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**Research Agenda**

I am a historian of law, working on the early history of legal ideas in the western tradition, through the prism of rabbinic sources. At the same time, I am a researcher of rabbinic literature from the perspective of the history of law. I believe these are two sides of a coin that are necessarily interdependent, if one is seeking a deep understanding of the relevant materials. Juristic works citing expert jurists of late antiquity constitute a significant component of rabbinic literature. Given their special characteristics these texts are accessible only with great proficiency in Talmudic scholarship.

Rabbinic literature is often studied as the ground layer of Jewish law or as the basis of the Jewish religion. This approach is completely justified; however, I contend that the study of rabbinic Halakha has broader potential, in the framework of the study of the intellectual history of legal thought in the western tradition. Rare among ancient legal traditions, it demonstrates what could be described as a process of “modernization” of legal perception, as it marks the transition from an Ancient Near Eastern framework (typical of the Bible) to a Roman-like framework (which is the basis of modern legal thought in many respects). In my research, I found that not only do legal ideas of the time help us better understand the structure of rabbinic legal sources, but the contrary is also true: rabbinic Halakha is itself a window through which one can view important developments in the legal thought of the period. Employing the methodology of critical Talmud scholarship of untangling the literary strata of rabbinic sources and through comparative analysis of doctrines and institutions, I study the evolution of basic legal concepts in late antiquity through the prism of rabbinic law.

The historical account of evolution that legal institutions have undergone at critical moments in history uncovers the fluidity of basic legal concepts that are sometimes taken for granted in modern legal scholarship. Showing how basic legal institutions were once conceptualized differently contributes to gaining a critical perspective on modern law. Thus, the central arena of legal intellectual history that occupies me is the conceptual role of the witness vis-à-vis the judge in legal procedure. What is a judge? What is the role of a witness? Those legal ideas are deemed so basic that they are seldom revisited critically. A historical perspective – especially one that reflects the dramatic transformation in legal thought that took place in late antiquity – may illuminate the political and cultural preconceptions underpinning those ground concepts.

The modern legal paradigm delineates a sharp distinction between the witness and the judge as two actors in the legal drama: the judge holds the authority to adjudicate the caseon the basis of information regarding the facts of the case that the witness provides the judge.. In this model, the judge may arbitrarily accept or reject the witness’s testimony. However, this scheme hardly corresponds to rabbinic laws of testimony, where the rules of judicial discretion are very restrictive, and witness statements, once deemed admissible, bind the judges. Certain rabbinic sources portray testimony, in and of itself, as an authoritative action that determines the result of the judicial procedure (what I call “the authoritative model of testimony”). This phenomenon has been explained in previous scholarship as a local, cultural or moral aspect of rabbinic religion. In my PhD dissertation I posited that these explanations overlook what must have been an evolution in the conceptual role of witnesses spanning several legal regimes of late antiquity. I attempted to portray this development from the point of view of rabbinic literature, while comparing it to other ancient and late antique legal regimes. Strikingly, I found significant parallels between the authoritative model of testimony that appears in rabbinic sources and certain characteristics of testimony in sources from other cultures of late antiquity that had not been articulated in previous scholarship,. Based on these findings I have, to date, published three articles that begin to unveil the common legacy of rabbinic and other legal regimes of late antiquity. In my article entitled: “Disqualified Witnesses between Tannaitic Halakha and Roman Law: The Archeology of a Legal Institution” (37.4 *Law and History Review* 903-936 [2019]), I demonstrate the links between rabbinic laws of disqualification for testimony and early Roman laws of *infamia*. In two others articles I place rabbinic laws of testimony within their Ancient Near Eastern context, by highlighting the role of witnesses in establishing oath-bound obligations (“Testimony, Forewarning and Oath: from the Bible to the Rabbis”, 31 *Teuda* [2020], forthcoming; “On the Meaning of hē‘îd in Biblical Hebrew: Between Summoning Witnesses and Imposing Oaths”, *Vetus Testamentum*, forthcoming). There is more work to be done, but these parallels suggest that the notion of authoritative testimony is by no means unique to rabbinic tradition and is, by and large, a common denominator of ancient legal cultures.

Truly, the picture is more complex, as the authoritative model of testimony is not monolithic in rabbinic literature. Several rabbinic sources do adhere to what I call “the instrumental model of testimony”, in which witnesses merely provide the judges with the facts in dispute, as one would expect based on the basis of modern legal assumptions. In my article entitled “On the Testimony of a Single Witness and that of Women in Tannaitic Literature” (33 *Dine Israel* 227-270 [2019]), I offered a preliminary articulation of the dual perception of the role of witnesses in early rabbinic literature, and suggested that this duality is due to the fact that rabbinic sources were composed on the verge of a conceptual change from an ancient, authoritative model of testimony to a new, instrumental model of testimony, and reflect an effort to advance this change while, at the same time, maintaining a conservative framework. This transformation in rabbinic literature appears to be an aspect of a large-scale transformation from an ancient perception to a new paradigm. The rabbinic materials seem to be part of (or, effected by, if you will) a much more extensive intercultural shift that took place in late antiquity, with regard to the conceptualization of the role of witnesses in legal proceedings. Thus, I have shown in my dissertation that classical Roman law, too, contains elements that reflect the same duality, although evidence of the authoritative, traditional model of testimony in Roman sources is less extensive, probably because the materials that survived reflect a more advanced phase in this process of conceptual evolution.

