

Attention!

This is a representative syllabus. The syllabus for the course you are enrolled in will likely be different.

Please refer to your instructor's syllabus for more information on specific requirements for a given semester.

Hebrew 5806: Studies in Biblical Law

Spring 2015

Instructor:

Email:

Meeting Time/Location:

Office hours:

Please **email** me to make an appointment for office hours.

All official communication about the course will take place via Carmen. Syllabus is subject to change based on class interest and time.

Course Overview

The Hebrew Bible is an influential document for conceptions of law, religion and authority in the United States and beyond. The Ten Commandments (Ex. 20:1-17) has become an emblem of the Bible's significance in modern American political and legal discourse. In this course we will expand our knowledge of biblical law, its cultural contexts and reception. We will learn about the ancient legal cultures within which the Hebrew Bible developed, become familiar with the way that biblical rules and narratives are interwoven and learn about how interpreters in ancient and modern cultures understood the biblical laws and made them speak to their own contemporary concerns.

Course Objectives

- Know the origin and development of the Hebrew Bible and gain exposure to the legal cultures of the Ancient Near East and how Hebrew biblical law is in dialogue with its surroundings
- Become familiar with some foundations of legal theory and differing views on the definition of law, the methods of legal interpretations and how those issues apply to reading biblical law
- Gain a more nuanced view on how narrative relates to law in the bible

- Be knowledgeable about the methods of rabbinic interpretations of biblical law and exposure to some important categories of rabbinic legal thought.
- Learn about non-rabbinic Jewish interpretations of Biblical law, especially early Christians and Medieval Karaites, and reflect on how the rabbis reacted to these differing views on biblical law and interpretation

Studying Religion in an Academic Context

No prior knowledge of the Bible is required or expected, but the class requires an open mind. This course examines texts that some hold to be sacred, and may challenge beliefs that some hold to be formative of their worldview. It is essential that when you read a Hebrew Biblical text you look at what the text says for itself. Only once we understand what the text says and doesn't say can we appreciate the role of multiple interpretations and how each community has taken its own views on the text of the Hebrew Bible. In all of these investigations, we take the academic approach of critical inquiry, assessment of sources and consideration of multiple perspectives. This can be challenging to some people of faith, whatever that faith may be. I am here to help you navigate these challenges if they arise, as we embark together on this intellectual endeavor.

Course Requirements

1. Regular attendance and participation are essential for the creation of a stable, stimulating learning environment and are therefore required. You will be held responsible for all material presented in class, as well as the reading assignments. If you more than two unexcused absences your grade will go down. If you do miss a class, make sure to get class notes from a fellow student. You must sign in at the beginning of every class.
2. Critical comprehension of assigned readings and knowledgeable engagement in class discussions are essential. Because class discussion will revolve around the readings, you will be expected to come to class having completed all of the reading.

3. Assignments and Assessment

1. Midterm examination (multiple choice) in class **March 4, 2015**
2. Research paper (see Carmen for detailed assignment) **Annotated Bibliography due March 25; Outline due on April 6 (NOTE this is a Monday); Final Project due April 29 by 5pm**
3. Two oral assignments:

a) Each student will introduce the assigned readings more than once during the semester. The students will take turns each lecture. This is an oral presentation which includes an overview of the reading's content, an analysis of the important themes that arise, and a critique of the author's approach to the subject. As necessary, presenters should do some background reading about the author or text to provide context, but only when necessary to provide clarity. The presentation should conclude by posing three open-ended but specific questions based on the reading for further discussion. Presentations should not be longer than 5 mins. Further information can be found on Carmen in the "How to Read the Course Readings" handout.

b) Students will present a conference-paper version of their final research paper as an oral assignment. This means writing a 10 minute lecture which should be 5 double-spaced typed pages which will be delivered while standing in front of the class. The presenter will then take questions and comments from the class. **Oral Presentations of Research will take place in class on April 22, 2015.** Students will incorporate the feedback from the oral presentation into their final written assignment. Detailed guidelines for this can be found on Carmen

Grading

You must complete all of the assignments in order to pass the class.

