working as a *yo'etzet halakhah*, I have encountered women who are forthright in expressing their sentiments that "there was just too much to do." I have heard this attitude not only in Modern Orthodox circles but also among observant Jews of all backgrounds. I remember one woman in particular, who identified with a so-called *yeshivishe* outlook, who told me that she and her husband had calculated that in exchange for keeping every detail and stringency of the *harḥakot* (the obligation to maintain a certain degree of distance while a woman is a *niddah*), they were not going to also observe the *veset* days (the days during which a couple must abstain from relations in anticipation of menstruation). When I informed this woman that many of the *harḥakot* are no more than customs while abstaining from relations on a *veset* day is possibly a biblically mandated law,[5] she was shocked and embarrassed. She felt betrayed that in her pre-marriage classes, the *harḥakot* had been overly emphasized while the *veset* days were not taught in a way that conveyed their seriousness.

BETTER HALAKHIC OBSERVANCE

It is for this reason, in my opinion, that educators should approach their students with a deep sense of trust, rather than fear. I believe we can trust that if one explains *halakhot* properly—how they developed and what the different levels of obligation are—then students can understand and appreciate the laws in the context of their original sources and will be enabled to better observe the halakhah. When a woman, for instance, does not understand the basis of what she is observing, even when she is committed to the broad system of halakhah, she will often make mistakes and err in her thought process. I have found that by giving women a deeper understanding of the *halakhot* they are observing, one allows them to make better halakhic decisions.

As an example, when I teach the *halakhot* of counting the seven clean days leading up to immersion in a *mikveh*, I always quote the

Shulḥan Arukh, which legislates that a woman must perform two internal checks on each of the seven clean days.[6] I stress the importance of this practice and that this is how the halakhah is meant to be kept in its ideal form. I then add that if a woman performed checks on only the first and seventh days, she will still be able to immerse in the *mikveh*.[7] I underscore the point that dropping down to this minimum should never be done electively. Rather, knowledge of this halakhah is intended for use either in a case where a woman forgot to perform a check on one of the interim days or in the case of a specific, unusual situation that might call for a more lenient observance of the "seven clean days."

Often I am approached after a lecture on this topic by someone who is concerned that teaching the *halakhot* in this way will encourage women to voluntarily perform fewer checks. With knowledge that they can still use the *mikveh* with only one internal check at the beginning and one at the end of the seven clean days, what will stop them from observing only the minimum that is required? While this result is always a possibility, consider the other, more frequent response I receive after these lectures. It is far more common that a woman will tell me that she has not been careful to perform all of the internal checks, and on her own she has decided which checks to forgo. Often a woman like this determines, using her own intuitive sense of logic, that the checks on the first two days must be the most important in demonstrating that menstruation has truly ceased. Unfortunately, no one has ever taught her that there must be a clean check at both the start and finish of the week-long period so that we can assume that the entire week passed without any further bleeding. For so many years, a woman may be doing that which she thought was halakhically acceptable when in fact she has been neglecting to properly observe a critical halakhah. With a little knowledge, she can change her practice to be in accordance with the broadly accepted minimal requirements. Moreover, armed with a new understanding of why we ask women to perform checks at all, a woman may recommit herself to trying to keep these laws in their most ideal form. In this case, as in many, I find that increased knowledge leads to an immediate improvement in observance.

ASKING BETTER HALAKHIC QUESTIONS

Personal autonomy, conceived not just as a political right but as a capacity, includes the ability to navigate one's own situations and to have a sense of how to think about and handle the circumstances that one finds oneself in. Imagine a patient who is faced with a challenging medical scenario. He has just been told by his doctor that he has a condition that requires major surgery. If the patient has been empowered, perhaps through previous encounters with the medical system, to learn about his diagnosis and to get involved with his care, he will be better equipped to ask pertinent questions, receive informative answers, and make good decisions. In contrast, if the patient has been dealt with curtly by medical practitioners and has been effectively shut out of medical decision-making in the past, he is more likely to be overwhelmed by this new situation. He may not consider researching his condition and treatment options, nor will he know what his resources are. He may never ask the appropriate questions that would require someone to look at the case from a different angle. More importantly, he may not realize that he has a crucial personal history to share that is relevant to his case and could make all the difference in how his condition is handled and whether the surgery is necessary at all.[8]

