

FALL 2023
NELC/RELS 0305: SPIRIT AND LAW
Professor Talya Fishman

M, F : 10:15 – 11:44 AM

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Course Description

In its exploration of the spirit/law binary, this course has a two-pronged focus. The historical inquiry considers (a) the attempts of Jewish thinkers from antiquity onward to make the teachings of Written and Oral Torah more meaningful in their own lives, as well as (b) polemical attacks on Jewish law, from Paul to Kant, and beyond. Primary readings (in translation) from midrash, Gospels, Talmud, medieval philosophy, kabbalah, Spinoza, Enlightenment thinkers, hasidic homilies, modern challenges to circumcision and kosher slaughter, and contemporary attempts to revalue Jewish law and ritual.

The conceptual dimension of the course maps the law/spirit binary onto topics in legal theory such as the philosophy of law, natural law and the relationship between law and morality. Theory-centered inquiries will be linked with texts from rabbinic culture that illuminate specific problems of interpretation. We will view three + films. Each session will combine lecture & seminar-style discussions.

Requirements & Breakdown of Grading:

- (a) Regular attendance and active participation in class discussions. **25%**
- (b) Orally present 2 written questions/comments “interrogating” the sources in 10 classes. **25%**
- (c) Each student will facilitate discussion of core passages in a **Session 7** reading. **10%**
- (d) **Due Session 11:** 5-8 pp. essay on question to be distributed in Session 6. **15%**
- (e) **Session 16:** 2-group class discussion of prompt to be distributed in Session 12. **15%**
- (f) In **final class session**, students will present on contemporary challenges to religious laws, Jewish, Christian or Muslim, sharing articles from contemporary media. **10%**

Prior to each class, PRINT the sources & ANNOTATE them with your comments and questions. (6 pages per side is fine, as long as you can read the print!) ***NO TEXTING DEVICES WILL BE PERMITTED IN CLASS.***
Make sure you have access to a working printer!

SYLLABUS

NO CLASSES ON MON., SEPT. 25TH and MON., OCT. 16TH.

As you approach each set of readings, be guided (but not restricted) by the bracketed and italicized cues that precede each assignment

1) Sept. 1: Overview + Discussion: Rabbis on Relationship of Law to Morality

- rabbinic texts on the relationship of law to morality [to be handed out]

{What are the choreographed steps in the covenanting ritual? What role do ethics play in Israeli's covenantal relationship with God?}

2) Sept. 8: Covenant

- "Covenant" (via Wiki)
- Mosaic Covenant (Exodus 19-24)

{Why did God make the covenantal relationship an exclusive one? Why would non-Jews join "the club"}

3) Sept. 11: "Chosenness" & Conversion to Judaism

- Biblical verses on "chosenness".
- "Jews as Chosen People", adapted from Wikipedia
- S. Cohen, "Crossing a Boundary & Becoming a Jew"
- Maimonides to Ovadia the Proselyte

{What are the pros and cons of assigning meanings to commandments opaque to reason?}

4) Sept. 15: Purposes of the Commandments: Bible, Rabbinic, Medieval Views

- commandments w/ motive or reward clauses & Rabbis on reasons for commandments
- Maimonides, Guide III.26-27

{What features of its culture irritated Judaism's pagan critics? Why features appealed to the anti-Christian Emperor Julian, and why?}

5) Sept. 18: Pagan Critiques of Judaism & Its Commandments

- selections from Apion, via Josephus, in Stern, ed., pp. 389-90; 393-94; 396-97; 411-415.
- selection from Seneca, in Stern, ed., 429-431
- selection from Tacitus, in Stern, p. 5 (bottom); 24-26.
- selections from Julian [the Apostate], *Against the Galileans*

{What biblical or rabbinic teachings are invoked in Matthew's narrative? Why and how are they used?}

6) Sept. 22: Jesus, the Pharisees and the Law [Essay Q distributed, due Session 11]

- Matthew ch's 4-5, 9, 12

{How do Acts 10 & 15 distance the new movement from Judaism. What room is there for Jews?}

7) Sept. 29: "Jews and Greeks" in the Evolving Jesus Movement

- Acts ch's 10, 15, Noahide Laws; Romans 2, 3, 7, 11

{How does Paul convince Gentile addressees that adherence to the law is counterproductive? What uses does he make of Hebrew Bible, and why?}

8) Oct. 2: Paul on the Pitfalls of Observing the Law

Roman 4, 9, Galatians 2-5, II Corinthians 3

{How did these 1st 2nd centuries Hellenists support their diametrically-opposed views of the commandments?}

9) Oct. 6:

-Philo, from *The Special Laws*

- Justin Martyr, from *Dialogue with Trypho*, chaps. 18-22.

{Of what benefit are the multiple filters used in the medieval Church to interpret Bible? Think of typological interpretations for Noah's Ark, Abel, Isaac, Joseph, David}

10) Oct. 9: Medieval Christian Approaches to Reading the Law

- 4-Fold Medieval Christian Bible Interpretation

-John of Damascus, *The Orthodox Faith*, IV, chaps 22-25

{What classifications do both Sa'adya and Bahya impose on the commandments & why do they do so?}

11) Oct. 20: Philosophy's Challenge: Sa'adya Gaon, Bahya Ibn Paquda [ESSAY DUE]

-Joel L. Kraemer, "The Islamic Context of Medieval Jewish Philosophy", ONLY pp. 54-61

-**DIVIDE in 4 groups:** Sa'adya Gaon, *Book of Beliefs and Opinions*, III: Exordium, ch's. 1, 2, 3

- Bahya Ibn Paquda, Intro to *The Book of Direction to the Duties of the Heart*, pp. 87-91.

