

Schedule of Events

In addition to our closed fellowship seminars, the CJL hosts a variety of other events throughout the year. Unless otherwise noted, these events take place at Cardozo Law School, 55 5th Avenue, Manhattan.

OCTOBER 4: Public Panel, “Stanley Fish and R. Joseph Soloveitchik on Law, Interpretation and Truth” with panelists Stanley Fish, William Kolbrener and Daniel Rynhold

OCTOBER 14: Text study of Moreh Nevukhim [Guide for the Perplexed] taught by Yair Lorberbaum at the JCC of Manhattan, session 1

OCTOBER 15: Legal Theory Reading Group on Law and the Emotions I (for students and professors; to participate, inquire at jewishlaw@yu.edu)

OCTOBER 21: Annual Ivan Meyer Public Lecture, “Rabbi Nissim of Girona on the Constitutional Power of the Sovereign” by Professor Zev Harvey (Hebrew University)

OCTOBER 28: Session 2 of Moreh Nevukhim text study

NOVEMBER 11: Session 3 of Moreh Nevukhim text study

NOVEMBER 12: Legal Theory Reading Group on Law and the Emotions II (for students and professors; to participate, inquire at jewishlaw@yu.edu)

NOVEMBER 18: Session 4 of Moreh Nevukhim text study

DECEMBER 10: Legal Theory Reading Group on Law and the Emotions III (for students and professors; to participate, inquire at jewishlaw@yu.edu)

MARCH 16, 2011: Public Panel, “Law and History: Methodological Reflections on Intersecting Disciplines” with Shai Lavi, Assaf Likhovski, Samuel Moyn and Richard Ross

MAY 2011: Annual Graduate Conference in Israel (date TBA)

For a complete schedule of the Spring 2011 schedule of events, visit www.cardozo.yu.edu/cjl

We gratefully acknowledge the individuals, foundations and institutions whose support has been invaluable to CJL:

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THE CENTER FOR JEWISH LAW AND CONTEMPORARY CIVILIZATION

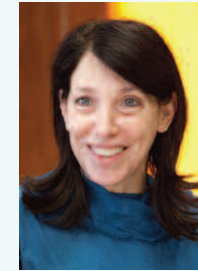
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ANCIENT TRADITIONS NEW CONVERSATIONS

YESHIVA UNIVERSITY
CARDOZO SCHOOL OF LAW
FALL 2010

THE CENTER FOR JEWISH LAW AND CONTEMPORARY CIVILIZATION



Director's Message

I was privileged to be on a half-year sabbatical, in the fall of 2009, at Tel Aviv Law School. I am grateful to Ari Mermelstein, associate director of the CJL, who served as director in my absence from the CJL. I am pleased to report on all that we have accomplished in the past year.

First, I would like to acknowledge the generous support of the Tikvah Fund, which supports our visiting scholars and undergraduate fellowship program, and recently increased its support to fund part of our graduate fellowship. We also recently received a grant from the Leonard and Bea Diener Institute for Jewish Law at Cardozo for public events.

The mission of the CJL is to enrich Jewish studies, the legal academy and contemporary civilization broadly conceived, by creating and sustaining a diverse and collaborative intellectual community that re-examines and reconsiders classical Jewish texts with an ever-growing set of new conceptual tools. In the past year, we have expanded our programming in diverse ways in order to reach a larger community, and to draw upon the resources of a wider set of disciplines.

Our fellowship programs for graduate students and undergraduates, the centerpiece of the CJL's educational vision, have continued to grow in wonderful ways. In the fall of 2009, the fellowship officially became a two-year commitment, and we welcomed a new class of 10 graduate fellows who are pursuing degrees at Columbia, CUNY, JTS, NYU, Princeton and Yale. In addition to seminars in legal theory, we added to the first year of the fellowship two new types of sessions: (1) Methodology seminars, taught by Yair Lorberbaum (Bar-Ilan), reflecting on the methodological problems of interdisciplinary study; (2) integration seminars, taught by Leora Batnitzky (Princeton), Christine Hayes (Yale), Isaiah Gafni (Hebrew University) and Hanina Ben-Menahem (Hebrew University), modeling how to integrate legal theory into historical and philosophical work. In the spring of 2010, our second- and third-year fellows participated in a highly successful graduate conference with Israeli students of Mishpat Ivri from the law schools of Hebrew University and the University of Tel Aviv. This fall, we are pleased to welcome our newest class of graduate fellows, comprising 10 impressive students pursuing doctorates at CUNY, The New School, Princeton, University of Pennsylvania, Yale and Yeshiva University. We trust they will contribute immensely to the growth of our flourishing intellectual community.

In the fall of 2009, we welcomed our second class of undergraduate fellows, after piloting a successful program in the spring of 2009. Ten highly accomplished Yeshiva University undergraduates studied political and legal theology with Paul Kahn (Yale Law), Michael Puett (Harvard), Sohail Hashmi (Mt. Holyoke), Shlomo Fischer (Yesodot), Leora Batnitzky, Silvio Ferrari (University of Milan) and Peter Berkowitz (Hoover Institution). This innovative program bridges academic study and contemporary issues. This fall, our newest class of 10 undergraduates will study a course on law and the emotions with an equally distinguished line-up of scholars.

CJL expanded its presence at Cardozo Law School with the inauguration of the Straus fellowship for accomplished Cardozo students who integrate the study of Jewish law into their legal studies. We also expanded our presence at YU's undergraduate campuses, through sponsoring lectures by our visiting scholars. Both Isaiah Gafni and Pierre Birnbaum (Sorbonne) addressed YU undergraduates this year, in addition to participating in the intellectual life of the CJL at Cardozo.

In addition to continuing our regular programs, such as the Legal Theory Reading Group (in 2009–2010 on Anthropology and Sociology of

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EDUCATING A GENERATION OF SCHOLARS

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CREATING A UNIQUE INTELLECTUAL COMMUNITY

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EXPANDING OUR ONLINE PRESENCE

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INTERNATIONAL ACADEMIC COLLABORATIONS

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Undergraduate Fellowship



Paul Kahn (Yale University) leads a session of the Undergraduate Fellowship.

The Undergraduate Fellowship in Jewish Law and the Humanities is a unique program designed for Yeshiva University undergraduates. YU students study a rigorous core curriculum that includes intensive examination of Jewish law and Jewish texts as well as high-level studies in the humanities. These two aspects of the curriculum are not often in dialogue with one another in meaningful ways that can contribute to fruitful contemporary conversations. Having completed its second successful year—and ready to begin a third—the fellowship has become an important part of the academic lives of the most impressive YU undergraduates.

The Undergraduate Fellowship combines academic study with personal intellectual journey. Seminar sessions are led by prominent scholars who share both cutting-edge research and personal intellectual autobiographies. The 2009–2010 seminar, titled “Political and Legal Theory,” explored the deep structural paral-

els between religious-theological systems and legal-political ones. Sessions from distinguished faculty explored the historical roots of legal and political thought in religious and theological systems and perspectives. Students and faculty considered the theological underpinnings of law and political theory from a comparative perspective—including representatives of diverse religious traditions—with a strong focus on Jewish thought.

The 2010–2011 seminar, titled “Law and the Emotions,” will examine the role emotions play in ancient and modern conceptions of law and justice. There is a perceived incompatibility between law, the paragon of reason, and emotion, the realm of the passions. But ancient texts, from both the classical Greek and Jewish traditions, suggest a much more nuanced picture of the relationship between law and emotions. The seminar will explore the ways in which ancient texts can animate contemporary conversations. ■

Schedule of Sessions, “Political and Legal Theory” Undergraduate Fellowship Seminar:

Session 1: SILVIO FERRARI, Introduction to Political and Legal Theory—from Max Weber to Carl Schmitt

Session 2: Panel on Kingship in Jewish Law

Session 3: PAUL KAHN, Political Theory: Four New Chapters on the Concept of Sovereignty

Session 4: SHLOMO FISCHER, Political Theory in Religious Zionism

Session 5: SOHAIL HASHMI, Islamic Law, the Qur’an and Modern Islamic Political Theory

Session 6: PETER BERKOWITZ, Political Theory, Liberalism and Post-Liberalism

Session 7: LEORA BATNITZKY, Political Theory from Paul to Luther to Moses Mendelssohn

Session 8: MICHAEL PUETT, Political Theory in China

CJL Increases Presence on YU Undergraduate Campuses

• CJL Undergraduate Fellows Contribute to Amicus Brief for a Winning U.S. Supreme Court Case

Last summer, through the CJL, our undergraduate students had the opportunity to participate in research that became part of an amicus brief filed with the U.S. Supreme Court in *Sullivan v. Florida*. The question presented was whether it constitutes cruel and unusual punishment to sentence a juvenile to life imprisonment without parole in a non-capital criminal case. Our students participated in research that became part of an amicus brief prepared on behalf of a group of faith-based organizations. The students identified doctrines and concepts from Jewish law dealing with punishment in criminal cases and specifically the extent to which concepts of propor-

tionality and moral culpability and capacity are considered and given weight in determining the correct punishment in Jewish law. On May 17, 2010, the Supreme Court reversed a prior decision and ruled that it is indeed a violation of the eighth amendment to sentence juveniles to life imprisonment in non-capital cases, the position advocated in the amicus brief.

