RS702 The Halakhic Process
Instructor: Dr. Vered Hillel and Guest Rabbis
Blogsite: https://server11.orbund.com
Dates: March 18 – May 27, 2018 (Spring Quarter, 2017-18)

COURSE DESCRIPTION
The Messianic Jewish rabbi will be called upon to work with other rabbis to establish halakhic norms, explain and apply these norms in congregational life, and render opinions on halakhic matters not directly covered by our established norms. This course will familiarize students with the textual sources and the historic and current process of halakhic formation that is required to fulfill these tasks and that incorporates distinctive elements of Messianic Jewish Halakah.

RELATIONSHIP TO THE CURRICULUM
This course is required for the MRS degree.

RELEVANCE
This course will cover the foundational principles of the halakhic process. It is pivotal for Messianic Jewish rabbis to understand the halakhic process from the Talmudic era through modern times, and how this has focused more on the pragmatic than on the theoretical. In order to build a mature Messianic Judaism, our rabbis need to be skilled at knowing to what degree old principles have remained stable and to what degree they have been modified, and how non-halakhic considerations have been utilized in the halakhic process. This class will teach both implicit and explicit systematic principles of analysis gleaned from primary Jewish sources used to make halakhic decisions, as well as how to incorporate modern scientific advances in the decision-making process, all in light of Yeshua. These principles are vital as all new halakhic decisions should demonstrate how and under what conditions they continue to be authentically incorporated into the existent halakhic process. Embracing the traditional/historical halakhic process, embeds Messianic Judaism more into its Jewish matrix.

PREREQUISITES
R501 Early Rabbinic Judaism 1
**TECHNICAL REQUIREMENTS**
This is an online video-conference course. The student must have a computer, headset, and high speed internet access.

**COURSE FORMAT**
Online video conference/podcast and asynchronous online discussion threads (blog).

**REQUIREMENTS**
Complete all assigned reading and reading quizzes, listen to all podcasts and attend all video conferences by Zoom, active participation in asynchronous class discussions, complete and fulfill a GLC and ICE.

**REQUIRED TEXTS**
Course Reader compiled of articles from books. Price of Course Reader will be based on copyright permissions.

**RECOMMENDED READING**
ASSIGNMENT INSTRUCTIONS AND DEADLINES

1. Podcasts and webcasts: Podcasts will be posted on Orbund by 8:00 pm EST Motzei Shabbat. Students are required to listen to the weekly podcast(s) before entering into the discussion threads (blog) each week. The week runs from Sunday through Thursday. A one-hour face-to-face introductory webcast will take place the first week of class at 1:00 EST on Sunday March 18. Four additional one and a half (1.5) hour webcasts will occur on Sundays at 1:00 EST in weeks 2, 3, 7 and 8. See the Course Outline for the specific dates. Mentors are welcome to attend these webcasts, but not required.

2. Reading: ALL required reading, is to be completed before participating in the discussion threads.

3. Discussion Threads (Blogs): Regular and timely participation in the discussion threads posted on Orbund is required.

   Discussion questions will be posted on Sunday of each week. To insure proper participation, **you are required to post separate 250-300 word answers to all discussion questions each week**. Your **first posts** are to be made by **Monday** of each week. In addition, you must respond to at least **three of your classmates’ posts in each discussion thread each week**. Discussion threads will close at 11:59 EST on Thursday evenings.

   The “classroom” interaction through discussion threads is your opportunity to discuss the topics with others students and to express yourself and in the process learn how to formulate opinions, defend positions, and/or reconsider your positions when evidence and reason call for it. As graduate students, you should engage in higher-level critical thinking and analysis. In your analysis, be sure to reference authorities and/or sources, using parenthetical references when citing articles read in class.

4. Guided Learning Contract (GLC): The GLC is the instrument for personalized learning, as well as spiritual assessment and growth. Students and mentors will be given written instructions for contracts and sample contracts at the beginning of the course. The student will be responsible for meeting with his/her mentors twice weekly. Signed GLCs are to be uploaded on Orbund no later than Sunday, April 8, 2018.

