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The Influence Of Judaism On Western Law

M. A. Isaacs

The Influence Of Judaism On Western Law

H Kauffman



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Lifshitz, 2010-03-31 Volume 18 of The Jewish Law Annual contains six comprehensive articles on various aspects of Jewish law Three articles address family law One addresses the painful issue of the plight of the wife whose husband withholds conjugal relations In a marriage where relations are withheld the wife may seek a divorce while her husband may withhold divorce Prolonged withholding of divorce renders the wife an agunah that is a wife chained to a dead marriage and unable to start anew and rebuild her life The author explores the halakhic feasibility of allowing a wife in such a predicament to bring a claim for damages against her husband for infliction of mental distress If such claims are allowed recalcitrant husbands may rethink their intransigence and consent to grant the divorce Another article examines the evolution of halakhic thinking on the parent child relationship It traces the stages by which halakhic family law changed from a basically patriarchal system in which both mother and the child were deemed subject to the father s will to a more balanced system where wife and husband have equal standing with respect to custody matters and the best interest of the child is the main consideration in custody proceedings In another article halakhic attitudes to corporal punishment of children are analyzed The author explores whether the Spare the rod and spoil the child adage which is based on a verse from Proverbs indeed reflects the position of Jewish law He shows that in fact while recourse to corporal punishment for educational purposes is permitted subject to detailed qualifications that greatly limit its scope two divergent approaches to corporal punishment can be discerned in the halakhic sources One maintains that administration of corporal punishment can be a useful pedagogic tool of

last resort whereas the other seeks to minimize recourse to corporal punishment in the educational context questioning its efficacy The article shows that in any event the notion that corporal punishment is required by the law as some invoking the spare the rod maxim have maintained is by no means borne out by the halakhic literature The volume also features a fascinating article on the history of two societies founded in London to further the study of Jewish law using modern scholarly methodologies One society was active at the end of the 1920s and beginning of the 1930s the second was active a decade later The article explains the background to the establishment of the societies and analyzes the societies' objectives leaders and memberships Both societies were founded with the intention of reformulating the classic halakhic sources in a manner that would render them suitable for contemporary application in the nascent Jewish state But as the author shows ultimately much of their energy was devoted to presenting the said sources to the non Jewish legal world for the purpose of reciprocal enrichment and edification Rounding out the volume are two jurisprudential studies on classic legal problems The first explores the prohibition against seeking a second legal ruling when a ruling declaring something forbidden has been handed down What is the scope of this rule and in what ways does it differ from the *res judicata* principle in western law The author shows that both procedural and substantive readings of the prohibition were put forward in the talmudic commentaries and explains the jurisprudential implications of these different readings The second article examines the question of the agent who breaches his principal's trust focusing on the case of the agent who executes the act he was sent to carry out but does so for himself rather than his principal To what extent is he liable for ensuing damages to the principal and is his act invariably deemed reprehensible Another issue is the legal status of the transaction carried out by such an agent Do the rights and obligations generated by the transaction accrue to the agent or to the principal And how are determinations as to the status of the transaction to be made Is the testimony of an unfaithful agent or one who has deviated from his mandate deemed trustworthy Is any role played by third parties such as vendors in determining the status of the transaction

The Bookman ,1927 *The Journal of Religion* ,1928 Includes section Book reviews The Service Bulletin ,1924 *The Jewish Forum* ,1927 The Universal Jewish Encyclopedia ... Isaac Landman,Simon Cohen,1941

Journal of Comparative Legislation and International Law ,1928 Includes annual Review of legislation covering the years 1859-1949 *The Juridical Review* ,1927 Covers general areas of Scottish law including criminal commercial contract delict environmental family administrative and socio legal issues Also includes some articles on comparative law plus book reviews and case notes **Bulletin of the Carnegie Library of Pittsburgh** Carnegie Library of Pittsburgh,1929 **Law and Identity in Mandate Palestine** Assaf Likhovski,2006-12-08 One of the major questions facing the world today is the role of law in shaping identity and in balancing tradition with modernity In an arid corner of the Mediterranean region in the first decades of the twentieth century Mandate Palestine was confronting these very issues Assaf Likhovski examines the legal history of Palestine showing how law and identity interacted in a complex colonial society in which British rulers and Jewish

and Arab subjects lived together Law in Mandate Palestine was not merely an instrument of power or a method of solving individual disputes says Likhovski It was also a way of answering the question Who are we British officials Jewish lawyers and Arab scholars all turned to the law in their search for their identities and all used it to create and disseminate a hybrid culture in which Western and non Western norms existed simultaneously Uncovering a rich arsenal of legal distinctions notions and doctrines used by lawyers to mediate between different identities Likhovski provides a comprehensive account of the relationship between law and identity His analysis suggests a new approach to both the legal history of Mandate Palestine and colonial societies in general L'interprétation des traités d'après la Convention de Vienne sur le droit des traités ,1978-02-14 *The Pursuit of the Ideal* Steven S. Schwarzschild,1990-01-01 Steven Schwarzschild rabbi socialist pacifist theologian and philosopher is both the last of the major medieval Jewish philosophers and the most modern He is in the tradition of the Jewish thinking that began with Sa adia Gaon and reached its highest expression in Maimonides These thinkers believed that Judaism must confront some systematic view of the universe Sa adia did this with Kalam ibn Gabirol with Neo Platonism and Maimonides with Aristotelianism Schwarzschild does it with Neo Kantianism From this confrontation Schwarzschild derives important insights into the nature and structure of contemporary Judaism and Jewish existence in the post modern world Menachem Kellner brings together thirteen of Schwarzschild s Jewish as opposed to straightforwardly philosophical writings Included are important discussions of messianism death of God theology ethics aesthetics and politics The common concerns underlying these essays are Neo Kantian idealism and messianism In an afterword written especially for this book Schwarzschild shows that these two foci are really one In an introductory essay Menachem Kellner explores the philosophic underpinning of Schwarzschild s non Marxist socialism pacifism and messianism and of his critiques of Christianity political conservatism and Zionism **The Antiquaries Journal** ,1928 **The New Statesman** ,1928 The Legacy of Israel Edwyn Robert Bevan,1927 The Legacy of Israel deals with the contribution that has come to the sum of human thought from Judaism and from the Jewish view of the world It is not in any sense either a history of the Jewish people or an exposition of Judaism and it is concerned with these topics only in so far as discussion of them may be necessary for the clear setting forth of the proper theme of the volume It is a companion to the Legacy of Greece and The Legacy of Rome Excerpted from Preface page v by E R B C S **History** Albert Frederick Pollard,Harold Felix Baker Wheeler,1929 *The Jewish Center* ,1929

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