• Pierre Birnbaum, CJL Visiting Scholar, Attends Yeshiva University Undergraduate Film Festival

This past February, Yeshiva University hosted a Tournées Film Festival, titled “France and its Others.” The Tournées Festival is a program of FACE (French American Cultural Exchange) that brings contemporary French cinema to American college campuses. One of the featured films was *Comme un Juif en France* (Being Jewish in France), a documentary directed by Yves Jeuland. The film explores the rich and complex history of Jews in France, the first country to grant full citizenship to Jews. The film investigates the complex relationship that French Jews have had with the French Republic and, in turn, the multiple ways in which French society has dealt with its Jewish population over the course of history. The viewing and discussion of *Comme un Juif en France* was deeply enriched by the presence of CJL visiting scholar Pierre Birnbaum, a prominent authority on the history of the Jews in France, who commented on the film after its screening.



• CJL Visiting Scholars Deliver Academic Lectures to YU Undergraduates

Professor Isaiah Gafni, CJL visiting scholar, delivered a lecture to YU undergraduates on February 4, 2010, titled, “The Hasmonean Episode: Can We Know What Really Happened?” This event was co-sponsored with The

Working Group on Jews and Judaism in Late Antiquity of the YU Center for Israel Studies.

Professor Pierre Birnbaum, CJL visiting scholar, delivered a lecture to YU undergraduates on February 17, 2010, titled, “Jews, the State and the Invention of Political Antisemitism.” The lecture was preceded by a private dinner with Professor Birnbaum for the students and faculty at the Arthur Schneider Center for International Affairs.

• CJL Staff Expands to Include First Undergraduate Student Intern

CJL is excited to strengthen its relationship to YU’s undergraduate campuses through a new student internship program. Ilana Hostyk, one of the CJL undergraduate fellows (see her bio at right), brings creative energy and intellectual enthusiasm to the CJL. Among her other responsibilities as intern, she will serve as a liaison to the undergraduate campuses. ■

2009–2010 Undergraduate Fellows

BENJAMIN ABRAMOWITZ is a senior in the Yeshiva College Honors Program, majoring in English and cognitive science. A recipient of the Ira Marienhoff Scholarship, he served as student ambassador to the YC Honors Committee and currently works as managing editor of *The Commentator*, the undersecretary general of Model UN and a tutor for the Wilf Campus Writing Center. His academic interests include literature and linguistics. Benjamin has worked for Cambridge University Press as well as a South Florida property-management firm and a Jerusalem-based law firm. He is considering a career in international law.

MICHAEL CINNAMON graduated in 2010 from the honors program at Yeshiva College, where he double-majored in history and Jewish studies. At YU, Michael served as editor-in-chief of *The Commentator* and was a member of the editorial boards of various student journals. His primary interests in history and Jewish studies lie in antiquity, but he is also a student of Bible as well as of biblical and rabbinic law. He has begun working toward an MA in Talmudic studies at the Bernard Revel Graduate School as well as rabbinic ordination at RIETS, after which he hopes to pursue a doctorate in history. Michael is a recipient of a Wexner Fellowship. He is also an avid Frisbee player.

ELLIOT FRIEDMAN is a senior in the Yeshiva University Honors Program, majoring in history and minoring in Spanish. He has served as features editor of *The Commentator* and has published articles in *Beis*

Yitzchak (the RIETS journal of Talmud study). A recipient of YU’s Kressel Research Scholarship, Elliot is interested in legal history. After graduation, he hopes to pursue a joint degree in law and history.

JULIAN HOROWITZ is a student at Yeshiva College, the Bernard Revel Graduate School of Jewish Studies, the Belz School of Jewish Music and the Rabbi Isaac Elchanan Theological Seminary, studying mathematics, Bible, liturgical music and rabbinics, respectively. He has been on the editorial boards of numerous student publications, including *Beis Yitzchak*, *Gesher* and *The Commentator*.

ILANA HOSTYK is a Judaic studies major, focusing on Talmudic law, and a political science minor at Stern College. She has studied at the Drisha Institute and has volunteered with Uri L'Tzedek, JOFA and ORA (the Organization for the Resolution of Agunot). She currently serves as the first undergraduate intern at the CJL. Her previous employers include Metropolitan Council on Jewish Poverty and Senator Gillibrand of New York State. She is the current president of the YU Social Justice Society and has previously served as president of the YU College Democrat Chapter. Ilana is the founder of “Bavli Ba'Boker” (Babylonian Talmud in the Morning), the Stern College Daf Yomi (daily Talmud study) program.

NATHAN LERMAN is a senior in the Yeshiva University Honors Program at Yeshiva College, majoring in history and minoring in business. At YU, he served as editor-in-chief of *The Commentator*. He possesses a strong interest in politics and its intellectual basis, which he developed by serving as an intern for the White House Office of Public Liaison and as a policy advisor for the McCain campaign. He also worked as a research analyst for the Canadian Imperial Bank of Commerce. Currently, he serves as the vice president of government affairs for a steel service center.

ADINA POUPKO received a BA in political science from Yeshiva University in 2010. At YU, she was president of the Israel Club, running events that focus on education, celebration and support of the State of Israel. Adina was also under-secretary general of Yeshiva University’s Model UN, where she assisted YU students in their research on topics ranging from torture to migrant workers and helped organize the three-day conference for 450 high school students. In her senior year, Adina interned for Congressman Rangel in Harlem, New York, where she assisted constituents with issues concerning housing, immigration, federal loans and a variety of other federal matters. Adina plans to pursue a career in public policy.

STAY TUNED:

In the spring of 2011, the CJL will be receiving applications for the 2011–2012 Undergraduate Fellowship in Jewish Law and the Humanities, an undergraduate forum for exploring the broad universal and humanistic concerns that are embedded in the Jewish legal tradition. Look out for more information near the end of the fall 2010 semester.

Two-Year Graduate Fellowship in Jewish Law and Legal Theory



Ari Mermelstein, associate director of the CJL.



Suzanne Stone, director of the CJL, speaks at a seminar.

The central goal of the CJL Graduate Fellowship in Jewish Law and Interdisciplinary Studies is to offer a new hermeneutical tool for reading Jewish texts—in particular, a useful theoretical framework for thinking conceptually about Jewish texts. Of the many theoretical frameworks available to academics, legal theory is a uniquely important tool for interdisciplinary study. Because law plays a central role in history, politics, theology, philosophy and anthropology, the legal academy has developed legal theory as a bridge between these disciplines. The CJL Graduate Fellowship aims to bring students of Jewish studies into this fruitful conversation. (For more information on the role the CJL Graduate Fellowship plays in the contemporary academic scene, see the more detailed description of the graduate fellowship on our Web site at www.cardozo.yu.edu/cjl).

A second primary goal of the fellowship is to create an intellectual community of young scholars who are grappling with similar questions and who can serve as intellectual resources and friends to one another in their various intellectual pursuits. The fellowship

fosters a community of impressive and accomplished Ph.D. candidates in various disciplines of Jewish studies from prominent universities (including Columbia, Princeton, Yale, NYU, University of Pennsylvania, YU, JTS and CUNY). Each fellow offers a unique perspective and provides a distinctive contribution to the nascent field of Jewish law and legal theory. In addition to working closely with other fellows and gaining literacy in legal theory and its application to the study of Jewish texts, fellows interact regularly with prominent scholars, both in Judaic studies and legal theory, and participate in the CJL's growing community of interdisciplinary discourse.