5. Integrative Contract Evaluation (ICE): Each student is required to complete an ICE documenting the completion of the GLC. These integrative papers are to be posted on Orbund by 11:00 pm EST May 27. Mentor evaluations are to be sent to me at drvered@mjti.org by 11:00 pm, May 27, 2018.

If you have any questions regarding assignments, feel free to send me an email on Orbund.
COURSE OUTLINE
All sessions include discussion of the material that has been covered in the weekly study sessions to date. Assignments may be changed by mutual agreement.

Week 1—March 18-22 (Introductory Web-cast)
Introduction [64]
   Berkovits, Not in Heaven
   Chapter 3: What is Halakah 107-127 (21)
   Novak, Halakhah in Theological Dimension
   Chapter 1: Can Halakhah be both Authoritative and Changing? 1-10 (10)
   Zemer, Evolving Halakhah
   Chapter 1: Halakhah as an Evolving Ethical System 3-21 (19 p)
   Chapter 2: Maimonides and the “Lesser Evil” 23-36 (14 p)

Week 2—March 25-29 (WebCast 1.5 hrs) Rabbi Joshua Brumbach
Majority Rules/Maklokhet; Aknai’s Oven, Sh’mah [36]
   Berkovitz, Not in Heaven
   Chapter 2: “Chapter 2: “The Nature of Halakhic Authority” (Not in Heaven, These as well as Those” 70-80 (11)
   Zemer, Evolving Halakhah
   Chapter 3: The Essence of Evolving Halakhah” 37-57 (21)

March 31-Apr. 7 PESACH BREAK – NO CLASSES

Week 3—Apr. 8-12 (WebCast 1.5 hrs) Rabbi Mark Kinzer
Halakhic Authority: De-Oraita/De-Rabbanan [81]
   MJRC Standards of Observance
      Section 1: Halakhah and Messianic Judaism, 1-13 (14)
   Kinzer, Israel’s Messiah and the People of God

Week 4—Apr. 15-19
Rabbis vs. Tanakh: The Issue of Kashrut [45]
   Berkovits, Not in Heaven
      Chapter 2: “The Nature of Halakhic Authority” 80-106 (27)
   Heger, The Pluralistic Halakha
      2.5 “Do Not Cook a Kid in its Mother’s Milk” 157-174 (18)
Week 5—Apr. 22-26
Custom and Precedent: For the Sake of Peace, Lo Titgodedu [58]

Roth, The Halakhic Process
Chapter 4: “On Judicial Discretion and Precedent” 81-85 (6)

Walter, The Making of a Halakhic Decision
Chapter 12: The Prohibition of Lo Titgodedu, 134-147 (14)

Zemer, Evolving Halakhah
Chapter 24: Desecrating the Sabbath in Order to Sanctify It," 283-390 (8)
Chapter 35: “For the Sake of Peace” 359-376 (18 pages)

R. Kassel Abelson; Rabbi Loel M. Weiss
“Burial of Non-Jewish Spouse and Children” (12)

Week 6—Apr. 29-May 3 Ethics and Halakhah: Mamzerut, Yibbum & Halitzah [81]

Zemer, Evolving Halakha
Chapter 4: Yibbum and Halitzah, 61-72 (12)
Chapter 6: Mamzerut (Halakhic Illegitimacy) 87-111 (25)

Berkovitz
Chapter 1: “The Priority of the Ethical” 28-49 (22)

Klein, Isaac, Responsa and Halakhic Studies
“The Problem of Halitza Today,” 146-155

Week 7—May 6-10 (1.5 hour WebCast) Rabbi Ben Ehrenfeld
Scientific, Sociological, Economic & Psychological Influences: Women in Judaism (Minyan, Mara D’Atra, Rabbi) [48]

Rabbi Tucker and Dr. Tova Hartman,
JOFA conference (required viewing to 19:15 in video)
https://www.youtube.com/watch?v=tO5Ax7jGNZQ&index=22&list=PLYa60GyKsr-Eroc3J9QWDi6V81GXqsE05

Rabbi Ethan Tucker
“Gender and Judging," Center for Jewish Law and Values – Full Essay, Av 5776. (12)


