

University of Vienna

[Institute for Legal and Constitutional History](#)

2017s

Prof. Dr. Edward Fram, Prof. Dr. Thomas Simon, Dr. Stephan Wendehorst, Prof. Dr. Wolfgang Wieshaider and other faculty.

Historical Jewish Law Moot Court: The Rabbinic Tribunal of Prague

The Historical Jewish Law Moot Court aims to introduce participants to Jewish law as it was practiced in the early modern period. The focus is on the application of Jewish law under concrete historical conditions rather than on Jewish law as a timeless normative system. In 2016 a case from the 18th century, where guardians were tried for the embezzlement of the property of an orphan before the Rabbinical Court of Frankfurt-on-Main provided the background for the Historical Jewish Law Moot Court. In 2017 cases adjudicated by the Rabbinic Tribunal of Prague, arguably the most important Jewish legal forum both in the Western Ashkenazic area and in the Holy Roman Empire, will serve as a point of reference for the Historical Jewish Law Moot Court.

There are four preconditions for participation in the Historical Jewish Law Moot Court:

- interest in Jewish law and a letter stating one's motivation
- above average English language skills
- readiness to be part of a team
- participation in at least one of the three pre-moots, either in Jerusalem, Fulda, or Vienna

Programme, 30 April 2017

A. Introduction

27 April

Juridicum, Schottenbastei 10-16, Seminar Room 42

6.30–7.45 p.m. (Week 1)

Historical Jewish Law Moot Court - The Rabbinic Tribunal of Prague. Introduction

Thomas Simon, Vienna, Stephan Wendehorst, Gießen/Wien, Wolfgang Wieshaider, Vienna

B. Pre-Moot I

5 May 2017

Central Archives for the History of the Jewish People, Jerusalem

8.30 – 10.00 a.m. (Week 2)

Legal Sources & their Application in Jewish Law. Practice: The Use of Analogy

Edward Fram, Beer Sheva

10.00 – 11.30 a.m. (Week 3)

Babylonian Talmud, Sukkah 9b.

Edward Fram, Beer Sheva

Austrian Hospice, Jerusalem

5.00 – 6.30 p.m. (Week 4)

Jewish Law as a Particular Law in the Ius Commune

Stephan Wendehorst, Gießen/Vienna

Johann Jodocus Beck, Hg., Tractatus de Juribus Judæorum, Von Recht der Juden. Worinnen von denen Gesetzen, denen sie unterworffen, deren Heyrathen, Contracten, Wucher, Testamenten, Successionen oder Erbfolgen, Verbrechen und deren Bestraffungen, Privilegien und Rechts-Wolthaten, Oneribus und Beschwehrden, insonderheit der Cronen-Steuer und guldenen Opffer-Pfenning, wie auch Gerichten und Gerichtlichen Handlungen, und andern mehr, gründlich und deutlich gehandelt wird. Aus denen Göttlichen und allgemeinen Reichs- und andern Special-Rechten und Gewohnheiten zusammen getragen, und mit Praejudiciis, Decisionibus und Responsis überall bestärcket. Denen Richtern, Amtleuten, und sonsten jedermänniglich zum Besten, mit einem hierzu dienlichen Register versehen heraus gegeben Von Joh. Jodoco Beck, J.V.D. Hochgrävl. Hohenloh-Neuensteinisch und- Hochgrävl. Giechischen Rath, bey Löbl. Universität Altdorf Pandectarum Professore Publico, & Facultatis Juridicae Assessore Ordinario, Nuremberg: Lochner, 1731.

Sunday, 7 May 2017

Central Archives for the History of the Jewish People

1.00 - 2.30 p.m. (Week 5)

Archival Sources Concerning Fürth and Fulda in the Central Archives for the History of the Jewish People

Inka Arroyo Antezana, Jerusalem, Yochai Ben-Ghedalia, Jerusalem

National Library of Israel, Jerusalem

3.00 - 4.00 p.m. (Week 6)

Jewish Law as a Source of Law in the Jurisdiction of the Imperial Aulic Council

Edward Fram, Beer Sheva, Ulrich Hausmann, Erlangen/Vienna and Stephan Wendehorst, Gießen/Vienna

May 2017

Juridicum, Schottenbastei 10-16, Seminar Room

Jewish Law: An Overview (Week 7)

Wolfgang Wieshaider, Vienna

21 May 2017

Municipal Archive Fulda

B. Pre-Moot II

8.30–10.00 a.m. (Week 8)

Legal Sources & their Application in Jewish Law. Practice: The Place of Custom

Edward Fram, Beer Sheva

The Digest of Justinian. Latin text edited by Theodor Mommsen with Paul Krueger. English translation edited by Alan Watson (Philadelphia: University of Pennsylvania Press, 1985), Book I.3.1–41.

Coffee

10.30 a.m.–12.00 p.m. (Week 9)

Legal Sources & their Application in Jewish Law. Practice: Sources of Rabbinic Decision Making

Edward Fram, Beer Sheva

Menachem Elon, *Jewish Law: History, Sources and Principles*, trans. B. Auerbach and M. Sykes. 4 vols. (Philadelphia: Jewish Publication Society, 1994)

Lunch

1.30 – 3.00 p.m. (Week 10)

Legal Sources & their Application in Jewish Law. Practice: Codification

Edward Fram, Beer Sheva

<http://faculty.history.umd.edu/BCooperman/EarlyMod/Twersky.pdf>

3.00 – 4.30 p.m. (Week 11)

Legal Sources & their Application in Jewish Law. Practice: Local Ordinances

Edward Fram, Beer Sheva

<http://web.nli.org.il/sites/NLI/English/collections/jewish-collection/pinkassim/Pages/default.aspx>