When it comes to halakhic education, the more information we give people, I believe, the better equipped they will be to understand the day-to-day situations they may encounter and the more autonomy they may feel in dealing with the details of halakhah. Ironically, I have found, giving people more information and more of a sense of control over what they experience often has the result of bringing them closer to rabbinic authorities rather than distancing them. When a woman is under the impression that there is "nothing to talk about" and that the halakhah is "cut and dried," she will make her own decision about how to proceed (often being stringent) because she does not even realize that there is a question to be asked and a decision or *pesak* to be rendered. When she understands, however, that halakhah is complex, that there are layers of development, that there are situations that are considered "pressing," and that there are minority opinions that are sometimes

relied upon, she feels encouraged to engage herself in the halakhic process and to consult with a halakhic authority to discuss her case. By providing as much information about the halakhah as possible, one can help someone understand the parameters of halakhah. Familiarity with the kinds of scenarios under which asking the right halakhic questions and sharing more information than one might have thought necessary could help will ensure a more targeted response.

A woman once called me from the parking lot of the *mikveh*, having just immersed. She had noticed some staining, she told me, over the course of the seven clean days leading up to immersion. Since she had reason to believe the blood was not uterine in origin, she had decided on her own that it was halakhically permissible to continue her count. Now, having immersed, she sat in the parking lot of the *mikveh*, overwhelmed with guilt that perhaps she had made the wrong decision. As we discussed the details of her case together, I encouraged her to call her community rabbi. I coached her about what relevant information to share, and with that we hung up the phone. The next day I received the following message on my machine:

> After I talked through my situation with you, I felt that I was better equipped to talk to my rabbi. I approached him with a clear understanding of my circumstances and what facts were important to share. It is because we spoke that I felt comfortable even asking him my question at all.

I have found that when one gives women a sense of control over what is happening to them, one empowers them to want to connect more with the halakhic system. A woman once consulted me about her scheduled night for the *mikveh*. She was planning to travel early that same evening with her husband, which precluded her immersing after sunset in her own *mikveh*. Her plane would likely arrive too late to immerse that same night in their destination city, and the next night was Friday night, with the *mikveh* at an impractical distance from their hotel. Knowing that there are some rare situations where we allow a woman to immerse early on the seventh day,[9] I felt that she ought to bring her case to a *posek*. I shared with the woman the different

halakhic considerations that a *posek* might take into account, including the suggestion of immersing earlier in the day and then traveling to the airport separately from her husband so that she would not see him until after nightfall. I then strongly recommended that she call her *posek* herself. I felt that the call would mean something different coming directly from her, rather than my calling and discussing an "anonymous woman." I wanted the *posek* to know whom he was talking to, to see how much she cared about the details of the halakhah, and also to feel how important it was for her to immerse in the *mikveh* that day.

The woman was nervous to call the rabbi because she did not want to be seen as someone who was "looking for a leniency." By analyzing the different halakhic factors that were significant in her case, our discussion enabled her to see that her question had legitimacy. Instead of feeling embarrassed or ignorant when she called, she felt confident that she understood the issues involved and would be able to present them in an appropriate way. She called a few days later to tell me what a wonderful experience it was to discuss the relevant halakhot with her *posek*. She felt good about how she had presented her question. She felt empowered that she knew what was important to share, and she was happy to find out that indeed there was room to be lenient in her particular situation. Through personal engagement in the process, she was able to discuss her case in the full way that it needed to be dealt with.

Personal autonomy also includes knowing when one does not need to ask a question. Too often parents will dress a child in the middle of the night and present him or her to the emergency room, only because no one has explained to them that most fevers can be handled responsibly at home. Regarding Jewish practice, how paralyzing and frustrating it can be to observe halakhah as a list of do's and don'ts with little understanding of why! Every time a situation arises that varies even minutely from what a woman was told about, she is stuck not knowing what to do. There can be no conception of applying what she knows when she was never taught the logic behind what she is doing in the first place. Inevitably, a woman will encounter a slew of situations in which she is unsure how to proceed. Without

background information, there are two possibilities of what can occur next. To be frank, many women just consistently decide what to do on their own. As one woman remarked to me, "I have been married for twelve years and have never asked any questions, opting instead to be stringent on myself rather than having to call each time I don't know what to do." Other women find themselves constantly calling rabbinic figures. While they are not necessarily uncomfortable with making those phone calls, often they are put under tremendous stress as they wait for rabbis to get back to them and let them know how to proceed.

