

University of Vienna
2017w und 2018s

Prof. Dr Edward Fram and Dr Stephan Wendehorst
together with Inka Arroyo Antezana, Jerusalem, Yochai Ben-Ghedalia, Jerusalem, Prof. Dr. Jay Berkowitz, Amherst, Rijad Dautovic,
Vienna, Prof. Dr Arye Edrei, Tel Aviv, Oleksandr Fentsyk, Vienna, Sherin Showkat, Vienna and Prof. Dr. Wolfgang Wieshaider, Vienna

3rd 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. Cases adjudicated by the Rabbinic Tribunal of Prague, arguably the most important Jewish legal forum both in the Western Ashkenazic world and in the Holy Roman Empire, will serve as a point of reference for the Historical Jewish Law Moot Court. In 2016 a case from the 18th century, where guardians were tried for the embezzlement of the property of an orphan provided the background for the Historical Jewish Law Moot Court, in 2017 it was the division of an estate contested between three brothers and a sister.

There are six conditions for a successful participation in the 3rd Historical Jewish Law Moot Court 2017/2018:

- interest in Jewish law and a letter stating one's motivation and a definite commitment by 15 January 2018
- above average English language skills
- willingness and ability to participate in a team experience
- participation in at least two of the three pre-moots held in Jerusalem, Tel Aviv and Vienna
- participation in a minimum of 28 lectures, excursions and coaching units on offer during the winter term 2017/2018 and the summer term 2018
- a written seminar paper based on the oral pleading in the moot court

Programme, 8 November 2017

I. Introduction

13 October 2017

Juridicum, Schottenbastei 10-16, Seminar Room 51

3.30-5.00 p.m. (Week 1)

Introduction & Presentation of the Previous Historical Moot Courts in 2016 and 2017 I (Ius Commune MC – The Imperial Aulic Council and the Historical Jewish Law MC – The Rabbinic Tribunal of Prague)

Rijad Dautovic, Vienna, Oleksandr Fentsyk, Vienna, Sherin Showkat, Vienna, Stephan Wendehorst, Gießen/Vienna

19 October 2017

Juridicum, Schottenbastei 10-16, Seminar Room 43

2.00-3.30 p.m. (Week 2)

A Very First Introduction to Jewish Law

Wolfgang Wieshaider, Vienna

3.30 p.m. – 5.00 p.m. (Week 1)

Presentation of the Previous Historical Moot Courts in 2016 and 2017 (Ius Commune MC – The Imperial Aulic Council and the Historical Jewish Law MC – The Rabbinic Tribunal of Prague)

Rijad Dautovic, Vienna, Oleksandr Fentsyk, Vienna, Sherin Showkat, Vienna, Stephan Wendehorst, Gießen/Vienna

10 November 2017

Juridicum, Schottenbastei 10-16, Lecture Theatre U 15, Underground Level

2.00-3.30 p.m. (Week 3)

An Introduction to Jewish Law

Wolfgang Wieshaider, Vienna

3.30-5.00 p.m. (Week 1)

Presentation of the Previous Historical Moot Courts in 2016 and 2017 (Ius Commune MC – The Imperial Aulic Council and the Historical Jewish Law MC – The Rabbinic Tribunal of Prague)

Rijad Dautovic, Vienna, Oleksandr Fentsyk, Vienna, Sherin Showkat, Vienna, Stephan Wendehorst, Gießen/Vienna

B. Pre-Moot I: Jerusalem 4-7 February 2018

4 February 2018

dept Vienna 10:25 a.m. – arr. Tel Aviv 14:55

Austrian Hospice, Jerusalem, Salon

4.00–5.30 p.m. (Week 4)

Welcome Address by MMag. Markus Stephan Bugnyar, Rector of the Austrian Hospice

Legal Sources & their Application in Jewish Law: Biblical Antecedents for Rabbinic Law

Edward Fram, Beer Sheva/Vienna

7.30–9.00 p.m. (Week 5)

Legal Sources & their Application in Jewish Law. Practice: The Need for Oral Law

Edward Fram, Beer Sheva/Vienna

5 February 2018

National Library Jerusalem

8.30 – 10.00 a.m. (Week 6)

What is Talmud: Babylonian Talmud, Sukkah 9b.