Midterm Examination 15%

Oral Presentation on weekly readings: 25%

Oral Presentation of research: 20%

Research Paper: 40% (Annotated Bibliography is worth 1%, Detailed Outline is worth 5%)

Grades on the research paper will be based on persuasiveness of argument, quality of research both in primary sources and secondary sources, quality of analysis (including use of and analysis of evidence), consideration of multiple interpretive options and clear explanations of why some interpretations are rejected and others are followed, and clarity and economy of written style (as well as other elements of style such as spelling and punctuation). Detailed guidelines and options for assignment topics can be found on Carmen.

I strongly recommend you meet with the Hebrew and Judaic Studies research librarian, Joseph Galron (galron.1@osu.edu) to help you with finding your primary and secondary sources. Written assignments submitted one day late will lose a full letter grade. Assignments submitted beyond that time will not be counted. Further guidelines for written assignments can be found on the course's Carmen site and please ask me if you have any questions. **All written assignments are to be turned in via Dropbox on the Carmen site.**

Disabilities

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated, and should inform me as soon as possible of their needs. The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; <http://ods.osu.edu/>. Please do not wait until an assignment is almost due or when an exam is imminent to speak to me about this.

Required texts

All required primary and secondary texts, **with the exception of the Bible passages**, can be found on Carmen

Bible text: You will need access to a Study Bible (in translation). You may use one that you already own, or borrow one from the library, or you may purchase a *Jewish Study Bible*, or other academic study bible such as the *Harper Collins Study Bible*, *Oxford Annotated Bible*, *Oxford Study Bible*.

Schedule

W 1/14 Introduction to Course; What is Law?

Readings: W.H. Auden “Law Like Love;” Hendrik Hartog, “Pigs and Positivism” in *Wisconsin Law Review*, 1985 (focus on first nine pages, rest you can read if you like).

W 1/21 The Ten Commandments in U.S. Politics and Law

Readings: Exodus 19:1-20:18 with notes in a Study Bible (your choice, as above); Deuteronomy 5:1-30 with notes in Study Bible; Joseph P. Hester, *The Ten Commandments: A Handbook of Religious, Legal and Social Issues*, pp. 77-79; pp.112-124; Paul Finkelman "The Ten Commandments on the Courthouse Lawn and Elsewhere," *Fordham Law Review* 73:4 (2005) 1477-1520

W 1/28 Hebrew Biblical Laws in Ancient Near Eastern Contexts

Readings: Michael Coogan, *The Ten Commandments: A Short History of An Ancient Text* pp.9-24; Ancient Near Eastern (ANE) Law Collections in Comparison with Pentateuchal laws (Carmen Study Guide including references to ANE and biblical collections, study questions and the Ancient Near Eastern Documents themselves). Read the study questions to help guide your readings of the texts, but we will also have partnered study time to answer these questions fully during class. **(We may need more time than one class for this, if so we will push into a second class and eliminate one of the later lectures on rabbinic interpretations of Biblical law).**

W 2/4 Ten Commandments and Jewish Law in Modern Expressive Culture

Viewings: (both on Carmen): Krystof Kieslowski’s *Dekalog* (“Decalogue”) Episode 1; Ohad Naharin’s “Who Knows One” (you can find a blog article about the originating dance company and the piece itself at <http://sophia.smith.edu/blog/danceglobalization/2012/04/12/batsheva-dance-company/>); Helene Aylon "The Liberation of G-d" (2004) <http://www.heleneaylon.com/LiberationofGod.html>

Recommended Viewings: Review of *Dekalog* by Roger Ebert (15:53) Interview with Krystof Kieslowski about *Dekalog* (21:11) (both on Carmen)

W 2/11 Sources of Law and Authority in the Pentateuch

Readings: Exodus 18:13-24 (Moses as Judge and the Judicial System); Numbers 11 (Eldad and Medad prophesying in the camp) Leviticus 24:10-17, 23 (The Blasphemer); Number 15 (Gathering Sticks on the Sabbath); Numbers 27:1-11 (Tzelofchad's daughters); Numbers 9:1-14 (Second Passover);

Questions:

All of these are narratives, but narratives about law, either law judgment, or law enforcement, e.g. punishment. It is important to read them in their context, among laws, and among other narratives, to see how they interact with the rules themselves. Think to yourself, what does this story add not only to the rule that might be at issue, but about laws in general for the Israelites? How does law and a judicial and legal system appear in each narrative? Fallible? Flexible? Other qualities?

