Summaries of the Jewish Law Annual Conference 2014
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In his plenary session, Elliot Dorrf laid out an approach to the relationship between church and state which he hopes could shape American law. He pointed to certain areas where separation is warranted (such as birth control), but others in which there is room for healthy interaction between them (religious pluralism)

While understandings of the relationship between law and narrative in the 1980s pointed to narrative as a force for social justice that included the voices of the oppressed, Moshe Simon-Shoshan argued that stories and narrative play a multi-faceted and often ambiguous role in legal discourse, and must be balanced with non-narrative apodictic approaches in order to promote a just world.

Chaim Saiman previewed his new book, *Halakhah: The Rabbinic Idea of Law,* out at the end of 2014. He argues that within rabbinic halakhah, the distinction between law and narrative is fluid, and that appreciating the tension between these two poles of a spectrum is central to understanding the nature and function of halakhah.

Jay Berkovitz examined the *pinkas* of the Beit Din of Metz in the late eighteenth century, and demonstrated that the Beit Din was responsive to the economic, cultural and political forces in French Metz and displayed a clear propensity to acknowledge the interdependence of the various courts in French Metz. Law, for the Beit Din of Metz, was a decentralized process that was shaped by the practices and perspectives of the broader community.

Michael Baris examined the extended narrative about Rabbah Bar Nahmani in b. Bava Metsia 86a. He argued that the narrative points to anti-dualistic tendencies throughout, while acknowledging that the monistic version of law can be a solitary, lonely experience.

Shai Wozner- "Law, Sin and Punishment: Reflections on the Tree of Knowledge Myth"- Wozner suggested that it was necessary for Adam to transgress God's command for his moral development, thus God gave the command with the intention that it be broken. By breaking the law, Adam learned the concepts of normative good and evil and the concept of law.

Shira Weiss- "Halakhic Innovation in Medieval Responsa:The Case of the Qatlanit"- Weiss discussed the unique impact philosophy had upon halakhah in the sole-surviving responsum of Joseph Albo on the *qatlanit* ("murderous wife"), a twice widowed woman who seeks remarriage. Albo utilizes the concept of free choice as it relates to martyrdom to justify an exception to the Talmudic prohibition, thus ruling that women whose husbands died in the persecution common to his historical context were not considered *qatlaniot* and were permitted to remarry.

Michael Broyde- "The Case of the Get from the Husband in a Permanent Vegetative State: A Preliminary Analysis"- Regarding a case in which a wife requested a divorce from her husband who was in a permanent vegetative state for 7 years with no chance of coming out, Broyde argues that the Tosfot's ruling cannot be relied upon because it is not followed in codified halakha since a permanent vegetative state is not analogous to death. However, he argues that a

get zikui (when something is clearly beneficial, it is as if you consented) is more valid and precedented in halakha- since a man in a permanent vegetative state has *ratzon* (will), thus the beit din asserts that the presumed will of the husband would want to give his wife a divorce. Broyde cautions that this, however, is not a solution to the contemporary Agunah situation in which husbands clearly express a desire not to give the get.

Panel- "The role of Modern-Day Rabbinical Courts" - Bigman, Broyde, Jackson, Westreich-
Bigman described Israeli courts' wariness to coerce divorce and the role of independent rabbinical courts in making progress in the Agunah problem. He discussed the difficulty in determining 'mekach taut' when a woman would not have gotten married had she known what she was getting into.
Jackson described the lack of transparency in kiddushin and asserted that it was the responsibility of the couple to know the personal and communal consequences if a husband refuses to give a get. While the beit din has discretion (though is not obliged) to release the wife from marriage, there could still be consequences (mamzeirut) for her future children if the community does not accept the discretionary decision of the beit din.
Broyde adamantly argued that the only solution to the Agunah problem is a mandatory prenuptual agreement. Without a prenup, calls for transparency are bogus because parties will shop for a beit din that will further their respective interests. Broyde compared a prenup to a vaccine for a disease for which we will never have a cure.
Westreich described a 'get meharsham'- when a husband disappeared, wife remarried and had kids, and then first husband returns, the first marriage can be retroactively annuled in order to prevent mamzeirut. He concluded by reiterating the Israeli court's potential for innovative legal solutions.

Daniel Reifman- "Law and Narrative in the Bible: a Semiotic Approach"- Reifman explained the distinctive features of law and narrative that are intertwined in the bible. Through the use of 'semiotics'- understood meaning as a function of system of signs shared by author and reader- Reifman analyzed biblical examples, such as the law of primogeniture, to illustrate the relationship between the general, prescriptive law and the more descriptive, specific narratives in the bible.
Calum Carmichael spoke about how Biblical laws and the structure of Biblical law codes reflect Biblical narratives. Thus, fine details of laws and all the more so idiosyncratic features of laws can now make sense once we view these laws against the background of narratives to which they refer. Furthermore, the long standing problem in Biblical studies of understanding the order of several Biblical law codes can now be resolved when we consider that the seeming randomness of a code often reflects the order of a story or associated stories that the code reflects.

John W. Welch spoke as a believing member of the Church of Latter Day Saints. He argued both that moral arguments in scriptural stories carry legal implications. Thus, the nature of moral decisions in Biblical and Book of Mormons stories are clarified by Biblical laws. Furthermore, Biblical laws are clarified by parallel moral reflections in Biblical stories and even in Book of Mormons stories.

Ronen Reichman offered a third alternative to the Tannaitic tension between those who would base Halakha on the authority of an explicit text or tradition and those who would use logic to

extend Halakha or even define the meaning of a law. He presented examples of individual Tannaim who offered complementary supports of rational thought and authority for their positions instead of collapsing one into the other. Furthermore, he analyzed how different Tannaitic works engaged with these three options in their differing versions of various Tannaim's positions on this issue.

Alexander Dubrau elaborated on the nominalist – realist tension within rabbinic law. Following up on Lowerbaum's presentation of this tension as a tension between non-realism – realism, Alexander not only presented more examples. Rather, he argued that the same rabbi at times expressed both perspectives since context was a determining factor. This includes both the context of the audience and the context of the discussion – whether it be, for example, apologetic (which lends itself to realism) or legal (which lends itself to non-realism).

Moshe Halbertal laid out three paradigms of the relationship between law and narrative: One, where narrative provides a narrative framework grounds the meaning of the law and gives it authority. A second, where narratives is part of the creation of the law itself. And a third,where narrative is juxtaposed to law but is not involved in the creation of the law, instead it points to the limits of the law. For Halbertal, this third category points to the self-defeating aspects of parts of the rabbinic project.

Nehama Hadari advocated for the collective understanding of war crimes, arguing that not individuals but networks of relationships are responsible, as these networks create the context in which war crimes can occur. For Hadari, this shift in liability leads to the conclusion that individuals should not be tried for war crimes at all.