Edward Fram, Beer Sheva/Vienna

Coffee

10.30 a.m.–12.00 (Week 7)

Jewish Law as a Particular Law in the Ius Commune: The Works of Johann Beck and Wratsilaw von Monse as Examples of Jurisprudence

Stephan Wendehorst, Gießen/Vienna

Johann Jodocus Beck, Hg., Tractatus de Juribus Judæorum, Von Recht der Juden. Worinnen von denen Gesetzen, denen sie unterworfen, deren Heyrathen, Contracten, Wucher, Testamenten, Successionen oder Erbfolgen, Verbrechen und deren Bestrafungen, 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.

Lunch

Austrian Hospice Jerusalem, Salon

2.00 – 3.30 p.m. (Week 8)

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

Edward Fram, Beer Sheva /Vienna

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

4.00 p.m.–5.30 (Week 9)

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

Edward Fram, Beer Sheva/Vienna

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

7.15–8.30 (Week 10)

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

Stephan Wendehorst, Gießen/Vienna

6 February 2018

National Library Jerusalem

8.30 – 10.00 a.m. (Week 11)

Legal Sources & their Application in Jewish Law: Codification

Edward Fram, Beer Sheva/Vienna

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

Coffee

10.30 a.m.–12.00 p.m. (Week 12)

Legal Sources & their Application in Jewish Law: Local Ordinances

Edward Fram, Beer Sheva/Vienna

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

Lunch

Central Archives for the History of the Jewish People, Jerusalem

2.00 – 3.30 p.m. (Week 13)

Archival Sources Concerning Prague in the Central Archives for the History of the Jewish People

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

Coffee

4.00–5.30 p.m (Week 14)

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

Edward Fram, Beer Sheva/Vienna

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

7 February 2018

Austrian Hospice Jerusalem, Salon/National Library Jerusalem

8.30 – 10.00 a.m. (Week 15)

Legal Sources & their Application in Jewish Law. Preparing a Case—The Problematics

Edward Fram, Beer Sheva/Vienna

10.30 a.m.-12.00 p.m. (Week 16)

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

Edward Fram, Beer Sheva/Vienna

Transfer Tel Aviv - Vienna

B. Pre-Moot II: Tel Aviv 24 February – 1 March 2018

24 February

Transfer Vienna - Tel Aviv

25 February

Tel Aviv University School of Law

9.30 – 9.45 a.m.

Welcome

9.45 – 11.15 a.m. (Week 17)

Biblical Background to Jewish Law

Edward Fram, Beer Sheva/Vienna

Coffee

11.30 a.m.-1:00 p.m. (Week 18)

From the Bible to the Talmud

Vered Noam, Tel Aviv

1.00 p.m. transfer to Jerusalem

2.30 – 4.00 p.m. (Week 19)

Shrine of the Book

4.30 – 6.30 p.m. (Week 20)

Supreme Court of the State of Israel

Dinner

8.00 p.m. transfer to Tel Aviv

26 February 2018

Tel Aviv University School of Law

9.00 – 10.30 a.m. (Week 21)

Study of the Talmud

Edward Fram, Beer Sheva/Vienna

10.45 a.m. – 12.15 p.m. (Week 22)

Students study Talmud together

Arye Edrei, Tel Aviv and Edward Fram, Beer Sheva/Vienna

2.30-4.30 p.m. (Week 23)

Multiple Opinions and Arguments in Jewish Law

Shai Wozner, Tel Aviv

Lunch

3.30-5.00 p.m. (Week 24)

Problems of Medieval Codification/Maimonides and Codification

Hanina Ben Menahem, Jerusalem

5.15-6.45 p.m. (Week 25)

Jewish Law as a Particular Law of the Ius Commune: Carl Ferdinand Hommel's Bibliotheca Rabbinica