W 2/18 Legal Parables and Case Law in the Bible

Readings: Chaya Halberstam, "The Art of Biblical Law," *Prooftexts* 27:2 (2007); Study the biblical passages that she cites in this article; Claire Sufrin, "Telling Stories: The Legal Turn in Jewish Feminist Thought" in *Gender and Jewish History* ed. Marion Kaplan and Deborah Dash Moore, pp.233-248. In both, note the approach to biblical narrative and law put forward by Robert Cover, and how the different authors use the intersection of law and narrative.

W 2/25 Paul and the Purpose of Biblical Law

Readings: Galatians chapters 3-5; Romans ch. 7 and ch. 13. You can find this in your study bible, or if you have a JPS bible, online. Bart Ehrman, *The New Testament: A Historical Introduction to the Early Christian Writings* pp.1-16 (Introduction to the New Testament and the Diversity of the Early Church); pp. 306-323 (Introduction to Paul and his Writings) [on Carmen the first and half of the second chapter are in the first pdf, and the second pdf is the rest of the Paul chapter]; Alan F. Segal *Rebecca's Children: Judaism and Christianity in the Roman World* pp. 38-67 (About Jewish society in Palestine time of Jesus, sectarianism, etc.)

Recommended Reading: Chaya T. Halberstam, "Negotiating Law and Religion in Ancient Jewish Texts," *Law, Culture and the Humanities* 2007

W 3/4 The Dead Sea Scrolls Sect and Debates about the Sabbath in the Second Temple Period

Readings: Primary Sources in one document on Carmen: DSS Damascus Document, Rabbinic Biblical Legal Interpretation "Mekhilta deShabta" ch. 1, and selections from rabbinic legal collection *Tosefta*, passages from Mark, Matthew and Luke about saving life on the Sabbath and healing on the Sabbath. Secondary Sources: Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls pp.83-95*, (his theory for the historical circumstances that might have precipitated the dead sea community's beginning. I will give you a general overview to the sect and its practices and history in class); pp.211-222 on Biblical Interpretation in the sect and in that period in general' 245-255 "The Theology of Jewish Law" and "273-287 "The Law of the Sect."

Optional reading: About Rabbinic Legal Interpretation of the Bible (Midrash): Louis Jacobs, excerpt from "Hermeneutics" in *Encyclopedia Judaica* (under "R. Ishmael's 13 Principles" in Carmen

W 3/11 The Legacy of Biblical Law in Contemporary Jewish Practice

In Class Midterm Examination - This will take only a small portion of class

Readings: READ THIS FIRST: Rabbi Louis Jacobs, "Why did the rabbis forbid electricity to be used on Shabbat? That wasn't in the Torah!" from myjewishlearning.com, (accessed 2/26/2015); Rabbi Daniel Nevins, Committee on Jewish Law and Standards (Conservative Movement, USA) "The Use of Electrical and Electronic Devices on Shabbat [Sabbath]" 2012; Rabbi Elliot Dorff, "Concurring Opinion with Rabbi Nevins' Responsum on Electricity on Sabbath" 2012; Rabbi Avram Reisner, "A Dissent Justified to Rabbi Daniel S. Nevins' The Use of Electrical and Electronic Devices on Shabbat" 2012; Rabbi Elie Kaplan Spitz, "On the Limited Use of Electronics on Shabbat: Microwave heating of cooked foods and the reading and conversing on electronic devices" (dissent from Rabbi Nevins) 2012; From jewishvaluesonline.com "What does Judaism Say about Technology?" Answers from a Reform, Orthodox and Conservative Rabbi (accessed 02/26/2015); Rabbi Howard Jachter and Rabbi Michael Broyde, "The Use of Electricity on Shabbat and Yom Tov [Holidays]" (this is an orthodox legal document, it is quite technical, so if it is too hard to make sense of I will help in class. Nevins is more clear; Tiffany Shlain, "Tech's Best Feature: The Off Switch" in *Harvard Business Review* 03/1/2013, emblematic of popular idea of switching off from technology and Sabbath. See also nationaldayofunplugging.com; Marek Cejka, Making the Internet Kosher: Orthodox (Haredi) Jews and their approach to the World Wide Web, from digitalislam.net, accessed 2/26/2015

W 3/18 - No Class - Spring Break

W 3/25 Talmudic Law and Rabbinic Legal Authority

Readings: General background on the rabbis and the Talmud: Alan Segal, *Rebecca's Children* pp. 117-141 "The Origins of the Rabbinic Movement" (his theory about how the rabbis are connected with the earlier second temple period sects); Catherine Hezser, "Roman Law and Rabbinic Legal Composition," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. by Fonrobert and Jaffee, pp. 144-163 and Lawrence Schiffman "The Making of Mishnah and the Talmud" from the *Printing of the Talmud*.