{Do Maimonides' explanations satisfy your notion of rationality? Might he be seen as "going too far"?}

12) Oct. 23: Maimonides on the Law's Rationality [Discussion Prompt Distributed]

Maimonides, *Guide for the Perplexed* III.18

Maimonides, *Guide for the Perplexed* I.59

Maimonides, *Guide for the Perplexed* III.32

13) Oct. 27: Lecture on Kabbalah's Sacramentalization of Jewish Law

-Sefirotic Tree

14) Oct. 30: In-Class Film: "Hasidism: A World Apart"

{How is Hasidism's appreciation of the physical world reflected in its explanations of commandments?}

15) Nov. 3: Hasidic Masters on the Commandments

- “On Hasidism” document
- selections from Hasidic Masters on Biblical and Rabbinic Commandments
- Lubavitcher Rebbe on 10 Commandments
- Yom Kippur and the consumption of meat

16) Nov. 6: Discuss Pros/Cons of Philosophical & Mystical Approaches to Law

{What are the stages in da Costa's intellectual journey? Do you find him a credible narrator?}

17) Nov. 10: Uriel Da Costa: Revealed Law and Natural Law

- Autobiography of Uriel da Costa

{What are Spinoza's claims about the purpose of religion and the nature of Israelite chosenness?}

18) Nov. 13: Spinoza's Critique of the Law:

- Stanford Encyclopedia of Philosophy: About the *Theological Political Treatise*
- Spinoza, *Theological-Political Treatise*, Preface, Ch. 3. Esp. #'s 1-57 & 73-109.

{What impact did Kant's philosophical challenge to Judaism have on Jewish thought and life?}

19) Nov. 17: Challenges of Enlightenment: Rationalizing the Law

- “Kant on Judaism” via EJ (3 pp.)
- Gottlieb, “Moses Mendelssohn and the Project of Modern Jewish Philosophy” (8 pp.)
- Mendelssohn, “Judaism as Revealed Legislation”, 104-106.
- Mendelssohn, “Curtailement of Jewish Judicial Authority”, pp. 94-96.
- Saul Ascher, from *Leviathan* (4 pp.)

{Do you think that Mordecai Kaplan was successful in “repackaging” Jewish observance for 20th c. American Jews? Was it significant that he produced his major work before WWII?}

20) Nov. 20: Choosing to Be Bound: Reconstructionist Judaism

- Mordecai Kaplan, *Judaism as a Civilization*, pp. 303-310; 431-459.

{Should the multi-faceted ways in which today's religiously-observant women expand their participation in Jewish life be seen as expressions of “spirit” vs. “law? Is this creativity new within Jewish tradition? }

21) Nov. 27: Women's Mizvot, Old and New

- *Tkhineh* for Lighting Sabbath Candles

- Elyse Goldstein, "New Jewish Feminist Rituals"
- Jody Myers, "The Myth of Matriarchy in Recent Writings on Jewish Women" (21 pp.)

{What are the obstacles to granting a divorce to a "chained woman" within the framework of Jewish law?}

22) Dec. 1: In-Class Israeli film, "Gett: The Trial of Viviane Amsalem"

{Why is the Passover Haggadah the text most re-written and "revalued" by modern Jews, even atheists?}

23) Dec. 4: Personalizing Liberation: Customized Haggadot for Passover

- Rabbinic injunctions to personalize the Exodus
- **For reference only: Traditional Haggadah, parts A & B. Do not print out!**
- selections from *Union Haggadah*; Holocaust Survivor's Haggadah; Secular Kibbutz Haggadah; Jewish Labor Union Haggadah; Women's Haggadah; Orthodox Feminist Seder; GLBTQI Haggadah; Secular Haggadah.

{What terms of reference inform these modern attacks on specific Jewish commandments?}

24) Dec. 8th: Modern Attacks on Kosher Slaughter & Circumcision

- watch the last 15 minutes of *Der Ewige Jude*
- "Kosher Slaughter Ends in N. Belgium" -2018
- "Campaigns Against Kosher", UK, 2020
- Bill to ban circumcision 2011
- *Daily Beast*: Do Circumcision Bans Protect Kids' Rights, Or Infringe Upon Parents'?

{Do Jewish challenges to the definition of "kosher" break new ground? How does Broyde's argument alter the terms of debate?}

25) Dec. 11: Contemporary Jewish Challenges to the Definition of "Kashrut"

- "Kosher Wars" in *NYT*
- 2008 Raid on Agriprocessors Kosher Meat, Postville, Iowa
https://en.wikipedia.org/wiki/Postville_raid
- *Hekhsher Tzedek's* Law Manifesto [**Don't print out in its entirety.**]
- Broyde, "*Hekhsher Tzedek's* Law Problem"
- Student Presentations on Contemporary Challenges to Religious Law(s)