The history of the Jewish law begins with its foundation in the early biblical period with the giving of the commandments at Mount Sinai. It covers more than fifteen periods in the life of the Jewish people. It encompasses not only the Written Biblical Law, but also the Oral Tradition, customs and mores that were developed and were unique to each Diaspora, from East to West. These laws were incorporated into a large and vast body of living and dynamic law that led the Jewish people throughout the generations - until and including the body of law that has developed in the state of Israel, most of which is modern, secular, and has its sources in the common law system as well as the European civil code. The students are introduced to the development, the sources, the codifications and the applications of the Jewish law, with some emphasis on the intricacies of the problematic relationship between the Jewish law and the modern unique body of law that that has been developing in the state of Israel.

The course is divided into Three Parts:

**Part I**: outlines the history and the basic principles of the Jewish Law, the Halakhic system that encompasses the Biblical law (Torah law) and the Rabbinic law.

**Part II**: covers the Legal Sources of the Jewish laws, its interpretation, legislation, custom, precedence and legal reasoning. It encompasses also some of the vast literary sources of Jewish law Biblical, post-Biblical, the Babylonian Talmud and the Jerusalem Talmud, commentaries and codification.

**Part III**: Explores the study of the Modern legal system of the state of Israel and examines the problematic nature of the incorporation of the Law of personal status in the Rabbinical and in the general courts, the absence of civil marriage and divorce, and the status of women under these laws. Finally it underlines the religious and cultural complexities of the question of the status of Jewish law in the unique legal system of the State of Israel which houses traces of laws from the Ottoman, British and civil code of Europe, and has some relation to the American body of law.

Every part will be accompanied by examples of case law and court rulings, while comparing and contrasting between the two bodies of law, the Jewish law and the Israeli unique common law under the umbrella of the Israeli general legal system.

**GRADING:**

- Attendance and active class participation 30%
- Final research paper or take home exam 70%

**REQUIRED TEXTS**

BIBLIOGRAPHY (A tentative list)

PART I: The history of the Jewish Law

Week 1

Religious, legal and moral issues

Week 2:

Week 3:

Week 4:

PART II: The Legal Sources Authority and Interpretation

"Interpretation of the Torah", in Elon, Chapter 9, Vol. II. (XII) pp. 391-399
"Interpretation of the Halakhah", in Elon, Chapter 10, Vol. II. pp. 400-421
"Interpretation of Documents", in Elon, Chapter 11, Vol. II. (II (A&B) pp. 432-443
"Legislation: the Halakhic Authorities", in Elon, Vol. II. Chapter 14, IV, pp. 505-515, 521-533

Week 5:
"Legislation: the Halakhic Authorities", in Elon, Vol. II. Chapter 14, pp. 536-544
Peretz Segal "Jewish Law during the Tannaitic Period” in Hecht, et al. 1996, pp. 101-140

Week 6:
Libson Gideon, "Halakhah and Law in the time of the Geonim", in Hecht, et al. 1996, pp.197-250
"The Post Geonic Period", preceding the *Shulchan Aruch*, (1250–1550), in Elon, Vol. II. Chapter 18, pp. 666-677
Week 7:
Fram Edward, "Jewish Law from The Shulhan Arukh to the enlightenment", in Hecht, et al. 1996, pp. 359-378

Week 8:

Week 9:
"Precedence", in Elon, Vol. II. Chapter 23, pp. 945-986
"Legal reasoning", (500-600C.E.), in Elon, Vol. II. Chapter 24, pp. 987-1014

Week 10:
PART III: The law of the State of Israel and the Jewish Law
"Jewish law from the abrogation of the Jewish law autonomy to the establishment of the state of Israel", in Elon, Vol. IV: Chapter 41, pp. 1575-1618
Sinclair Daniel, "Jewish Law in the State of Israel", in Hecht, et al. pp. 397- 420

Week 11

Week 12
Problems in the Personal Status Law
"Additional aspects of the problem of the personal status of Jewish law in the law of the state of Israel", in Elon, Vol. IV. Chapter 43, pp. 1752-1784, 1802-1807, 1818-1826

Week 13
Ben Menahem Hanina, "The Judicial Process and the nature of Jewish Law", in Hecht, et el., pp. 421- 438

Week 14
Conclusion and a summary of the course
Internet sites

The Knesset (Parliament) [www.knesset.gov.il]
The Judicial Authority [www.court.gov.il]
The Israel Bar Association
Israel Democracy Institute [wwwidi.co.il]
Guide to Law Online - Israel
Lexis