The core of the Graduate Fellowship in Jewish Law and Interdisciplinary Studies is a small, intimate monthly seminar on legal theory led by Professor Stone. The goals and syllabi of the two-year seminar in legal theory are described in detail on our Web site, www.cardozo.yu.edu/cjl

As a complement to the monthly legal theory seminar, there are two other types of seminars that occur periodically throughout the year,

taught by CJL's Meyer Visiting Scholar in Comparative Jewish Law and our Tikvah Fund Visiting Scholars in Jewish Law and Thought, as well as by other visitors:

INTEGRATION SEMINARS

The integration seminars aim to complement and supplement the legal theory seminar. The focus of the legal theory seminar is almost exclusively on theory. Although students are invited and encouraged to consider how the theories discussed can be used in their own research (and some case studies are presented), the primary concern is teaching students to become deeply familiar with the often

complex discussions of what law is. The integration seminars expose students to distinguished scholars of Jewish studies who use legal theory (and other theoretical models) in their academic work. The goal of each integration seminar is to give students an in-depth sense of how interdisciplinary work is responsibly and effectively executed. There are four integration seminars each year, each offering a different approach to integration.

In the 2009–2010 academic year, these seminars were taught by Leora Batnitzky (Princeton), Christine Hayes (Yale), Isaiah Gafni (Hebrew University) and Hanina Ben-Menaheh (Hebrew University).

METHODOLOGY SEMINARS

The methodology seminars offer additional support to our graduate students in their own academic writing. They are an optional component of the graduate fellowship, but many students have found them to create a helpful, supportive space for navigating the complex world of producing original academic work of excellent quality. The methodology seminars are taught by Yair Lorberbaum (Bar-Ilan University) periodically throughout the year. They address the following set of questions and are tailored to the needs of the attending students: How do you responsibly do interdisciplinary work? How do you incorporate theory into the

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2009–2011 Fellows

MEET OUR THIRD CLASS OF GRADUATE FELLOWS, WHO JUST COMPLETED THEIR FIRST OF TWO YEARS IN THE CJL GRADUATE FELLOWSHIP IN JEWISH LAW AND INTERDISCIPLINARY STUDIES.

ARYEH AMIHAY is a Ph.D. candidate in the Department of Religion at Princeton University. He holds a B.A. (magna cum laude) in biblical studies from the Hebrew University of Jerusalem and is currently working on a dissertation titled, "Law and Society in the Dead Sea Scrolls." His recent publication is *Noah and His Book(s)*, an edited volume on post-biblical traditions of Noah, published by the Society of Biblical Literature.

SHIRA BILLET is a Ph.D. candidate in religion at Princeton. Her focus is on the philosophical responses to crisis in modern Jewish thought, modern legal thought and modern political thought. Shira holds a bachelor's degree (summa cum laude) from Princeton University with a certificate in Judaic studies. She has taught English literature at the Ma'ayanot Yeshiva High School, taught rabbinic literature at the Drisha Institute for Jewish Education and has served as the director of research at the CJL.

ALEXANDRIA FRISCH is beginning her fifth year as a Ph.D. candidate in the Hebrew and Judaic Studies Department of New York University with a focus on Second Temple period history. Previously, she received a master's in religion from Yale Divinity School (2006) and a master's in Jewish education from Baltimore Hebrew University (2004). She has presented

papers at the Enoch Graduate Seminar and the Mid-Atlantic Society of Biblical Literature Conference, both on the reception of the book of Daniel in Antiquity. Her dissertation will examine the Jewish interaction with and perception of foreign empire, as seen in Second Temple literature.

JONATHAN KELSEN is a faculty member at the Drisha Institute for Jewish Education and a former faculty member of the Pardes Institute of Jewish Studies in Jerusalem. A graduate of the Pardes Kollel and a fellow in the Shalom Hartman Institute's Hadarim Program, Jonathan holds an M.A. in Jewish civilization from the International School of the Hebrew University of Jerusalem and a B.A. in history and Jewish studies from the University of Pennsylvania.

MORDECHAI LEVY-EICHEL is a doctoral candidate in history at Yale University, where he focuses on intellectual history, early modern Europe and modern Jewish history. He is especially interested in religious change and the history of political thought, and his dissertation will examine various transformations in early modern education, in particular the expansion of math and science and religious responses thereof. He has studied at JTS Prozdor, the University of Chicago and Yeshivat Hadar, and he has been awarded fellowships from the Shalem Center, the Institute for Humane Studies and the MacMillan Center, among other organizations.

YITZHAK LEWIS is a Ph.D. student in the Department of Middle Eastern Languages and Cultures at Columbia University. His focus is on Modern Jewish Literature, specifically the connection between "Modern" and "Jewish" within the field of literature. He received his B.A. from The Hebrew University of Jerusalem (2007) in comparative literature, psychology and creative writing.

MICHAEL ROSENBERG is a doctoral candidate in Talmud and rabbinic literature at JTS, where he is writing about changing notions of purity and impurity as viewed through the lens of Jewish menstrual laws.

A graduate of Harvard College, Michael received an M.A. in Talmud and rabbinic literature from JTS and rabbinical ordination from the Chief Rabbinate of Israel. He has taught in a wide variety of settings, including the Drisha Institute for Jewish Education, JTS and Yeshivat Hadar, and is the rabbi of the Fort Tryon Jewish Center in Washington Heights.

JASON RUBENSTEIN is dean of students at Yeshivat Hadar, where he also teaches Talmud and Jewish thought. Jason is a fifth-year rabbinical student at the Jewish Theological Seminary and holds an M.A. in Talmud from JTS and an A.B. in social studies from Harvard College. An alumnus of Yeshivat Ma'ale Gilbo'a, Jason has led several trips for the Nesiya Institute and is a recipient of a Wexner Graduate Fellowship and a Legacy Heritage Rabbinic Fellowship.

UTE YEHUDIT STEYER received a master's degree in Jewish thought as well as rabbinic ordination from the Jewish Theological Seminary. Her master's thesis explored the use of rabbinic sources in the ethical thought of Emmanuel Levinas. Her research interest is in the development of ethical thought in rabbinic literature. She teaches at JCC in Manhattan and other places. Rabbi Steyer is also the program coordinator at the CJL.

ETHAN ZADOFF received a B.A. in Judaic studies from Yeshiva University and an M.A. in medieval Jewish history from the Bernard Revel Graduate School of Yeshiva University. He is currently pursuing his Ph.D. in the Department of History at the CUNY Graduate Center. His dissertation focuses on comparative Jewish and Christian marriage law and practice in Northern France and England in the 12th and 13th centuries. Other interests include the development of medieval natural law theories as well as the evolution of medieval communities of law, comparative Canon law and Jewish law, Jewish life in medieval England and the interplay between medieval law and society. In addition, Ethan is an adjunct professor in the Department of Classical and Oriental Studies at Hunter College.

Apply to the CJL Graduate Fellowship

The Yeshiva University Center for Jewish Law and Contemporary Civilization at Cardozo Law School will be accepting applications for the Graduate Fellowship in Jewish Law and Interdisciplinary Studies, a two-year forum for the interdisciplinary exchange of ideas between Legal Academia and Judaic Studies, in January 2011. Ten fellowships will be awarded, each consisting of \$10,000 to be distributed over the 2011–2012 and 2012–2013 academic years.

For more information, and to apply, please visit our Web site: www.cardozo.yu.edu/cjl

Graduate Conference

In April 2010, the CJL hosted the second annual international graduate conference in Jewish law and legal theory at Cardozo Law School. First conceived of through the joint vision of Hanina Ben-Menahem, Arye Edrei and Suzanne Last Stone, the graduate conference—which brings together Israeli students of Mishpat Ivri and American students of Jewish history, Jewish law and Jewish thought—is a unique and exciting new initiative. Often, these two parallel intellectual communities are not in conversation with one another and bring vastly different assumptions to the study of Jewish law.