By educating women with the basic framework of a given set of *halakhot*, one can prepare them for many of the most common, straightforward scenarios. For instance, as mentioned earlier, although a woman should ideally perform two internal checks on each of the seven clean days, she is permitted to immerse in the *mikveh* as long as she performed one check each on the first and seventh days. A woman who has never been taught this halakhah and forgets to perform any checks, say, on day three will often either choose to be stringent and restart her count, or she will place a call and wait to find out how to proceed. How wonderful it would be if she had learned this halakhah before her wedding, or if the first time this happens, she learns that the next time she can continue without asking a question. With this attitude, each consultation becomes an opportunity to educate the questioner and to empower her to handle similar situations on her own in the future. Nurturing this tiny bit of personal autonomy goes a long way in influencing how women relate to the halakhic system overall. It turns halakhah from something that happens "to them" into something they can be involved in and even appreciate on a deeper level.

LESS RESENTMENT AND CONFUSION

Empowering women to ask appropriate questions and to get more deeply involved in their own situations changes the dynamic between women and rabbis, but not necessarily in the ways one might imagine. While some might envision emboldened petitioners who challenge every recommendation and fight over the interpretation of a Rambam, I find that increased knowledge and open, respectful communication

reduce tensions and relieve resentment. In fact, helping women to appreciate both the logic and development of the halakhic system and the sensitivity of the rabbis who are experts in the laws of family purity gives women a new, positive outlook that can have long-term and far-reaching effects on their entire relationship with Judaism.

At refresher courses on the laws of family purity, I regularly stress how halakhah values a couple's intimate relationship (as well as procreation) and thus the importance of immersing in the *mikveh* on time. However, I always close my teaching by making it clear that *tevilah be-zemanah lav mitzvah*—immersing on time is not a mitzvah in and of itself,[10] and that by mutual consent a couple may therefore delay immersion in the *mikveh* in extenuating circumstances.[11] There is not a time I have taught this point that I have not been approached by numerous women afterwards telling me how they were instructed to go to the *mikveh* in the middle of a snowstorm or on a Friday night from the in-laws' house despite the discomfort involved. Each woman then goes on to express how much resentment she has felt until now that the halakhah could force her to go to the *mikveh* and be intimate under conditions that were stressful. How simply one can change a woman's relationship with the halakhic system by just acknowledging exactly what the halakhah requires of them and what it does not.

Unfortunately, the laws of family purity, and ignorance of them, can not only impact a couple's intimate life but also their ability to create a family. When women have not been given the proper tools to engage the halakhic system and feel powerless to do so, the results can be devastating. An older woman once approached me after a lecture I gave. During the lecture I had emphasized the importance of utilizing the many resources that are available to women today to educate themselves and help them navigate the laws of family purity. With tears in her eyes, this woman told me that when she was younger, she suffered from what we now refer to as "halakhic infertility": She would ovulate prior to her monthly immersion in the *mikveh* and thus had a very difficult time conceiving. Without extensive knowledge and an understanding of possible leniencies, she struggled to work up the courage to ask for advice. She finally called a rabbi, but found it to be a difficult experience and felt discouraged from further inquiry. Then

she said the following to me: "To this day I wonder if I had asked more questions, could I have had more children?" This woman has a couple of children and many grandchildren and always seems to be happy with her lot in life. It was shocking for me to hear that because of her experiences, she is left with deep, unanswered questions about her life—questions that she attributes directly to her relationship, or lack of it, with the halakhic system.