Stephan Wendehorst, Gießen/Vienna

27 February 2018

Tel Aviv University School of Law

9.00 – 10.30 a.m. (Week 26)

Shulhan aruk and its importance

Tirza Kelman, Jerusalem

10.45 a.m. -12.15 p.m. (Week 27)

The Idea of Periodization

Arye Edrei, Tel Aviv

Lunch

1.30-3.00 p.m. (Week 28)

Dissent and Halakic Decision Making

Arye Edrei, Tel Aviv

3.15-4.45 p.m. (Week 29)

The State and the Jews

Debra Kaplan, Bar Ilan

5.00-6.30 p.m. (Week 30)

Jewish Political Autonomy

Stefan Litt, Jerusalem

28 February 2018

9.00 – 10.30 a.m. (Week 31)

Central Archives for the History of the Jewish People, Jerusalem

10.30 – 12.00 (Week 32)

Justice in the Second Temple: A tour of archeological sites in the Old City of Jerusalem related to the administration of justice.

1 March 2018

Transfer Tel Aviv-Vienna

B. Pre-Moot III: Vienna

23 July 2018

Juridicum, Schottenbastei 10-16, Seminar Room

(Week 33)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beer Sheva/Vienna

(Week 34)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beer Sheva/Vienna

24 July 2018

Juridicum, Schottenbastei 10-16, Seminar Room

8.30 – 10.00 a.m. (Week 35)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

10.30 a.m.–12.00 p.m. (Week 36)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Lunch

2.00 – 3.30 p.m. (Week 37)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

4.00–5.30 p.m. (Week 38)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

25 July 2018

Juridicum, Schottenbastei 10-16, Seminar Room

8.30 – 10.00 a.m. (Week 39)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

10.30 a.m.–12.00 p.m. (Week 40)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Lunch

2.00 – 3.30 p.m. (Week 41)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

4.00–5.30 p.m. (Week 42)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

26 July 2018

Juridicum, Schottenbastei 10-16, Seminar Room

8.30 – 10.00 a.m. (Week 43)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

10.30 a.m.–12.00 p.m. (Week 44)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Lunch

2.00 – 3.30 p.m. (Week 45)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

4.00–5.30 p.m (Week 46)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

27 July 2018

Juridicum, Schottenbastei 10-16, Seminar Room

8.30 – 10.00 a.m. (Week 47)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

Coffee

10.30 a.m.–12.00 p.m. (Week 48)

Preparing and Presenting a Case

Arye Edrei, Tel Aviv and Edward Fram, Beersheva/Vienna

29 July 2018

C. Moot Court

8.30 – 10.00 a.m. (Week 49)

Historical Jewish Law MC

10.30 a.m.-12.00

Historical Jewish Law MC

Lunch

2.00 – 3.30 p.m.

Historical Jewish Law MC

3.30-5.00 p.m.

Historical Jewish Law MC

30 July 2018

D. Finals & Follow-Up

Administrative Supreme Court, former Bohemian Court Chancery (Verwaltungsgerichtshof, ehemalige Böhmisches Hofkanzlei), Judenplatz

10.30 a.m. – 12.00 (Week 50)

Historical Jewish Law MC – Finals

Jay Berkowitz, Arye Edrei, Edward Fram, Stephan Wendehorst

Lunch

2.00-4.00 p.m.

Historical Jewish Law MC – Follow-Up

Jay Berkowitz, Arye Edrei, Edward Fram, Stephan Wendehorst

Venues:

Administrative Supreme Court, former Bohemian Court Chancery (Verwaltungsgerichtshof, ehemalige Böhmisches Hofkanzlei), Judenplatz, Vienna

Austrian Hospice, Salon, Jerusalem

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

Central Archives for the History of the Jewish People, Jerusalem

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

Juridicum, Schottenbastei 10-16, Vienna

Law School, Tel Aviv University

National Library of Israel, Givat Ram Campus of the Hebrew University of Jerusalem

Supreme Court of the State of Israel, Jerusalem