Jewish Law: From the Ancient Near East to the Israeli Supreme Court

Synopsis
This course will survey the primary genres and methods of Jewish legal writing and legal decision-making from the Bible through the rabbinic and medieval period to the modern period. In discussing Jewish legal history, the course will focus particularly on the relationship of Jewish law to non-Jewish legal systems, issues of legal competition when Jews had access to non-Jewish venues, and the role of legal pluralism and indeterminacy in Jewish legal decision-making. The course will also discuss the complicated role of Jewish law in the State of Israel with respect to Jewish-Arab relations as well as the role of religious pluralism among Jewish communities within Israel. The role of Jewish law in contemporary Diaspora Jewish communities will also be addressed, particularly as these communities address modern social issues such as abortion, women’s rights, and homosexuality.

Textbooks

Weekly Topics and Assignments
Introduction; Biblical Foundations
14 and 21 January
Schreiber, Chapters I-III

The Development of the Oral Law
28 January and 4 February
Schreiber, Chapters IV-V
Peretz Segal, “Jewish Law During the Tannaitic Period”, in Hecht, pp.101-140

From the Talmud to the High Middle Ages
11 February
Schreiber, Chapters VI-VII

Communal Enactments and Rabbinic Responsa
18 February
Schreiber, Chapter VIII
Gideon Libson, “Halakhah and Law in the Period of the Geonim”, in Hecht, pp.197-250
From the Medieval to the Modern Period
25 February and 3 March
Schreiber, Chapter IX
Edward Fram, “Jewish Law from the Shulḥan Arukh to the Enlightenment”, in Hecht, pp.359-377

10 March – Spring Break – No Class

Contemporary Israel; Law in the West Bank
17 March
Daniel Sinclair, “Jewish Law in the State of Israel”, in Hecht, pp.397-415
Association for Civil Rights in Israel v. Minister of Defence HCJ 5973/92. Available at: 

Religious Identity; the Nexus of Jewish and Israeli Law (Mishpat Ivri)
24 March
Law of Return 5710-1950. Available at: 
http://www.knesset.gov.il/laws/special/eng/return.htm
Asher Felix Landau (ed.), Selected Judgments of the Supreme Court of Israel (Jerusalem: Ministry of Justice, 1971): 1-34
Samuel Shilo, “The Contrast between Mishpat Ivri and Halakha”. Tradition 20 (Summer 1982): 91-100
Shaye Cohen et al. Articles on matrilineal and patrilineal descent, Judaism 34.1 (Winter 1985) 9-128

Jewish Divorce; the New York State Get Law
31 March

Womens’ Participation in Jewish Ritual
7 April
Joel Roth, “On the Ordination of Women as Rabbis”. Committee on Jewish Law and Standards of the Rabbinical Assembly HM 7:4.1984b
Daniel Sperber, “Congregational Unity and Human Dignity: Women and Public Torah Reading”. 

**Modern/Contemporary Responsa**

**14 April**
David Novak, “Modern Responsa: 1800 to the Present”, in Hecht, pp.379-395
Idem. “Halakhic and Metahalakhic Arguments concerning Judaism and Homosexuality”. *Committee on Jewish Law and Standards of the Rabbinical Assembly* EH 24.2006f
Elliot N. Dorff et al. “Homosexuality, Human Dignity & Halakhah: a Combined Responsum for the Committee on Jewish Law and Standards”. *Committee on Jewish Law and Standards of the Rabbinical Assembly* EH 24.2006b

**Final Presentations**

**14 and 21 April**