I contrast this story with that of a young woman today, who through her education has been empowered to engage the system and look for the proper advice to deal with the challenging circumstances she encounters. She had been calling me frequently with questions about how to navigate her situation so that she and her husband could finally conceive after quite a few years of marriage. In each conversation we discussed the issues at length. I would then speak to a *posek* and get back to her and explain extensively what should be done and why, halakhically, it was permitted. After about two years of this, I received the following e-mail:

> I have some exciting personal news I wanted to share—my husband and I are having a baby! We're due in a few months and are very excited. We just started telling people, and it means so much to me to be able to share this with you personally. I cannot even tell you how critically important our conversations became over the course of the past year. Thank you again for all of your help and guidance throughout the process!

Observing halakhah properly is indeed a process. It is crucial during this process to be engaged in an ongoing dialogue of *pesak* and education. Not only does this engagement affect real-life outcomes, it also affects how one feels about and relates to halakhah in general.

When women have not been educated to understand the halakhic process and are held as outsiders to a world of rabbinic authority, I have found that they are often confused about how the system works and how *pesak* is rendered. If they are not conversant in such concepts as *lekhatḥillah* and *be-di-eved*, *sha'at hadḥak*, and *da'at*

yaḥid, they will sometimes assume that if a woman's case is pitiful enough and the *posek* sufficiently compassionate, he will allow her to be lenient. Halakhah is then perceived to be something arbitrary that can be manipulated if the authority cares enough. This lack of understanding creates a tremendous amount of resentment in women who think that the rabbi is not being truly sensitive to the hardship of their situations.

Other times the feeling is not so much resentment as it is confusion. "How come sometimes I call the rabbi and he is stringent and other times he is lenient when the questions seem to be the same?" "How come a small stain on an undergarment can be ignored[12] but the same-size stain found on an internal examination can render me a *niddah*?"[13] These types of questions leave women feeling not only bothered but anxious, as if with every phone call to a halakhic authority they are taking a chance and rolling the dice.

In contrast, when we give women insight into the process, we give them the ability to see how and why these seemingly contradictory conclusions are reached. No longer are the answers viewed as random. No longer is asking questions considered taking a chance. No longer are rabbis viewed as making arbitrary and insensitive decisions. Rather, as a woman once remarked to me, "The information you taught me in your refresher course was consistent with the kind of answers I have been given to questions I have asked my entire married life, but I never before understood why the answers made sense and how they fit into a bigger system."

I have encountered other women who did not feel the need to understand all the details of the system or how the rabbi came to the conclusion that he did. They did not need to be exposed to the primary texts and see the development of the halakhah with their own eyes. But these women also needed something. While they were committed to the system even with little understanding of what they were observing, they at least wanted the assurance that someone else had a deeper understanding of why these laws made sense. In a word, they needed their autonomy to be respected and their trust earned.

BALABUSTA-CENTERED HALAKHIC CONSULTATION

When it comes to the sensitive nature of the laws of family purity, I have found that there are other factors at play when answering halakhic questions. Often a questioner wants to feel that the authority of whom she asks her question has time for her. She wants to know: Am I bothering someone who is too busy? Will I be able to ask my question in full and give all the details? Will this authority figure think I am stupid or ignorant because I am asking this question at all? Especially in the area of family purity, the details of the question, as well as the "question behind the question," are often of extreme importance in determining the proper answer. If the questioner feels rushed, or, worse, does not feel comfortable sharing all of the relevant information, the *pesak* given may turn out to be incorrect. If the questioner is made to feel that she is ignorant or a bother, she may never ask another halakhic question again.

Additionally, a questioner often appreciates when a rabbi articulates the thought process that is being used to determine the *pesak*. Moreover, this very process will sometimes introduce options that might not have been considered had the answer been given without a broader conversation. Often, when a respondent shares the details of the halakhic process, a questioner will realize that there is additional information that can make a difference. Alternatively, through a thorough discussion, the authority may think of a solution to a difficult issue that was not immediately apparent. I was once called by a woman on the last day of her seven clean days. She was literally in tears because her rabbi had told her that she could not immerse in the *mikveh* that night, as she had recently undergone a skin biopsy and still had stitches in place. As we talked about the particular details of her situation, it became apparent that the stitches only remained because her follow-up appointment with her physician was not scheduled for another few days. In light of this, we found a doctor in the community who could remove the stitches for her and thus enable her to use the *mikveh* that night.

