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INTRODUCTORY REMARKS TO THE 2019 SHACHOY SYMPOSIUM

DANIEL MARK*

Editor's Note: Professor Daniel Mark provided these remarks to introduce the *Villanova Law Review's* 2019 Shachoy Symposium and the first panel of the symposium. The symposium focused on Professor Chaim Saiman's book, *Halakhah: The Rabbinic Idea of Law*.

LIKE Chaim Saiman, I sit in two worlds, the Jewish world and the academic world, and that is perhaps part of the reason why I have the privilege of introducing the conference and the first presenters.

Saiman is an exemplar of bringing Judaism to the academy and bringing the academy and academic thinking to the Jewish community. He has brought study and understanding of Jewish law to the legal academy with more consistency and clarity than most. His book is the culmination of many years of this work.

University President Father Peter Donohue noted that this conference is structured to take an inside-out approach. For this introduction, I am going to start from the outside in, with a word about the book, then the conference, and finally the first panel.

Judaism, perhaps more than any other religion, or Jews, perhaps more than any other people, have looked at the core of their religious project—at least the intellectual part of it—as a legal project. For comparison, insofar as Catholicism and what we might call rabbinic Judaism developed in parallel in the early centuries of the first millennium and beyond, Judaism developed as a legal project while Catholicism developed as a philosophical and theological project. Each mode of thought and expression has advantages and disadvantages. Saiman's work reflects what Judaism's legal path means for the totality of Jewish experience, of Jewish life. The impact is profound, and this is what Saiman attempts to capture in the book. The Jewish way of thinking about law becomes a Jewish way of thinking about life because of the way in which law *is* life or, slightly more

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modestly, the way in which law so closely and carefully structures life for the Jew.

Part of what makes Saiman's book so rich and so unique is that it sits at the intersection of the world of law schools, the humanities, the academic study of Judaism, and the yeshiva world (the traditional Jewish world of learning). This symposium takes each of these worlds in turn, gradually expanding the scope of consideration, the aforementioned inside-out approach, the inverse of this brief introduction. Thus, today's presentations begin with a panel on the book in the specific context of Jewish law in the Jewish tradition. Saiman's book is rightly considered a contribution to Jews' self-understanding and to the understanding of scholars of Jews and Judaism. After this insider's view, the examination will broaden out to a consideration of the book in the context of: law and religion; law and theology; law and legal theory; and law and literature. Finally, the proceedings will conclude with remarks from the book's author.

Although, as I mentioned, the first panel is the most "insider" of the panels, it is also a microcosm of the entire conference and an excellent reflection of Saiman and his book because of the panel's array of perspectives that represent what his project is all about.

Rabbi Dr. Jeremy Wieder is Yeshiva University's Joseph and Gwendolyn Straus Professor of Talmud, a *rosh yeshiva* at the Rabbi Isaac Elchanan Theological Seminary (RIETS), and an adjunct professor of Bible at Yeshiva College. Rabbi Wieder is a prolific scholar with more than nine hundred lectures on Judaism captured on audio and video available online. He was one of the first Americans to win the International Bible Contest, which is not something he won after decades as a distinguished rabbi but, rather, as a young man with an impossibly strong command of the text of the Hebrew Scripture. He graduated summa cum laude from Yeshiva College in 1991 and received an MS in American Jewish history from the Bernard Revel Graduate School of Jewish Studies. He was ordained at RIETS and holds a PhD in Judaic studies from New York University.

Yet, even with all of that, you do not know what you really need to know about Rabbi Wieder if you do not know what a *rosh yeshiva* is. Like a university professor with an endowed chair, Rabbi Wieder is widely recognized for his exceptional mastery of his field, namely the extremely wide field of Torah learning in traditional Jewish study. But as a *rosh yeshiva*, he must also be someone who is recognized for his exquisite character and, indeed, someone who has a following not only due to his brilliance and erudition but also due to his personal refinement. He must be someone who is recognized for the role that he plays in shaping the future of the Jewish people by preserving and transmitting its tradition, which is to say, the Torah.

To be a *rosh yeshiva* is to be someone whose students, if they are doing things right, stand when he enters the room and, if he permits them, address him in the third person. Even as those students go on to become rabbis in their own right, many will come back to him for the rest of their careers with their most pressing rabbinical questions. Thus, he is not just a scholar but a religious authority.

The traditional Jewish study of Torah is not the same thing as academic Jewish studies. I could say many things to highlight this, but consider just two points by way of contrast. For Jews, studying the Torah is a holy endeavor—perhaps the highest endeavor—for it is a way of participating in God’s infinite mind. Moreover, Jews revere older teachings as superior; that is, no matter how great Rabbi Wieder’s erudition, he works within the parameters set by the previous, greater generations that came before. If that puts Rabbi Wieder at one end of the spectrum of scholars gathered here, the traditional Jewish or rabbinic end of the spectrum, then Professor Christine Hayes is at the other end, the academic end—but not quite.

Having had the privilege of being a student of Professor Hayes in several summer programs, I know that she is rightly held by her students in the sort of adoration and affection fitting for a *rosh yeshiva*, and, indeed, she has taught at Yale many Orthodox Jewish students. She is also, to some minds, the premier scholar of the Talmud in America. As a result of her scholarship and her personal experience, she is deeply familiar with the Jews and their ways. Professor Hayes is the perfect person to speak from the perspective of an academic who has the deep knowledge of the Jewish world that Saiman examines in his book.

Professor Hayes is the Robert F. and Patricia R. Weiss Professor of Religious Studies in Classical Judaica. Before joining the Yale faculty in 1996, she was an assistant professor of Hebrew studies in the Department of Near Eastern Studies at Princeton University for three years. Her published works include several books and many articles in *Vetus Testamentum*, the *Journal for the Study of Judaism*, the *Harvard Theological Review*, and various scholarly anthologies. Professor Hayes’s most recent book is *What’s Divine About Divine Law: Early Perspectives* (2015). She received the 2015 National Jewish Book Award in Scholarship; the 2016 PROSE award for best book in Theology and Religious Studies from the Association of American Publishers; and the 2016 Jordan Schnitzer Award from the Association of Jewish Studies.

Her other scholarly monographs are *Between the Babylonian and Palestinian Talmuds* (1993) (recipient of the 1997 Salo Baron Prize for a first book in Jewish thought and literature) and *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (2002) (a 2003 National Jewish Book Award finalist). She has authored two introductory volumes (*The Emergence of Judaism* (2010) and *Introduction to the Bible* (2012)). Edited works include *Jewish Law and Its Interactions with Other*

Legal Systems (2014) and a *Cambridge Companion to Judaism and Law* (2017) as well as forthcoming volumes on rabbinic culture and history—and so much more.

Our third panelist is Dr. Tamara Morsel-Eisenberg. Dr. Morsel-Eisenberg is currently a fellow at the Harvard Society for Fellows, having recently completed her doctorate at the University of Pennsylvania on the subject of “Reorganizing Halakhic Knowledge in Early Modern Europe: Rabbinic Response and Organizational Disruption in a Scholarly Culture.” Though not a *rosh yeshiva*, Dr. Morsel-Eisenberg is an accomplished scholar and speaker. Her extremely distinguished dissertation advisor at the University of Pennsylvania has reportedly said that her work was the best he had seen in his long career there. Moreover, Dr. Morsel-Eisenberg is, in a way, situated between our first two panelists. On one hand, she is steeped in the world of Jewish law and practice, and, on the other hand, she is a superbly qualified academic.

I look forward to a terrific panel and a terrific symposium. Thank you.