Zemer, Evolving Halakhah
Chapter 18: Is a Woman Permitted to Hold a Public Position, 241-248 (8)
Week 8—May 13-17 (1.5 hour WebCast)

Chiddush: Havineinu [56]

R. Moshe Walter, *The Making of a Halachic Decision*
Chapter 13: Proper Use of the *Shulchan Aruch*, 151-162
Chapter 14: Proper Use of the *Mishnah Berurah* 163-168

Broyde, *Innovation in Jewish Law*
1.1 Mishnah and Gemara (Berachot 29a)— an exploration, 9-16
1.2 What Falls into the Category *Sha’at HaDechak*?, 17-28
2.2 Reassessing Rambam,
5 Conclusion, 133-150

LEARNING OBJECTIVES

By the successful completion of this course the student will be able to:
1. Understand the pragmatic and theoretical aspects of the halakhic process;
2. Know the basic principles upon which the halakhic system functions;
3. Recognize and answer the various kinds of questions dealt with by posekim;
4. Apprehend and utilize the systematic principles of the halakhic process, including those that govern the use of “precedent” and “custom” in halakhic decision-making;
5. Discuss the source and scope of rabbinic authority;
6. Incorporate extralegal sources into halakhic discussion and decision-making;
7. Articulate how Yeshua-faith impacts the halakhic process and our engagement with it.

ASSESSMENT

Podcasts and Webcast participation 20%; Reading and Discussion thread participation 40%; GLC and ICE 40%.

THE GRADING SYSTEM

The basic letter grades have the following significance:
A Exemplary
B Adequate
C Passing, but requiring substantial improvement
F Failed

Grades have been assigned the following numerical values for the purpose of computing the grade point average:
A 4.0 | A- 3.7 | B+ 3.3 | B 3.0 | B- 2.7 | C+ 2.3 | C 2.0 | C- 1.7 | F 0.0

Further aspects of the MJTI Grading System can be found on page 30 of the MJTI Catalog.
# ASSESSMENT CRITERIA

## Assessment Criteria for Asynchronous Online Discussion

<table>
<thead>
<tr>
<th>Analytical Reflection</th>
<th>Evidence/Support</th>
<th>Interaction</th>
<th>Writing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>10%</td>
<td>100%</td>
</tr>
</tbody>
</table>

- **Demonstrates a serious attempt to grapple with the Unit material.**
  - Analysis is reasonable and gives opportunity for interaction.
  - Asks relevant questions.

- **Supports discussion points with references to assigned readings, logical analysis, and examples.**
  - Gives citations (work, page number) for material quoted or paraphrased.

- **Interacts with the instructor and other students.**
  - Discusses agreement or disagreement with classmates’ analytical reflections and provide explanation of logic; and/or respond to questions posed in classmates’ analytical reflections, and when appropriate, reference assigned readings, logical analysis, and examples.

## Assessment Criteria for Essays and Essay Questions

<table>
<thead>
<tr>
<th>Quality of thought</th>
<th>A (exemplary)</th>
<th>B (adequate)</th>
<th>C (passing)</th>
<th>F (failed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh or even original</td>
<td></td>
<td></td>
<td></td>
<td>No evident effort to understand</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Engagement with subject</th>
<th>A (exemplary)</th>
<th>B (adequate)</th>
<th>C (passing)</th>
<th>F (failed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deeply engaged</td>
<td></td>
<td></td>
<td></td>
<td>Disengaged</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organization</th>
<th>A (exemplary)</th>
<th>B (adequate)</th>
<th>C (passing)</th>
<th>F (failed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well organized</td>
<td></td>
<td></td>
<td></td>
<td>Disorganized</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mechanics of writing and documentation</th>
<th>A (exemplary)</th>
<th>B (adequate)</th>
<th>C (passing)</th>
<th>F (failed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearly error-free</td>
<td></td>
<td></td>
<td></td>
<td>Filled with errors and sloppiness</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Argument and support</th>
<th>A (exemplary)</th>
<th>B (adequate)</th>
<th>C (passing)</th>
<th>F (failed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well-argued and documented</td>
<td></td>
<td></td>
<td></td>
<td>No clearly supported argument</td>
</tr>
</tbody>
</table>
COURSE POLICIES

1. **Preparation**: Each student is expected to be prepared for, and to participate in the online class discussions.