Lastly, as with medical consultations, one who seeks halakhic advice needs to feel that the halakhic authority is caring, sensitive, and

approachable. Allowing a woman to vent frustration without feeling judged and letting her know that what she is experiencing is normal can go a long way in encouraging future commitment to a system of laws that can be difficult to obey. In contrast, when a questioner senses that the authority figure holds himself above his constituents or does not relate at all to what they experience, then the halakhic system seems intimidating and overwhelming. To respect the individual's narrative is to grant that person the emotional freedom to process his or her own unique feelings and thoughts about the experience of observant life. When a person feels understood in this way, I believe that he or she is more likely to respect halakhah and the people who decide it. The interaction strengthens both the lay person and his or her relationship with halakhic authority.

BEFORE THE QUESTION

Of course, demonstrating the halakhic system's sophistication and sensitivity need not wait for the asking of a mature question. As a teacher of halakhah to high school students, I often find that one can alter the entire way they perceive a particular halakhah just by exploring it more completely with them. Even if one might not see an immediate change in their behavior, their whole perception of observance is affected when they are invited to be insiders to the system. We should not be afraid to show teens the ambiguities and nuances of our sacred halakhah. When done with care, it only encourages them to appreciate the true nature of the halakhot and how they developed.

After teaching a challenging and often heated unit on the laws of gender separation to a twelfth-grade halakhah class, I asked the students to share something (in writing) that they had learned to appreciate about the *halakhot*. I was struck by some of their responses:

> The fact that I learned that rabbis understand that sometimes things happen and people are in a situation where they must touch, like on a subway,[14] and that they allow for this taught me that when deciding halakhah rabbis are practical and understand the kind of lives we

> live. The fact that they understand this makes me feel more comfortable about halakhah in general.
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> Now that I know that there are times when the rabbis admit touching is OK (like on a crowded bus) I can appreciate more that they aren't just being radical when they decide halakhah because now I know that in the cases they are stringent there must obviously be a reason why that is so.
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> When I learned these laws in my old school our rabbi just told us that all touch with the opposite sex is forbidden. Now that I saw the sources inside I can see for myself that the halakhot are much more complex and nuanced than I had originally been taught.

It was clear to me that by exposing students to the depths of halakhah and by allowing the sources to speak for themselves, the students gained an appreciation of the system. More, they came to respect it, and even identify with it, in ways that they had not before.

CONCLUSION

Until this point we have argued that respecting personal autonomy and even empowering it through encouragement and education allows for better halakhic observance and more engagement with the laws themselves. What if this premise is wrong? What if, Heaven forbid, as others may counter, teaching laypeople more about the intricacies of halakhah instead leads to disregard of laws that they now view as less crucial and to less precise observance? At one level, we reiterate that one needs to embrace a broad and long view of observance before reaching any conclusions. While the simple obedience that derives from brief answers and a limited exposure to halakhic complexity can seem appealing, we believe that deeper knowledge, more sophisticated questions, more insight into the process of *pesak*, and greater appreciation of the role of the rabbi ultimately serve the purpose of halakhic excellence rather than hinder it.

But what if we are still wrong? What if, despite all of our claimed benefits from a respect for autonomy, the cumulative adherence to halakhah over a lifetime still suffers?

We submit that the goals of halakhic living (and education, for that matter) are not reducible to the single measure of maximal halakhic performance, so to speak. We reject a consequentialist approach to halakhah, in which practical outcome is the sole value, but rather embrace a pluralistic set of values in which process and overall engagement stand on their own merit.[15] Indeed, "exegesis is not the crux, but rather action,"[16] but this does not mean that the former becomes entirely subservient to the latter. We believe that the halakhah is both a rulebook and a life force, both an instruction manual and a wondrous world to enter, breathe, and experience—not just for the scholar but for the layperson as well. And here we do not have in mind the Rav's Platonic description of Torah study,[17] but a less idealized version that deals with the practical parts of Jewish living. Whether one experiences halakhic living as an outsider or as an insider, as a blind follower or as an active participant, has enormous spiritual significance that is independent of one's adherence to the technical demands of the Law.