Coffee

5.00 -6.30 p.m. (Week 12)

Legal Sources & their Application in Jewish Law. Practice: Problematics of Codes

Edward Fram, Beer Sheva

Joseph Caro. Shulhan `aruk, with comments of Moses Isserles

7.00 -8.30 p.m. (Week 13)

Legal Sources & their Application in Jewish Law. Practice: The Rabbinic Court of Prague

Edward Fram, Beer Sheva

Simon Adler, „Das älteste Judicial-Protokoll des jüdischen Gemeinde-Archives in Prag (1682),“ Jahrbuch der Gessellschaft für Geschichte der Juden in der Čechoslovakischen Republik 3 (1913): 217–56. (<http://sammlungen.ub.uni-frankfurt.de/cm/periodical/titleinfo/2644305>)

22 May

Municipal Archive Fulda

9.00–10.30 a.m. (Week 14)

Legal Sources & their Application in Jewish Law. Practice: Preparing a Case

Edward Fram, Beer Sheva

Coffee

10.45 a.m.–12.45 p.m. (Week 15)

Tour through Historical & Contemporary Jewish Fulda

Thomas Heiler, Fulda & Melamed, Fulda, tbc

Lunch

1.45 – 2.30 p.m. (Week 16)

**Presentation of the Case of the 1st Jewish Law Moot Court in Innsbruck 2016:
Misappropriation of assets by guardians in the Jewish community of Frankfurt-on-
Main**

Sabine Bloch, Herrsching

2.30- 3.15 p.m

Presentation of the Moot Court Case 2017

29 June 2017

Austrian State Archive, Divisoon House, Court and State Archive, Vienna

8.30 – 10.00 a.m. (Week 17)

The Archive of the Imperial Aulic Council

Ulrich Rasche; Göttingen/Vienna

21 July 2017

Institute for Legal and Constitutional History, Hanuschgasse 3/1/2, „Library“

B. Pre-Moot III

11.45–1.15 a.m. (Week 18)

Legal Sources & their Application in Jewish Law. Practice: Preparing a Case II

Edward Fram, Beer Sheva

Lunch

2.00 a.m.– 3.30 p.m. (Week 19)

Legal Sources & their Application in Jewish Law. Practice: Presenting a Case

Edward Fram, Beer Sheva

23 July 2017

Institute for Legal and Constitutional History, Hanuschgasse 3/1/2, „Library“

9.15–10.45 a.m. (Week 20)

Legal Sources & their Application in Jewish Law. Practice

Edward Fram, Beer Sheva

Coffee

11.15 a.m.–12.45 p.m. (Week 21)

Legal Sources & their Application in Jewish Law. Practice

Edward Fram, Beer Sheva

2.00 -3.30 p.m. (Week 22)

Legal Sources & their Application in Jewish Law. Practice

Edward Fram, Beer Sheva

7.00 -8.30 p.m. (Week 23)

Public Lecture: Legal Sources & their Application in Jewish Law. Practice: The Rabbinic Court of Prague (continued)

Edward Fram, Beer Sheva

Adler, „Das älteste Judicial-Protokoll“

24 July 2017

Institute for Legal and Constitutional History, Hanuschgasse 3/1/2, „Library“

9.00–10.30 a.m. (Week 24)

Legal Sources & their Application in Jewish Law. Practice

Edward Fram, Beer Sheva

Coffee

11.00 – 12.30 p.m. (Week 25)

Legal Sources & their Application in Jewish Law. Practice

Edward Fram, Beer Sheva

26 July 2017

Juridicum, Schottenbastei, 10-16, Staircase 2, 3rd Floor, Seminar Room 20

C. Moot Court

11.00 a.m. – 12.30 p.m. Uhr (Week 26)

Historical Jewish Law Moot Court – The Rabbinic Tribunal of Prague: Team A vs Team B

2.00 – 3.30 p.m. 14.00 - 15.30 Uhr (Week 26)

Historical Jewish Law Moot Court – The Rabbinic Tribunal of Prague: Team A vs Team C

4.00 – 6.00 p.m. 16.00 - 18.00 p.m. (Week 26)

Historical Jewish Law Moot Court – The Rabbinic Tribunal of Prague: Team B vs Team C

7.00 – 8.00 p.m. 19.00 - 20.00 Uhr (Week 27)

Public Lecture: Jewish Law and the Legal Order of the State of Israel, tbc
Neal Hendel, Judge at the Supreme Court of the State of Israel

27 July 2017

Austrian Constitutional Court

11.00 a.m. – 12.30 p.m. (Week 28)

Historical Jewish Law Moot Court: The Rabbinic Tribunal of Prague – Finals

6 October

C. Follow-Up

2.00-3.30 p.m. (Week 29)

Historical Jewish Law Moot Court– The Rabbinic Tribunal of Prague: Follow-Up

Venues:

Austrian State Archive, Division House, Court and State Archive

Central Archives for the History of the Jewish People, Jerusalem

Constitutional Court Austria, Freyung 8, 1010 Vienna

Dependance of the Institute for Legal and Constitutional History of the University of Vienna, Hanuschhof, Hanuschgasse 3, Staircase 1, 2nd Floor, 1010 Vienna!

Juridicum, Schottenbastei, 1010 Vienna

Municipal Archive Fulda

National Library of Israel, Jerusalem

NB: Unless explicitly indicated otherwise, all lectures and moot court sessions will take place in the „Library“ of the Dependance of the Institute for Legal and Constitutional History of the University of Vienna, at Hanuschhof, Hanuschgasse 3, Staircase 1, 2nd Floor, 1010 Vienna!

Contact & Organisation:

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