2. **Dishonesty and plagiarism**: Any form of dishonesty (copying from another student’s work or allowing your work to be copied) or plagiarism (passing off another's work as your own, not giving appropriate credit to another's ideas) will not be tolerated. Such misconduct will result in an automatic “F” grade for the class and a permanent notice placed in the student’s academic record. Quoting from or using an idea peculiar to a published work in answers in discussion threads, final exams, projects or research papers without citing the source is another form of plagiarism. If you are unsure whether an action is permissible or not, please check with the instructor.

3. **Incompletes**: An incomplete will only be granted when the instructor and Academic Dean agree that significant extenuating circumstances have prevented a student from finishing the course work by the stipulated Due Date. Extenuating circumstances are major, unplanned, unanticipated, and unavoidable disruptions in one’s life or work. For more information on requesting a complete, see *Incomplete Grade Requests* on page 34 in the Student Handbook.

4. **Leave of Absence**: MJTI will consider a leave of absence for a student who is experiencing hardships that make effective progress in her/his academic program unusually difficult. Students who, due to unforeseen and serious circumstances (including personal, family emergency, medical, and military service) are unable to take or complete a course during the academic year may submit a Request for a Leave of Absence status to the MJTI Registrar’s office. Upon evaluation of the request by the Academic Dean, the student may be allowed to withdraw without penalty and settle the account for an amount which is a lesser charge to the student than that called for by MJTI’s written established policy. Non-attendance does not constitute official withdrawal. For more information, see *Maintenance of Student Status* on page 11 in the Student Handbook.

5. **Extensions**: An extension of up to 7 days from the original due date of the final assignments may be granted by the course instructor. The instructor is not obligated to grant the extension and may determine the length of time granted, as they must submit all grades at the assigned time. Under specific, extenuating circumstances, a student may request an Incomplete. Students who do NOT qualify for an Incomplete should submit as much work as possible by the Due Date so that the Instructor has time to grade all the work in time to meet the instructor’s deadline for submitting grades. The grade the student has received up to the date grades are submitted will stand.
6. **Change of Student Status:** A student who has registered to take a course for credit may switch to the status of auditor up to, and including, the fourth week of class by submitting a Change of Course Status form to the Registrar. No tuition will be refunded.

7. **Course Withdrawal:** Students desiring to drop or withdraw from a course may do so by submitting a Change of Course Status form to the Registrar. If the course is dropped in the first two weeks of the quarter, the course will not appear on the student’s transcripts. However, from the third week of the quarter, a student who withdraws from a course will receive a grade of “W” (withdrawn), on their transcripts. A student may NOT withdraw from a course after the fifth week of the Quarter. A “W” has no grade point value, thus does not affect the CGPA. A Change of Course Status form must be used for all course additions and withdrawals. Students will receive a failing grade for courses in which they discontinue attendance without officially withdrawing. For information on Tuition Refund policy see page 17 in the Student Handbook.

8. **Course Privacy:** Courses are only accessible on Orbund with the user name and password provided for students registered in the course. To ensure a positive forum for course interaction, students are asked to refrain from excerpting information from the lessons or thread discussions in any format. This will enable the cultivation of a safe and honest forum for dialogue.

9. **Instructors and Email:** Regardless of the course format, instructors shall be available during the course week for private contact from students via Orbund or email. Instructors are requested to respond within 24 hours of receipt (Sunday – Thursday) of student inquiries made via Orbund or email. These guidelines apply both to messages as well as to questions asked of the instructor in asynchronous discussions.

10. **Questions:** If you have any questions regarding assignments, feel free to e-mail them to me at drvered@mjti.org.

**STRUCTURED WORK HOURS**

- **10 hours**  Lectures (mp3) and WebCasts
- **26 hours**  Preparation and participation in asynchronous discussion
- **24 hours**  Reading 472 pages (20 pages per hour)
- **30 hours**  Developing, Executing and Evaluating Guided Learning Contracts
- **90 hours**  Total