This marks the final divergence of halakhah from the medical model we have invoked. For while patient-centered medicine may be advantageous to personal health or have other emotional benefits, we certainly do not assign it any moral or spiritual import. We care little if a patient shrugs off the opportunity to become more invested in actively managing his or her medical care or to engage more fully in the decision-making process. Not so halakhah! Engagement in the halakhic system is itself deeply ennobling, and its worth cannot be reduced purely to its contribution to halakhic performance. For good reasons our Jewish vernacular distinguishes between a simple *shomer mitzvot* and a *ben Torah*, and we believe that continually escorting our constituency down the path from one to the other lies at the heart of the modern vision for egalitarian Torah education, both in the classroom and on the phone.

To be clear, we do not endorse more knowledge and less performance. To the contrary, Ḥazal's stinging words for "one who

studies without intention to act"[18] should hang in the air of every Torah classroom, particularly those in which intellectual achievement is pursued most ambitiously. At the same time, we suggest, those who teach halakhah or respond to constituents' real-time dilemmas should consider their larger impact on the spiritual lives of their audience beyond just the bottom line. There is an opportunity to invite someone into the transcendent drama of engagement with *devar Hashem*, to foster a spiritual identity that does not just practice halakhah but is immersed in it. This takes, on the one hand, the openness we have described and, on the other, a degree of restraint, with the recognition that identity formation is inevitably a very personal process in which autonomy is crucial. Moreover, this orientation requires an element of imagination to view every minor consultation as a small part of a larger spiritual journey. But we think this dramatization is valid. We have seen transformations, big and small, that started with just a question. Indeed, such can be the power of a deep encounter with the halakhah—if only we encourage it.

NOTES

1. Donald M. Berwick, "What 'Patient-Centered' Should Mean: Confessions of an Extremist." *Health Affairs* 28, no. 4 (2009): 555–565.
2. See, for instance, Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 5th ed. (Oxford: Oxford University Press, 2001), pp. 57–112.
3. Deena Zimmerman, *A Lifetime Companion to the Laws of Jewish Family Life* (Jerusalem: Urim Publications, 2005), p. 15.
4. *Avot* 2:1.
5. *Piṯḥei Teshuvah, Yoreh De'ah* 184:3.
6. *Yoreh De'ah* 196:4.
7. *Piṯḥei Teshuvah, Yoreh De'ah* 196:7.
8. Jerome Groopman, *How Doctors Think* (Boston: Houghton Mifflin, 2007).
9. *Piṯḥei Teshuvah, Yoreh De'ah* 197:9.
10. See *Shulḥan Arukh, Yoreh De'ah* 197:2 and *Be'er Ha-Golah.*
11. R. Shelomo Levi, *Sha'arei Orah* (Alon Shevut: Har Etzion, 2004), p. 146, and R. Elyashiv Knohl, *The Marriage Covenant: A Guide to Jewish Marriage*, trans. Kaeren Fish and Eli D. Clark (Ein Tzurim: Shiluvim Institute, 2008), p. 100.
12. *Shulḥan Arukh, Yoreh De'ah* 190:5.

13. *Pitḥei Teshuvah, Yoreh De'ah* 183:1.
14. See *Iggerot Moshe*, *Even Ha-Ezer* 2:14.
15. Regarding a pluralistic or hierarchical approach to religious values generally, see *Shabbat* 10a: "Rava observed that Rav Hamnuna was praying extendedly. He remarked, 'Do we abandon eternal life [e.g., Torah study] in order to engage in worldly pursuits [e.g., prayer for material needs]?' But [Rav Hamnuna] felt that time for prayer and time for study should be considered separately." Of course, that context is very different from our own, but we find validation in Rav Hamnuna's position for our own suggestion of pluralism regarding the ends of halakhic engagement.
16. *Avot* 1:17.
17. R. Joseph B. Soloveitchik, "*Ish Ha-Halakhah*," in *Ish Ha-Halakhah: Galuy Ve-Nistar* (*Halakhic Man: Revealed and Concealed*) (Jerusalem: World Zionist Organization, 1979), pp. 28–35.
18. See *Yerushalmi Shabbat* 1:2.