Primary Sources and analysis of specific Talmudic text: Babylonian Talmud Bava Metzia 59a "The Oven of Akhnai;" Daniel Boyarin, *Intertextuality and the Reading of Midrash* pp.33(at bottom)-37; Suzanne Last-Stone, "In Pursuit of the Countertext: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 813 (1993), **especially** pp.849-865 - her reading of this passage of the Talmud. Possibly another secondary source on this story in the Talmud.

Annotated Bibliography for Outline Due

W 4/1 Jewish and Biblical Law in Modern Israel

Special Guest: Dr. Alexander Kaye (History, OSU)

Readings: Primary: Israel's Declaration of Independence, pay attention to the descriptions of the state as "Jewish" and "Democratic." We will touch on family law (divorce), Sabbath and Dietary Laws and their manifestations in Israeli law. accordingly, bring along your bibles, and review the passages of the bible where these come from. You can look at <http://jwa.org/encyclopedia/article/divorce-halakhic-perspective> for info on jewish law of divorce from the bible onwards.

Secondary: Assaf Likhovsky, "The Invention of 'Hebrew Law' in Mandate Palestine" (1998); Pinchas Shifman, "Family Law in Israel: The Struggle Between Religious and Secular Law" (1990); Israel England, "Law and Religion in Israel" (1987) and Daphne Barak-Erez "Law and Religion under the Status Quo Model" (2000), compare this to England. The first two articles are historical and the practical, about a particular field of law, the second two are more theoretical, how the separation and combination of religion and state work in Israel.

Monday 4/6 Detailed Outline of Research Paper Due via Carmen

This outline will be basis for Oral Presentation and Research Paper. The outline is worth 5% of your final paper grade. Guidelines for the outline are on Carmen.

W 4/8 Biblical Law and Contemporary Interpretation in Jewish and Catholic Traditions: Abortion

Readings: Exodus 21:22–23; Mishna Oholot 7:6; Babylonian Talmud Sanhedrin 57b; Maimonides *Laws of Murder and Saving Life* 1:9; Tosafot, Sanhedrin 59a, s.v. Leka—All these materials are included in Jewish Law (Mishpat Ivri): Cases and Materials (eds. M. Elon et al.; Lexisnexis, 1991), 609–10 [inside the Jewish case law doc]; Rabbi Aaron Lichtenstein’s article “Abortion: A Halakhic Perspective” (This is a very accessible and concise piece—it may be worthwhile reading this first) Cardinal Ratzinger’s (later Pope Benedict)’s 1991 Report on the Issue of Abortion ([in Jewish case law and Ratzinger doc])

Optional Reading: J. David Bleich, “Abortion and Jewish Law”

Think about the following questions:- How does each of them (i.e., Lichtenstein, Feinstein, Waldenberg, and Ratzinger) structure the argument? - How do you conceptualize the hermeneutic framework and normative horizon of each approach? What is, for each approach, the hermeneutic and normative boundary beyond which its interpretive community may consider a given opinion illegitimate? - How do you describe the interpretive obligations reflected in each approach? How do you conceptualize the driving force behind each interpretive approach? What is the goal, method, and result of each approach? - How do you describe the differences among the various opinions within the legal literature?

W 4/15 Non-Rabbinic Jewish Interpretations of Biblical Law: Karaites

Readings: “Karaites” in *Encyclopedia of Religion 2nd ed.*); Daniel Frank, “Karaites Ritual” in *Judaism in Practice*, ed. Lawrence Fine (2001) pp. 248-261; Saadia's commentary on Genesis (excerpt) transl. Daniel Frank; Salmon ben Jeroham excerpt from "Book of the Wars of the Lord" in *The Karaite Anthology* by Leon Nemoy, Yale, 1952

W 4/22 Oral Presentations of Student Research

W 4/29 Final Research project due by 5pm via Carmen

