Legal and Philosophical Approaches to Judaism

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Office Hours: By appointment on www.tungle.me.yehudasarna
Class: Thursdays, 4:55-6:10pm

Text:
Required reading for the course is From Text to Tradition by Lawrence H. Schiffman and The Culture of the Babylonian Talmud by Jeffrey Rubenstein. Additional readings will be available online or on Blackboard. There is no language pre-requisite. All primary texts will be made available in English. For some texts and articles, Encyclopedia Judaica and Responsa Project Online can be accessed through NYU Home.

Description:
In this course, we will study foundational topics in Jewish law, employing historical, literary and legal theory perspectives. Beginning with the biblical foundation, we will trace how the Jewish legal tradition developed throughout the biblical, post-biblical, rabbinic, early medieval periods. Along the way, we will explore the complex interplay of law, God, society and politics in various formative stages of the Jewish normative tradition.

Goals:
1. Students will become familiar with the main genres of Jewish legal writings, the main schools of Jewish jurisprudence, and some methods of Jewish legal analysis.
2. Students will also learn to employ interdisciplinary techniques to better comprehend the nuances of Jewish law. Case studies will relate to the status of non-Jews, the status of women, and key issues of social responsibility.
3. Students will explore how religious leaders balance inherited wisdom with real life concerns with integrity as a possible model for their own leadership.

Requirements:
Students are required to attend all classes and complete all assignments on time. The class will be built around discussion of the primary texts and secondary readings. Weekly responses will be required. There will be a mid-term take-home examination. There will be a final research paper (1200-1500 words) inviting students to apply the methodologies to the crafting of their own legal narrative, code, responsum, exegesis or dialectic on an issue relevant to today’s society. Students will be permitted to submit revisions of their paper prior to final grading.

Evaluation:
25% class participation
20% journal response
25% take-home exam
30% final paper

9/08

Early Biblical Law and Competing Clans:
A Case of Sexual Violence

Genesis 34
Lawrence Schiffman, From Text to Tradition, 1-79
Henry McKeating, “The Development of the Laws on Homicide”
http://www.jstor.org/stable/pdfplus/m.pdf?acceptTC=true
Fewell and Dunn, "Tipping the Balance: Sternberg's Reader and the Rape of Dinah," (co-authored)
RECOMMENDED

9/15

Sinai and Covenant as Authority:
Are God and Humanity Equal?

Exodus 19-20, 24, 34
Deuteronomy 4-10
http://www.jstor.org/stable/598135
http://www.jcpa.org/dje/articles2/bibcov.htm

9/22

Biblical Law in its Ancient Near Eastern Context:
Is Biblical Law Unique?

Exodus 21-23

9/29

Rosh Hashanah – no class
10/06
Early Second Temple and Covenant in Crisis
Does God Still Speak?
Lawrence Schiffman, From Text to Tradition, 80-137
Nehemiah 8-11, in particular 8:5-10 (role of Ezra as scribe), 8:14-17 (Sukkot – compare to Lev 23:40-44), 10:34 (korban eitzim, compare to 4Q365 frag. 23 found here http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1066&context=classicsfacpub&sei-redir=1#search=%224Q365%2C%20frag.%2023%22
Book of Jubilees, chapters 1-2
Damascus Document (CD) I-V in Geza Vermes, The Complete Dead Sea Scrolls, pp 97-100
James Kugel, "Two Introductions to Midrash" Prooftexts 3 (1983)
http://www.jstor.org/stable/20689066
RECOMMENDED READING
Aharon Shemesh, “Halakhah in the Making”, 1-39

10/13
Sukkot – no class

10/20
Shemini Atzeret – no class

10/27
The Scribes, The Great Assembly and the Pairs:
The Politics of Continuity
Lawrence Schiffman, From Text to Tradition, 139-219
Avot Chapters 1,2
Eduyot Chapter 1
Tosefta Eduyot, Chapter 1
James Kugel, How to Read the Bible, pp. 7-24
RECOMMENDED

11/03
The Tannaim and Responses to the Destruction of the Temple
The Forging of a Religion
Tosefta in Sotah 15:10-15
Mishna Rosh Hashana 2:8-9
Sotah, 27b “on that day”
Shaye J. D. Cohen, “The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism” Hebrew Union College Annual 55
Yitzhak Gilat, “Eliezer ben Hurkenus” in Encyclopedia Judaica, http://go.galegroup.com/ps/retrieve.do?sqHitCountType=None&sort=RELEVANCE&inp=true&prodId=GVR&userGroup=imcpl1111&tabId=T003&searchId=R1&resultListType=RESULT_LIST&contentSegment=&searchType=AdvancedSearchForm&currentPosition=7&contentSet=GALE|CX2587505801&docId=GALE|CX2587505801&docType=GALE&role=

11/10
Tannaitic Sources and the Origins of the Passover Seder
Does Social Class Determine Ritual?
Pesahim (Mishna and Tosefta) Chapter 10
Judith Hauptman, “How Old is the Haggadah?”
http://findarticles.com/p/articles/mi_m0411/is_1_51/ai_85068465/
RECOMMENDED
Mechilta deRabbi Yishmael Parshat Bo section 18
Take Home Mid-Term Distributed

11/17
Codes Versus Exegesis
Is there Integrity to Jewish Law?
Menahot 29b
RECOMMENDED
Take Home Mid-Term Due
Final Paper Assigned

11/24
Thanksgiving – no class

12/01
Babylonian and Palestinian Talmud
A Struggle for Authenticity
Lawrence Schiffman, From Text to Tradition, 220-265
Berakhot 27b-28a
Truth and Legal Pluralism in the Talmud

Should Dissenters be Excommunicated?

Bava Metzia 59b ("Oven of Akhnai"),
Gittin 55b ("Kamtza and Bar Kamtza")
R Hiday "Dispute for the Sake of Heaven: Legal Pluralism in the Talmud". P. 43ff, p. 61, 77
Jeffrey Rubenstein, The Culture of the Babylonian Talmud, pp 39-54
http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/sstone-474/sinaitic_noahide_law%281%29.pdf
RECOMMENDED
Hanina Ben Menahem, "Is there always one uniquely correct answer to a legal question in the Talmud?" The Jewish Law Annual (Volume 6)

Savoraim or Stammaim

Is Israel a Chosen Nation?

Avodah Zarah 2a-3b
Shabbat 88a-89b
Jeffrey Rubenstein, The Culture of the Babylonian Talmud, pp. 1-39
RECOMMENDED
Gerald Blidstein, "In the Shadow of the Mountain: Consent and Coercion at Sinai," Jewish Political Studies Review 4, no. 1 (Spring 1992)

Geonim

How Can a Text Become Authoritative?

Lawrence Schiffman, From Text to Tradition, pp 266-270
Rav Sherira Gaon Responsum on “Rebellious Wife” (in “An Introduction to the History and Sources on Jewish Law”, p.236)
G Libson, “The Age of the Geonim” in “An Introduction to the History and Sources on Jewish Law”
Robert Brody, The Geonim of Babylonia and the Shaping of Medieval Jewish Culture, chs. 3, 10, 18
and epilogue

**Final Paper Due**