The first conference, held in Jerusalem in November of 2008, focused on the methodological problems of looking at law from a the-

oretical perspective rather than a historical one, in addition to productive discussions surrounding papers presented—in Hebrew and English—by the graduate students. The April 2010 conference focused less exclusively on methodology and jumped right into particular issues relating to the bringing together of Jewish law and academic theory.

of selected texts exhibiting aspects of Bentham's theory and zeroing in on Maimonides's second *shoresh*, students debated the usefulness of bringing Bentham's theory into conversation with Maimonides. They deliberated about whether Maimonides's *shorashim* can be seen, collectively, as a theory of individuation of law or as a hermeneutic of how to parse laws out from biblical texts.



Hanina Ben-Menahem (Hebrew University) at the 2010 Graduate Conference.

Benny Porat and Shalom Holtz led a joint session on law and metaphor in the Hebrew Bible, based on their own research and on the seminal work by George Lakoff and Mark Johnson, *Metaphors We Live By*. Porat began the session with a general introduction to the ways in which law can make use of and can itself become a metaphor. Shalom Holtz then guided

participants in an exploration of the use of Akkadian courtroom records to illuminate the forms of speech of biblical prayers and prophecy. Porat then continued with a presentation on kinship and family as foundational metaphors in biblical descriptions of social relations.

The third session of the conference was devoted to a series of papers presented by students and professors associated with the CJL, with ample time set aside for feedback and group discussion. Ari Mermelstein, associate director of the CJL and instructor of Bible at YU, presented a paper titled, "Sinaitic Revela-

tion in the Book of Jubilees." Ariav Just (CRED) gave a Hebrew paper, titled, "Pesiqt Ha-Halakhah shel Rav Shaul Yisraeli Nokhah Etgar Ha-Ribbonut Ha-Yehudit Be-Me'ah Ha-Esrin." Lynn Kaye, a CJL Graduate Fellow from '07-'10 and a doctoral candidate at NYU, presented a paper titled, "Constructions of Legal Time in Bavli Mo'ed." Shirili Weissman (CRED) delivered a paper in Hebrew titled, "Talmud Torah Le-Nashim."

Suzanne Last Stone led the final session of the conference, which focused on methodological benefits and pitfalls of bringing together legal theory and the study of history. The session centered on a three-part paper by William Ewald titled, "What Was it Like to Try a Rat?" (*University of Pennsylvania Law Review*,

1995). CJL graduate fellows David Shyovitz, Shira Billet and Yonatan Brafman presented on each section respectively. The first section focused on medieval animal trials; the second section focused on legal theory in Germany in the 18th and 19th centuries; the final section focused on emotion and rationality in law. The discussion evaluated Ewald's paper and took it in new methodological directions. It was a wonderful way to conclude a productive, energetic, intellectually stimulating collaboration between students and professors. Next year's graduate conference will take place in Jerusalem, in the spring of 2011. ■

CJL graduate fellows—past and present, faculty and visiting scholars—came together to participate in a highly stimulating two-day international graduate conference at Cardozo Law School. Together with a group of peer doctoral students and professors from Hebrew University Law School and Tel Aviv University Faculty of Law, our students explored issues relating to law and metaphor, law and history and individuation of law. They also presented works-in-progress and responded to each other's work. (Read more about the graduate conference on page 6.)

Participants in the graduate conference 2010 included:

2009–2010 Fellows

VISITING FELLOW

SHALOM E. HOLTZ is assistant professor of Bible at Yeshiva University. He holds a bachelor's degree (summa cum laude) from Harvard University (1999) and a doctorate from the University of Pennsylvania (2006), both in Near Eastern languages and civilizations. He is the author of *Neo-Babylonian Court Procedure* (Brill, 2009) and several articles on the relationship between Mesopotamian law and literature and the literatures of biblical and post-biblical Israel. His current research is on courtroom metaphors in the Hebrew Bible.

CJL GRADUATE FELLOWS FROM THE FIRST AND SECOND CLASSES

YONATAN BRAFMAN (2008–2010 FELLOW, CLASS 2) is a third-year doctoral candidate at Columbia University's Department of Religion, where he specializes in Philosophy of Religion and Jewish Philosophy. His research focuses on the philosophical interrelationship between communication and rationality, in particular the ways in which religious communities engage in social practices of reasoning in philosophical, hermeneutical and legal contexts. He holds a B.A. (summa cum laude) in religion and psychology and an M.A. in religion, both from Columbia University. He has served as an instructor in Jewish philosophy at Yeshivat HaKotel in Jerusalem and at the Columbia/Barnard Hillel.

JOSH EISEN (2007–2009 FELLOW, CLASS 1) is a doctoral candidate in the Department of Religion at Columbia University, where he served as a graduate fellow in his first year and a teaching fellow in his subsequent three years. His primary focus of study is Talmud and Jewish law; he is writing his dissertation titled, "Anonymity and Degrees of Canoncity in Halacha." Josh completed an M.B.A. from Columbia University, an M.A. from New York University specializing in Semitics and 2nd millennium East Mediterranean archaeology, and a B.A. in ancient Greek and Latin from Queens College. Josh also serves as a managing director of Morningside, a legal translations and consulting firm.

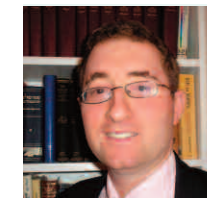
ALEXANDER KAYE (CLASS 1) is currently pursuing a doctorate in Jewish history at Columbia University in New York, where he is a Richard Hofstadter Faculty Fellow and a Fellow of the Institute for Israel and Jewish Studies. He was awarded a Mellon/ACLS Dis-

sertation Completion Fellowship. His interests are in intellectual history and political and legal theory, and his dissertation concentrates on the legal philosophies of religious Zionists. He has presented papers at graduate conferences in Columbia, Harvard, Hebrew University and Princeton. Alexander earned his B.A. and M.Phil. in history, both with First Class Honours, from the University of Cambridge, U.K. In addition to his studies, he serves as assistant rabbi at Congregation Kehilath Jeshurun in New York City.

LYNN KAYE (CLASS 1) is pursuing a doctorate in Talmud at NYU as a recipient of a MacCracken Fellowship. Her dissertation is titled, "Constructions of Legal Time in Bavli Mo'ed." Lynn completed a master's degree in Bible at the University of Cambridge with a fellowship from the Arts and Humanities Research Board as well as the Isaac Newton Prize from Trinity College, Cambridge. Her B.A. in Hebrew literature is also from the University of Cambridge, where she graduated with highest honors and was awarded the E.G. Brown Prize in Oriental Studies. Lynn is the assistant congregational leader at Congregation Shearith Israel, the Spanish and Portuguese Synagogue, on the Upper West Side of Manhattan.

YEHUDA SEIF (POST-DOCTORAL FELLOW 2008–2009) is a doctoral student at the University of Pennsylvania, focusing on medieval Jewish history. His dissertation will explore charity law and practices in medieval Ashkenaz. Yehuda has a B.A. in religion and philosophy from Columbia College and an M.A. in religion and education from Columbia's Teacher's College. He received his rabbinical ordination from Rabbi Zalman Nechemiah Goldberg in Jerusalem. Yehuda was the first OU Jewish Learning Initiative Educator on Penn's campus from 2002–2006 and recently served as a senior program officer at the Tikvah Fund, a foundation devoted to Jewish excellence through Jewish learning and ideas.

DAVID SHYOVITZ (CLASS 2) is a doctoral student in the History Department at the University of Pennsylvania, where he also received his B.A. and M.A. His research interests include the cultural and intellectual history of the Jews of medieval and early modern Europe, and his dissertation focuses on the attitudes toward science and the natural world of thinkers in medieval Ashkenaz. From 2005–2009 he was a Wexner Foundation Graduate Fellow, was an ATUDA fellow at the ATID foundation in Jerusalem from 2004–2005, and was a Fellow at the Institute for Christian and Jewish Studies from 2005–2006. David has taught at the Drisha Institute for Jewish Education and began a tenure-track appointment in the History Department at Northwestern University in September 2010.



