Jewish Law

I. Course Overview

This seminar explores the development of Jewish law from Biblical times to modern day. Attention will be paid both to general thematic issues (e.g., the interplay between narrative and law, the concept of obligation, and ritual vs. non-ritual law) as well as to particular topics (e.g., criminal law, provision for the poor, conflict resolution, dietary rules, divorce, and same-sex marriage). At times, comparisons will be made with the American legal system. No prior background in Jewish law is required.

II. Materials

The course textbooks are Menachem Elon et al, Jewish Law (Mishpat Ivri): Cases and Materials (Mathew Bender/LexisNexis, 1999) and Jill Jacobs, There Shall Be No Needy: Pursuing Social Justice Through Jewish Law and Tradition (Jewish Lights, 2010). While I recommend purchasing the books, I have placed each on reserve at the law library. For several topics there will be other readings assigned, usually available via the internet.

I have placed on reserve in the law library some additional books that may possibly be of use to you depending on your interests. For a basic introduction to Judaism, see Robert S. Ellwood & Barbara A. McGraw, Many People, Many Faiths, ch. 7, “Keeping Covenant with God in History” (Pearson, 2014). For a basic overview of Jewish law from a traditional perspective, see Steven A. Resnicoff, Understanding Jewish Law (LexisNexis, 2012). On the general historical development of Jewish law, see Elliott N. Dorff & Arthur Rosett, A Living Tree: The Roots and Growth of Jewish Law (SUNY Press, 1988). For an overview of Jewish law and modern treatment of different topics from an Israeli perspective, see Menachem Elon’s four-volume treatise, Jewish Law: History, Sources, Principles (Jewish Publication Society, 1994). For an overview of Biblical law through the lens of modern legal categories, see Richard H. Hiers, Justice and Compassion in Biblical Law (Continuum, 2009). For an introduction to Jewish ritual law, including topics such as prayer, holidays, dietary restrictions and marriage, see Isaak Klein, A Guide to Jewish Ritual Practice (Jewish Theological Seminary, 2013)(writing from the Conservative movement). On classic Jewish texts generally, including classic Jewish legal sources, see Barry W. Holtz, ed., Back to the Sources: Reading the Classic Jewish Texts (Simon & Shuster, 1984). For an introduction to Biblical criticism, see Richard E. Friedman, Who Wrote the Bible? (Simon & Shuster, 1997).

There are many excellent internet and non-internet resources available containing both primary and secondary resources for those interested in Jewish law, and the Resnicoff text above has extensive bibliographies in appendixes 4 and 5. I will not try to replicate Resnicoff’s work here, but let me simply

III. Requirements

Attendance. Students are permitted to miss two class meetings for any reason. Students missing more than two classes may be dropped from the course at my discretion. For additional information about attendance and related university regulations, see https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies.

Preparation and Participation. For most sessions, there will be assigned readings. You are expected to have read these assignments carefully and to have begun thinking about them on your own before class. In class, you are expected to participate constructively in the discussion. The success or failure of the class will largely depend upon whether you are prepared to discuss the materials. In addition, for most of our class meetings, I ask that two assigned students play a special role to begin our analysis of the readings, one presenting the material and one offering some remarks in response. I will discuss this further in class.

Presenting Your Research. A number of class sessions toward the end of the course will be devoted to students presenting their own research. The goals of these presentations are that the other students learn from your research and that you receive input from them that may be of help in writing your paper.

Research Paper. All students are required to write a final research paper. The topic you choose should require some independent research. Central in assessing your paper will be the quality of your analysis of your given topic. For students using the paper to fulfill the Advanced Writing Requirement, the paper should be approximately 25 pages, double-spaced. For other students, the paper should be approximately 15 pages, double-spaced. The papers should be of professional quality with citations conforming to “bluebook” format for law review articles. Please put footnotes at the bottom of the page rather than at the end of the paper. As I will discuss in class, students are required to submit in class a first draft of their paper at whatever stage the paper is in by April 4, 2017. While students are welcome to submit their final papers earlier if they wish, final papers are due by noon on Friday, April 28, 2017 (the first day of exams). I ask that students both (a) turn in a hard copy of their final paper to my secretarial...
assistant, Ms. Ashleigh McVey, in Holland 323 and (b) email me (cohenjr@law.ufl.edu) a copy of their final paper. Except in extraordinary circumstances, papers handed in late will receive automatic grade reductions.

Miscellaneous. At times, there may be miscellaneous assignments or modifications to the assigned readings announced via the email list that the university maintains for the course. For this reason, all students should have a valid “@ufl.edu” email address.

IV. Use of Electronic Devices

No taping of class in any form is allowed without my prior written permission. Except for students making presentations or other times specifically instructed, the use of laptop computers is not permitted.

V. Disability Accommodations

Students requesting classroom accommodation should register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation. For further information, see https://www.dso.ufl.edu/drc/.

VI. Grading

The course will be letter graded. Grades will be based 50% upon class participation and other miscellaneous assignments and 50% upon the final research paper. There is no final exam. For questions about grading, delays in submitting work, and other academic policies, please refer to the law school’s academic policies, available at https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies. The grading scale for the course is:

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<td>D-</td>
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<td>C (Satisfactory)</td>
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<td>E (Failure)</td>
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VII. Student Course Evaluations

Students can provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.
Tentative Schedule of Topics

Week 1: Central Themes
Reading: Genesis, chs. 1-4
Exodus, ch. 20

Week 2: An Introductory Example: Voting Rights
Reading: Elon, 1-12

Week 3: Authorship, Authority and Morality
Reading: Genesis 2: 4-25 then Genesis 1:1-2:3
Elon, 12-24, 33-39

Week 4: Duties to Assist (Good Samaritan)
Reading: Elon, 222-246

Week 5: Treatment of Prisoners
Reading: Elon, 246-262, 567-584
Jacobs, 192-213

Week 6: Dietary Laws
Reading: Exodus, 23:19, 34:26
Leviticus chs. 11, 18-21
Spend 15 minutes on the web finding out something about Jewish dietary laws you didn’t already know.
Week 7: Divorce and Same-Sex Marriage

Reading: Elon, 25-31


Week 8: Conflict Resolution

Reading: Elon, 361-368


Week 9: Poverty and Social Welfare Legislation

Reading: Jacobs, 1-78

Weeks 10-13: Student Presentations

Week 14: Employment and Healthcare

Jacobs, 97-131, 159-178