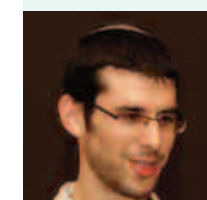
SHALOM E. HOLTZ
Yeshiva University



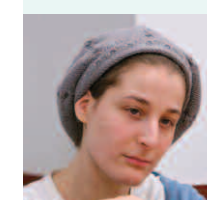
YONATAN BRAFMAN
Columbia University



JOSH EISEN
Columbia University



ALEXANDER KAYE
Columbia University



LYNN KAYE
New York University



YEHUDA SEIF
University of Pennsylvania



DAVID SHYOVITZ
Northwestern University

Happenings at Cardozo

New Straus Scholarship in Jewish Law for Cardozo Law Students

We are pleased to announce a new scholarship for Cardozo Law students who have demonstrated academic excellence as well as a deep interest in Jewish law. Sponsored by the generosity of the Straus family, the scholarship is run through the CJL. The inaugural 2009–2010 scholar was Eli Rosenbluh, a recent alumnus of Cardozo Law School.

Eli Rosenbluh recently received his Juris Doctor at Cardozo Law School and now works for the firm Boies, Schiller & Flexner, LLP. In his time at Cardozo, Eli served as articles editor for Cardozo Law Review and as a teaching assistant for Civil Procedure. He was a columnist for

Cardozo Jurist and a member of the Public Interest Law Students Association and the Student Hurricane Network. Eli has been honored as a Cardozo Scholar and a Dean's Scholar, and most recently, he was selected as the inaugural Cardozo Straus Scholar in Jewish Law. Eli has served as a summer associate at Boies, Schiller & Flexner, LLP, and was a student intern at Cardozo's Innocence Project Clinic. He has an abiding interest in Jewish law as well as the comparative relationships between Jewish law and American law.

2009–2010 Cardozo law courses taught by CJL faculty and visitors

CONTINUITY AND CHANGE IN THE DEVELOPMENT OF RABBINIC JUDAISM
Isaiah Gafni

This course addressed and elaborated on the

implications of the destruction of the Second Temple (70 CE) for subsequent Jewish history and self-identity. The nature of post-temple Judaism was analyzed from a religious, political, social, legal and literary perspective and attempted to determine the degree to which all these contributed to the ultimate redefinition of Judaism as we know it today.

THE JURISPRUDENCE OF MAIMONIDES
Suzanne Last Stone and Rabbi Ozer Glickman
Although Maimonides is acknowledged as one of the greatest of Jewish legal decisors, his jurisprudential approach has not often been the topic of direct study. Through a careful examination of specific legal decisions in the Mishneh Torah, his code of Jewish law, his Commentary on the Mishnah, and his responsa, the class derived specific methodological and jurisprudential themes central to

Continued on page 13

New Website and Blog



In the fall of 2010, we launched our new Web site. One of the prime features of the Web site is "Ancient Traditions, New Conversations," a regularly updated blog on Jewish law and interdisciplinary conversations. The purpose of the blog is to generate discussions, share new ideas and build intellectual community. Contributors are "intergenerational"—students and professors from different disciplines, as well as independent scholars with a special interest in the relationship between Jewish law and contemporary civilization.

Blog posts take a number of forms, including but not limited to:

- 1) A semi-informal analysis of a primary source that is particularly amenable to interdisciplinary analysis. For example, a rabbinic text that can be cast in a new light through the lens of legal theory, political theory, etc. This analysis is semi-formal, because it is an invitation for further thought and discussion, rather than a draft for a publication.
- 2) A brief review of a book or article (whether recently published or not) that strikes one as particularly fruitful for interdisciplinary discourse relating to Jewish law and Jewish studies more broadly. This article or book might be theoretical or historical. It might be a piece of legal theory that seems relevant for Jewish texts, or it might be an article or book from Jewish studies (or any other field) that presents a useful interdisciplinary discussion or could be improved through interdisciplinary discourse.
- 3) A semi-informal discussion of a historical phenomenon that can be recast in fruitful ways through the lens of legal theory or political theory, etc., or a semi-informal discussion of a philosophical text or idea that can be similarly recast.
- 4) A semi-informal comparative analysis of texts from different religious traditions.

CHECK OUT WWW.CARDOZO.YU.EDU/CJL TO JOIN THE CONVERSATION!



Participants at the "Political and Legal Theology in Comparative Perspective" conference.

2010 Conference: Political and Legal Theology in Comparative Perspective

Political theology is a mode of inquiry that understands the modern period as incompletely secularized. Theology has been adapted, reworked and translated for secular use, but its hold on the political imagination remains strong. Although the Enlightenment and the rise of Western political liberalism attempted to keep the public political sphere completely secular while relegating religion to the private sphere, political theology argues that modern political systems have reoccupied the space that was once held by religious and theological systems. With the rise of political Islam abroad and the increasing political power of the Christian right in the United States, the exploration of the theological roots of the political imagination has taken on great contemporary significance. Political theology, however, has been primarily concerned with ancient and medieval conceptions of the City of God and the theological polity, due to its links to Western political nationalism after the

fall of Christendom. In an age of political and religious globalization, there is a pressing need to bring non-Christian religions into these conversations.

Scholars have, for the most part, studied the impact of theology on our contemporary political commitments, but much less attention has been paid to the theological underpinnings of secular legal systems. Yet a small but growing body of literature on legal theology has demonstrated that both in its origins and in its content, Western law preserves and reoccupies spaces once held by God, revelation, prophets and priests. The increasing presence of religion in the public square, both in the United States and abroad, has led to a rethinking of time-honored understandings of the relationship between religion, theology and law. In an age in which political globalization has been accompanied by legal globalization, there is a need not only for disparate studies of political

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Schedule of Events

In addition to our closed fellowship seminars, the CJL hosts a variety of other events throughout the year. Unless otherwise noted, these events take place at Cardozo Law School, 55 5th Avenue, Manhattan.

October 4: Public Panel at Cardozo, "Stanley Fish and R. Joseph Soloveitchik on Law, Interpretation and Truth" with panelists Stanley Fish, William Kolbrener and Daniel Rynhold

October 14: Text study of Moreh Nevukhim [Guide for the Perplexed] taught by Yair Lorberbaum at the JCC of Manhattan, session 1

October 15: Legal Theory Reading Group on Law and the Emotions I (for students and professors; to participate, inquire at jewishlaw@yu.edu)

October 21: Annual Ivan Meyer Public Lecture, "Rabbi Nissim of Girona on the Constitutional Power of the Sovereign" by Professor Zev Harvey (Hebrew University)

October 28: Session 2 of Moreh Nevukhim text study

November 11: Session 3 of Moreh Nevukhim text study

November 12: Legal Theory Reading Group on Law and the Emotions II (for students and professors; to participate, inquire at jewishlaw@yu.edu)

November 18: Session 4 of Moreh Nevukhim text study

December 10: Legal Theory Reading Group on Law and the Emotions III (for students and professors; to participate, inquire at jewishlaw@yu.edu)

March 16, 2011: Public Panel, "Law and History: Methodological Reflections on Intersecting Disciplines" with Panelists Shai Lavi, Assaf Likhovski, Samuel Moyn and Richard Ross

May 2011 (date TBA): Annual Graduate Conference in Israel

For a more complete schedule of the spring 2011 schedule of events, visit www.cardozo.yu.edu/cjl

Continuing Programs

One of CJL's primary goals is to build and sustain a community of scholars interested in the interdisciplinary study of religion (with a focus on Jewish sources) and law. To that end, we host two sets of regular meetings for scholars and graduate students interested in engaging with Jewish law and legal theory from a comparative perspective, the Legal Theory Reading Group and the CJL Scholars' Works-in-Progress Series. With these two programs, we strive to bring new voices to the CJL each year, as well as to continue to host long-time participants for sustained, ongoing and progressive conversations. Many of the conversations that begin in these sessions become conference papers and published articles that bring the insights of the growing discipline to a broader audience.

THE LEGAL THEORY READING GROUP

The Legal Theory Reading Group is a monthly forum for in-depth discussions of special topics in legal theory and jurisprudence that are selected for their potential applications to the study of religious law. The reading group topic is selected each year for its usefulness to scholars engaged in the interdisciplinary study of law.

This past year, our topic was Anthropology and Sociology of Law. We read seminal readings in anthropology and sociology, particularly relating to law and legal practices from other cultures. Beginning with grand theorists such as Max Weber, who articulated broad frameworks for studying law of many cultures simultaneously, we concluded with locally focused ethnographies and case studies. We debated whether an examination of the law of other cultures is relevant to the study of any given legal system, particularly to Jewish law. We also discussed the perennial question of what law is. Is law a list of norms? Is law culture? How universal is the concept of law? Is it a fundamentally local phenomenon?

In previous years, our reading group has discussed Philosophy of Punishment (2008–2009), Legal Pluralism (2007–2008), Law, Interpretation and Authority (2006–2007) and Dworkin and His Critics (2005–2006).

For more information about the reading group and to access past syllabi, visit our Web site at www.cardozo.yu.edu/cjl

THE CJL SCHOLARS' WORKS-IN-PROGRESS SERIES

The CJL Scholars' Works-in-Progress series enables established scholars in the field to openly discuss their works-in-progress. This past year, CJL was privileged to host two works-in-progress sessions by accomplished scholars:

Yuval Sinai (Netanya Academic College), *"The Religious Perspective of the Judge's Role in Talmudic Law"*

Isaiah Gafni (Hebrew University), *"Should Majority 'Always' Rule? On the Role of Majority in Jewish Legal Tradition and Communal Practice"*

To view past works-in-progress titles and to download papers, please visit our Web site at www.cardozo.yu.edu/cjl

Political Theology Conference Continued from page 9

and legal theology but also to bring political theology and legal theology into productive conversation with one another.

The CJL's 2010 conference, "Political and Legal Theology in Comparative Perspective," sought to open this new comparative and interdisciplinary conversation in political and legal theology. We anticipated that classical Judaism, a religion with a rich legal tradition as well as a fascinating political tradition, would serve as a useful entry-point into this conversation. Furthermore, we imagined that an entirely new dimension would be opened when considering political and legal theology in the context of the rise of Zionism and the development of the Jewish state, which aims to be both Jewish and Western liberal, both politically and legally.

Panels were devoted to the various ways in which Jewish conceptions of the legal and political domains can be understood in a theological context. Commentators on each panel were drawn from the disciplines of law and political theory, and they attempted to tease out the significance of a Jewish political and legal theology for our contemporary understandings of law and politics. In addition, the conference featured separate comparative panels that focused on political and legal theology in the context of the political and legal theory of the Christian, Muslim and secular Western traditions. ■



Educating the Public

ANNUAL MEYER LECTURE IN JEWISH LAW

In February of 2010, the CJL hosted the Annual Meyer Lecture in Jewish Law, delivered by Professor Isaiah Gafni, the 2009–2010 Ivan Meyer Visiting Scholar in Comparative Jewish Law. The lecture was titled, "From Text to Temple: Rabbinic Judaism as Default or Destiny."

Dr. Isaiah Gafni is the Sol Rosenbloom Professor of Jewish History at the Hebrew University of Jerusalem. Dr. Gafni was born in New York City and moved to Israel in 1958, where he received his professional training. Dr. Gafni has

published several books on Jewish self-identity and relations with other ethnic and religious communities. His publications include *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History*, for which he was awarded the 1992 Holon Prize in Jewish Studies; *Babylonian Jewry and Its Institutions in the Period of the Talmud*; and *Land, Center and Diaspora: Jewish Constructs in Late Antiquity*.

PUBLIC PANEL: AMERICAN EXCEPTIONALISM

In February of 2010, the CJL hosted a public panel on "American Exceptionalism and the

justification of American foreign policy and America's frequent choice to act alone, rather than among the community of nations. American exceptionalism has been derided as a jingoist manifestation of American arrogance; it has been praised by some as an expression of America's uniqueness. The term has been used by scholars attempting to compare America and other nations and by those attempting to evaluate the validity of the expression. In recent decades, American exceptionalism has been re-examined by a number of scholars and thinkers and has once again become a subject of heated debate in scholarship as well as public policy.



Participants at CJL's public panel on "Nietzsche and the Law."



Michael Herz introduces CJL's public panel on "American Exceptionalism."

taught at the Hebrew University for 40 years, while also serving as visiting professor at numerous universities abroad, among them Harvard, Yale and Brown. He was also honored as the Louis Jacobs Fellow in Rabbinic Thought at Oxford University, where he delivered a series of lectures on the Jewish diaspora in the Greco-Roman period. He has written extensively on a broad range of topics relating to the social, religious and cultural history of the Jews in late antiquity, with a particular stress on as-

pects of Jewish self-identity and relations with other ethnic and religious communities. His publications include *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History*, for which he was awarded the 1992 Holon Prize in Jewish Studies; *Babylonian Jewry and Its Institutions in the Period of the Talmud*; and *Land, Center and Diaspora: Jewish Constructs in Late Antiquity*.

Relevance of Political Theology in Contemporary American Discourse." The concept of the qualitative uniqueness of America, known colloquially as American exceptionalism, dates back to Alexis de Tocqueville's 19th-century description of American democracy as "exceptional." American exceptionalism has been used both to describe and explain America's unique political, legal, social and religious landscapes. It has served as a

Claims of uniqueness and exceptionalism can be understood as secularized versions of claims to theological chosen-ness and uniqueness that lie in the foreground of American history as well as the perennial quest to serve as a "city on a hill" or a "light among the nations." In this sense, American exceptionalism merits exploration in the context of political theology, a concept famously encapsulated by Carl Schmitt as the notion that all modern political concepts are secularized theological ones. In a

The CJL is proud to contribute in different capacities to a variety of journals and publications that are devoted to the interdisciplinary study of Jewish law and contemporary civilization.

Diné Israel

Along with Tel Aviv University Law School, the CJL co-edits the distinguished Jewish law annual *Diné Israel*, the only journal of Jewish law to publish articles in both Hebrew and English. This collaboration represents a genuine effort to take the journal in a new, more theoretical direction and, in the process, create an international community of scholars. Suzanne Last Stone, director of the CJL, and Arye Edrei, senior lecturer at Tel Aviv University Faculty of Law, are co-editors-in-chief.



Since 2007, the CJL has taken responsibility for the English section of *Diné Israel*. Past volumes have focused on Halakhah and Aggadah (2007, no. 24) and the impact of Ronald Dworkin's thought on the study of Jewish texts (2008, no. 25).

We are pleased to announce the launching of *Diné Israel's* new Web site, where past and present articles and purchasing information will be made available. Visit www.cardozo.yu.edu/cjl/dine_israel

The 2009–2010 issue of *Diné Israel* is a double volume (nos. 26 & 27), that was published in the spring of 2010. The Hebrew section is a festschrift honoring Professor Mordechai A. Friedman, the distinguished scholar of Jewish legal texts from the Cairo Geniza. The English section of the issue is devoted to two broad themes. The first is the question of how arguments over the nature and operation of law unfold and take shape as a result of sectarian battles over the course of Jewish history. Disputes about law are often at the center of sectarian schisms and both historians and legal scholars

have duly noted and analyzed them. Less attention has been paid, however, to the jurisprudential dimension of schisms, even though the sharpest battles are often contests over legal methodology. Three essays in the English section of the 2009–2010 double volume of *Diné Israel* emphasize how central aspects of legal thought were conceived during key breaks in Jewish history. The second theme is the question of whether the rabbis of the Mishnah and Talmud were legal and philosophical monists or pluralists. Did they believe there was one correct answer to legal questions or many correct answers? Richard Hidary, a past CJL graduate fellow and now a professor at YU, responds to Christine Hayes's article from volume 25 of *Diné Israel*,

and Hayes responds to Hidary's critique and elaborates significantly on her original argument.

Table of contents, *Diné Israel* vols. 26 & 27, English section

Leora Batnitzky, "From Politics to Law: Modern Jewish Thought and the Invention of Jewish Law"

Arye Edrei, "From Orthodoxy to Religious Zionism: Rabbi Kook and the Sabbatical Year Polemic"

Steven D. Fraade, "Theory, Practice and Polemic in Ancient Jewish Calendars"

Haim Shapira, "The Debate over Compromise and the Goals of the Judicial Process"

Richard Hidary, "Right Answers Revisited: Monism and Pluralism in the Talmud"

Christine Hayes, "Theoretical Pluralism in the Talmud: A Response to Richard Hidary"

The English section of the 2011 volume of *Diné Israel* (no. 28) will be devoted to the topic of the relevance of political and legal theology for the study of Jewish texts.

HEBRAIC POLITICAL STUDIES

Hebraic Political Studies is an international, peer-reviewed academic journal published quarterly by the Shalem Press between 2005 and 2009. *HPS* was devoted to exploring the political concepts of the Hebrew Bible and rabbinic literature, the significance of reflections on the Hebrew Bible and Judaic sources in the history of ideas and the role of these sources in the history of the West.

The final two volumes of *HPS*, 4:3 (summer 2009) and 4:4 (fall 2009), were devoted to themes and articles that emerged from the CJL's 2008 academic conference, "The Hebrew Bible in Contemporary Intellectual Discourse." (For more information on past conferences at the CJL, visit our Web site at www.cardozo.yu.edu/cjl).

THE JEWISH POLITICAL TRADITION

In the past year, CJL has continued to work on a ground-breaking, multi-year, multi-volume book project, *The Jewish Legal Tradition*. In general terms, *The Jewish Legal Tradition* seeks to explore what it means to order a religion in legal terms, or, put differently, whether halakhah can be classified as religious philosophy or law. The contents will cover the major rubrics of Jewish law, but the book will be distinguished from previous work by bringing Jewish law into conversation with Western legal theory. The book's structure will be modeled after Michael Walzer's *The Jewish Political Tradition*, interspersing primary texts in translation with commentary and analysis by leading international scholars. The *Jewish Legal Tradition* will be organized and edited in order to appeal to the widest possible audience: Scholars of Jewish law and thought in Israel, scholars of Jewish studies in the United States, legal theorists and interested laypeople (including rabbis, law students and lay intellectuals). The volumes will be used as casebooks for CJL Graduate Fellows seminars as well as in law school and undergraduate courses. Two initial chapters, one on adjudication and precedent by Daniel Statman of Haifa University and one on

interpretation and legal reasoning by Haim Shapira of Bar-Ilan University Law School, are forthcoming in the fall of 2010.

For more information on the vision of this project, visit our Web site at www.cardozo.yu.edu/cjl

Table of Contents, *Hebraic Political Studies* 4:3

I. Reading the Hebrew Bible: Challenges and Approaches

Leora Batnitzky, "In Defense of Biblical Criticism"

David Gelernter, "Psychological Criticism of Biblical Narrative"

Perry Dane, "Take These Words: The Abiding Lure of the Hebrew Bible in Itself"

Tsvi Blanchard, "Law and Redemptive Narrative: Genesis as a Cultural Resource in the Twenty-First Century"

II. Early Modern Readings of the Bible for Politics, Right and Wrong

Samuel Moyn, "Appealing to Heaven: Jephthah, John Locke, and Just War"

Shmuel Trigano, "The Return of the Theological-Political in Democracy and the Rediscovery of Biblical Politics"

Table of Contents, *Hebraic Political Studies* 4:4

III. Rethinking Biblical Alternatives to Political Philosophy and Law

Michael Walzer, "Prophecy and International Politics"

Arthur J. Jacobson, "Prophecy as Expertise"

Suzanne Last Stone, "Between Truth and Trust: The False Prophet as Self-Deceiver?"

Director's Message Continued from page 1

Law) and the CJL Scholars Works-In-Progress Series, we hosted a wonderful closed conference on Political and Legal Theology that generated excitement and new directions for discussion. We are pleased to announce that the proceedings from our 2007 conference, "Hebrew Bible in Contemporary Intellectual Discourse" were published in *Hebraic Political Studies*, and that the newest volume of *Diné Israel*, which we co-edit, was just published.

Beyond our strictly academic communities of scholars and students, the CJL hosted a slew of highly successful public events this year, translating academic discourse into more popular language and continuing our mission of showing how academic studies can have deep relevance for contemporary civilization. Our panel, "American Exceptionalism and the Relevance of Political Theology in Contemporary American Society," benefitted from the contributions of panelists Michel Rosenfeld (Cardozo), Hendrik Hartog (Princeton), Samuel Moyn (Columbia), Paul Kahn and Peter Berkowitz. Our panel, "Nietzsche and the Law: How Did Nietzsche's Writings Impact Jewish and Western Legal Traditions?" hosted panelists Daniel Rynhold (YU), Shira Wolosky (He-

Happenings at Cardozo Continued from page 8

Jewish legal decision-making. These themes were then placed within Maimonides's overall legal and theological framework through close reading of his more theoretical legal writings, including Introduction to the Mishnah and Guide for the Perplexed. More generally, an important objective of the course was to demonstrate the extraction of jurisprudence from specific legal decisions and doctrine.

JEWISH LAW AND AMERICAN LEGAL THEORY

Suzanne Last Stone and Rabbi Ozer Glickman This course investigated the relationship between "Torah and Constitution." Early political and legal philosophers often drew from the Bible to develop their theories. More recently, American legal and political theorists have

brew University), Richard Weisberg (Cardozo) and Hanina Ben-Menahem. Our panel, "Kingship in Jewish Law and Theology," celebrated Yair Lorberbaum's new book, *Subordinated King*, and featured panelists David Flatto (Penn State), Adiel Schremer (Bar-Ilan) and Suzanne Last Stone (Cardozo). Our annual Meyer Lecture in Jewish Law was delivered by Isaiah Gafni.

Our interest in educating the public has taken new strides in the past year, as we have begun collaborating with Yeshivot Bnei Akiva and Yesodot – Center for Torah and Democracy on a cutting-edge, highly innovative new curriculum for high school students that brings legal theory into traditional Talmud study.

I hope you will enjoy reading this newsletter, which is just a sampling of the many programs and events that take place at the CJL. Please visit our new Web site at www.cardozo.yu.edu/cjl for more information and to access our new blog and media gallery.

SUZANNE LAST STONE

Director, Yeshiva University Center for Jewish Law and Contemporary Civilization at Benjamin N. Cardozo School of Law

turned to the rabbinic tradition as an alternative model for law. Do these two systems of law share common principles, values or methods of interpretation? How can the example of Jewish law illuminate or challenge contemporary theories of law? How can American legal theory illuminate or pose a challenge for Jewish law? In addressing these questions, the course looked at a variety of schools of legal thought, including various theories of constitutional, common law and literary interpretation; feminist jurisprudence; naturalism; positivism; and legal realism. Among others, the course looked at the work of thinkers from Rabbi Soloveitchik to Ronald Dworkin to Robert Cover. Primary sources were drawn not only from biblical, midrashic and talmudic literature but also from post-talmudic commentaries and responsa.

Staff, Affiliate Scholars, Advisory Board

STAFF

SUZANNE LAST STONE, Director
ARI MERMELSTEIN, Associate Director
BEZALEL STERN, Director of Research
UTE STEYER, Program Coordinator
OZER GLICKMAN, Senior Rabbinic Scholar
ILANA HOSTYK, Undergraduate Intern

VISITING SCHOLARS 2009–2010 In the past four years, CJL has hosted a number of visiting scholars to conduct research in Jewish law and interdisciplinary studies and participate in the graduate and undergraduate fellowship programs and other ongoing programs in the center.

In the past four years, we have hosted an annual Dr. Ivan Isaak Meyer Visiting Scholar in Comparative Jewish Law:

Isaiah Gafni (Jewish History, Hebrew University)
Gerald Blidstein (Jewish Thought, Ben-Gurion University)
Arye Edrei (Law, Tel-Aviv University)
Hanina Ben-Menahem (Law, Hebrew University)

VISITING RESEARCHER 2009–2010

Shalom Holtz (Bible, Yeshiva University)

For the 2009–2010 academic year, we were privileged to host four Tikvah Fund Visiting Scholars in Jewish Law and Thought:

Hanina Ben-Menahem (Law, Hebrew University)
Pierre Birnbaum (Sociology, The Sorbonne)
Arye Edrei (Law, Tel-Aviv University)
Yair Lorberbaum (Law, Bar-Ilan University)

ACADEMIC ADVISORY BOARD In an impressive display of support for the importance of CJL's mission, some of the world's leading judges, academics and intellectuals have agreed to serve as members of the Center's academic advisory board:

Justice Aharon Barak
Justice Stephen Breyer
Professor Alan Dershowitz (Harvard Law School)
Professor George Fletcher (Columbia Law School)
Professor Ruth Gavison (Hebrew University Law School)
Justice Ruth Bader Ginsburg
Chancellor Rabbi Dr. Norman Lamm (Yeshiva University)
Mr. Nathan Lewin
Judge Michael McConnell
Professor Fania Oz-Salzberger (Haifa University Law School)
Professor Bernhard Schlink (Humboldt University, Berlin)
Professor Adam Seligman (Boston University)
Professor Haym Soloveitchik (Yeshiva University)

Professor Michael Walzer (Institute for Advanced Study)

Professor Ernest Weinrib (University of Toronto Law School)

ASSOCIATED FACULTY AT CARDOZO The CJL is part of Cardozo Law School's broader initiative on interdisciplinary and comparative inquiry into law. Many of Cardozo's faculty members are leading scholars in the fields of jurisprudence and legal philosophy, comparative law, law and literature, feminist theory, Jewish law and law and religion, and they serve as resources for CJL, in addition to participating in CJL's ongoing programs:

David Carlson (Professor of Law)

Peter Goodrich (Professor of Law; Director, Program in Law and Humanities)

Michael E. Herz (Professor of Law; Director, Floer-sheimer Center for Constitutional Democracy)

Arthur Jacobson (Max Freund Professor of Litigation and Advocacy)

Monroe Price (Joseph and Sadie Danciger Professor of Law; Director, Howard M. Squadron Program in Law, Media and Society)

Sheri Rosenberg (Director, Program in Holocaust and Human Rights Studies; Director, Human Rights and Genocide Clinic)

Michel Rosenfeld (Justice Sydney L. Robbins Professor of Human Rights; Director, Program in Security, Democracy and the Rule of Law)

Martin Stone (Professor of Law)

Richard Weisberg (Walter Floersheimer Professor of Constitutional Law)

Ekwon Yankah (Associate Professor of Law)

AFFILIATE SCHOLARS CJL participates in and helps facilitate an increasingly diverse and broad community of scholars interested in the application of legal theory to the study of religion. We are proud that the following scholars, many of whom are leading voices in their fields, participate in our ongoing programs, colloquia, conferences and publications and have chosen to affiliate with the CJL:

Leora Batnitzky (Religion, Princeton University)

David Berger (Dean, Bernard Revel Graduate School of Jewish Studies, Yeshiva University)

Peter Berkowitz (Hoover Institution, Stanford University)

Gerald Blidstein (Jewish Thought, Ben-Gurion University)

Elisheva Carlebach (Jewish History, Culture and Society, Columbia University; Jewish History, Yeshiva University)

Shalom Carmy (Bible, Yeshiva University)

Perry Dane (Law, Rutgers School of Law)

Yaakov Elman (Judaic Studies, Yeshiva University)

Silvio Ferrari (Law, Università degli Studi di Milano)

Steven Fine (Jewish History, Yeshiva University)

David Flatto (Law and Jewish Studies, Penn State University)

George Fletcher (Jurisprudence, Columbia Law School)

Steven Fraade (History of Judaism, Yale University)

Steven F. Friedell (Law, Rutgers School of Law)

Ronald Garet (Law, USC)

Peter Gordon (History, Harvard University)

Alyssa Gray (Codes and Responsa Literature, Hebrew Union College)

Hendrik Hartog (History of American Law and Liberty, Princeton University)

Christine Hayes (Classical Judaica, Yale University)

Paul W. Kahn (Law and Humanities, Yale Law School)

Richard Kalmin (Rabbinic Literature, Jewish Theological Seminary)

Ephraim Kanarfogel (Jewish History, Yeshiva University)

David Kraemer (Talmud and Rabbinics, Jewish Theological Seminary)

Shahar Lifshitz (Law, Bar-Ilan University)

Evyatar Marianberg (Religious Studies, UNC at Chapel Hill)

John P. McCormick (Political Science, University of Chicago)

Samuel Moyn (History, Columbia University)

Adam Z. Newton (English, Yeshiva University)

Russell Pearce (Legal Ethics, Morality and Religion, Fordham Law School)

Uriel Procaccia (Law, The Interdisciplinary Center, Herzliya)

Jeffrey Rubenstein (Hebrew and Judaic Studies, New York University)

Daniel Rynhold (Modern Jewish Philosophy, Yeshiva University)

Chaim Saiman (Law, Villanova University School of Law)

Lawrence Schiffman (Hebrew and Judaic Studies, New York University)

Bernhard Schlink (Public Law and the Philosophy of Law, Humboldt University, Berlin)

Adam Seligman (Religion, Boston University)

Haim Shapira (Law, Bar-Ilan University)

David Shatz (Philosophy, Yeshiva University; Religion, Columbia University)

Aharon Shemesh (Talmud, Bar-Ilan University)

Haym Soloveitchik (University Research Professor, Yeshiva University)

Devorah Steinmetz (Independent Scholar)

Shmuel Trigano (Sociology, University of Paris X-Nanterre)

Shira Wolosky (American Studies and English Literature, Hebrew University)

Azzan Yadin (Jewish Studies, Rutgers University)

Neguin Yavari (History, The New School)

Thanos Zartaloudis (Law, Birkbeck)



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study of history? How do you organize materials in such a way that you don't get lost? How do you define the borders of your subject? How do you create and keep track of a subject? How do you create a unified book; how do you connect chapter 1 with chapter 6? How do you move between historical time periods—between fields—in one topic? How do you set up a canon in a field you're not an expert in?

THE LEGAL THEORY SEMINAR

The seminar is carefully designed to introduce students to the essential questions and problems of legal theory that are relevant and interesting to an examination of Jewish texts and Jewish history.

In the first year, we focus on the methodological questions that are raised by bringing together the fields of Jewish studies and legal theory. We begin with the fundamental question: "What is law?" in Anglo-American jurisprudence and the ways in which this question poses a problem for Jewish studies. We turn next to the hermeneutical turn in Anglo-American legal theory and the questions posed to Jewish studies by an understanding of law as interpretation. Next, we turn to the question of law as a historical phenomenon and an ahistorical phenomenon and the prob-

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forthcoming book, legal scholar Paul Kahn argues that a re-examination of Schmitt's concept of political theology and his associated understanding of sovereignty can be tremendously useful in a re-examination of American exceptionalism and the continual tension in America between the rule of law and the concept of popular sovereignty. Panelists addressed the link between American exceptionalism and political theology, in addition to exploring the history of American exceptionalism and its diverse origins and iterations.

PANELISTS:

Peter Berkowitz, Hoover Institution
Hendrik Hartog, Princeton University
Paul W. Kahn, Yale Law School
Samuel Moyn, Columbia University
Michel Rosenfeld, Cardozo Law School

PUBLIC PANEL:

NIETZSCHE AND THE LAW

In April of 2010, the CJL hosted a public panel titled, "Nietzsche and the Law: The Impact of Nietzsche's Writings on Jewish and Western Legal Traditions."

Nietzsche's critiques of Western metaphysics in the late 19th century had devastating implications for both theology and law. Nietzsche's thought, however, has been incorporated in diverse ways into the very systems he undermined. This panel was devoted to an exploration of the implications of Nietzschean ideas for the contemporary study of law and theology, particularly the case of Jewish law, a system that brings together the theological and the legal.

PANELISTS:

Hanina Ben-Menahem, Hebrew University
Daniel Rynhold, Yeshiva University
Richard Weisberg, Cardozo Law School
Shira Wolosky, Hebrew University ■

lem of how historians and legal theorists, who often have divergent assumptions about history, can speak to each other. We close the first-year seminar with an exploration of phenomenology and the legal imagination, considering the role of representation and performance in legal discourse and its applications for Jewish studies. (Read more about some of our fellows on pages 5 and 7.)

In the second year, we turn our attention toward the interdisciplinary study of law. We focus not on pure legal theory but on the integration of the study of law with other disciplines. We have three in-depth units: (1) law and history, (2) legal pluralism and (3) law and literature. In addition to focusing on topics in law that are inherently interdisciplinary, we also move integration to the front and center of the curriculum, bringing Jewish primary sources directly into conversation with these "law AND" topics.

In the second year, in addition to the other components of the fellowship, graduate fellows participate in a joint CJL–Hebrew University graduate conference that focuses on method and the nexus between legal theory and the study of Jewish texts. (Read about the 2009–2010 conference on page 6.) ■