As the role of witnesses in the legal proceedings is defined vis-à-vis other actors in the legal drama – the judges and the litigants – any conclusions regarding the transformation in the perception of witnesses will have far reaching implications on the perception of the history of the legal procedure as a whole. If witnesses once held the authority, what was the role of judges? What was the jurisprudential logic behind granting this authority to witnesses and not to judges? And what were the reasons for the shift in the division of labor that took place in the legal cultures of late antiquity? Describing the full conceptual history of legal procedure in different legal cultures of late antiquity is beyond the scope of the work of a single researcher; however, my aim is to contribute to this effort by broadening the scale of my previous research and offering a philologically sensitive analytical study of these transformations as they appear in rabbinic texts, from a comparative intercultural perspective.

The next step in my research will be to focus on oath formulations. In oath formulations, divine entities are called “witnesses,” even though they function as judges; a phenomenon that caused much confusion among researchers. Given that oath formulations have a fixed legal structure common to many ancient traditions involving gods and goddesses as “judging witnesses,” this seems to me to be a promising vein to pursue in charting the development of the common conception of the ancient authoritative model of testimony. I contend that the ostensible religious nature of these texts should not deter us from treating them as a source of information for legal concepts. Attributing the aforementioned complexity to the religious nature of the materials, adopting an anthropological-like approach, may actually be anachronistic with the possibility of historical change and evolution of legal ideas in the western tradition not being taken seriously.

Alongside the structure of the legal procedure, another focus of my interest in the history of law is the criteria for applicability of law and its relation to political organization and the concept of citizenship (in its varied ancient contexts). In modern legal thought, a territorial criterion for the applicability of law is associated with political regimes, whereas personal law is thought to characterize religious normativity. However, in antiquity the territorial criterion is characteristic of Ancient Near Eastern religions, with different divinities associated with different peoples and their lands. The concept of personal law, in turn, was developed extensively in imperial Rome with the granting of Roman citizenship to non-Romans throughout the empire. This inversion in modern and ancient suppositions is a result of the fluctuations in the structure of the analytic separation of law and religion (the conceptual possibility of separation, and not the actual separation in reality – which is, of course, a whole different story), which in itself is an important chapter in the history of law. In my research I devote several projects to the study of the criteria of the applicability of law in rabbinic texts, with the aim to better understand the relation between law and religion in rabbinic tradition in the context of its period.

This is a brief description of some of these projects:

A. In a current project I study the change from territorial law to personal law, which, in the Jewish tradition, occurred, I assert, in the rabbinic stratum. I contend that the rabbis work hard to reject the territorial principle governing the applicability of the *mitzvot*, the commandments, according to the Bible (as interpreted by the rabbis), in favor of the personal law model. Moreover, it is my contention that this transformation is not due to religious ideas regarding the relationship of each Jew with God and/or with other Jews, but rather results from said change in the grounds for granting Roman citizenship (manifest in the subjugation to Roman law), which was purely political in nature.

B. In another project, which I am conducting in collaboration with my colleague, Dr. Yakir Paz of the Hebrew University, we examine the implication of captivity in rabbinic texts in comparison with Roman law. Here, too, the difference is regarding the applicability of law, as, according to Roman law captives lose their status as Roman citizens, and as a result, upon entering captivity, they cease to be subject to Roman law. Traditionally, it was believed that this model of citizenship is alien to rabbinic Halakha, as the rabbis were, no doubt, bound to the notion that subjugation to Jewish law – which results from religious identity as a Jew – unlike legal status, cannot be lost. Contrary to this assumption, we were able to show that many Halakhic sources, in fact, adopt Roman preconceptions regarding the implications of captivity, and appear to accept that the Halakha – Jewish law – no longer applies to Jews taken captive under certain political circumstances. We have, to date, published two articles based on these findings, one dealing with the impact of captivity on marriage (“Ab Hostibus Captus et a Latronibus Captus: The Impact of the Roman Model of Citizenship on Rabbinic Law”, 109.2 Jewish Quarterly Review 141-172 [2019]) and the other focusing on property rights of captives (“A Rabbinic Postliminium: The Property of Captives in Tannaitic Halakha in Light of Roman Law”, in Legal Engagement: The Reception of Roman Law and Tribunals by Jews and Other Inhabitants of the Empire, Katell Berthelot, Natalie Dohrmann and Capucine Nemo-Pekelman eds, forthcoming [2020]). We are currently working on the third chapter of a book project, a chapter that will focus on captivity and inheritance.

C. In yet another project, I am exploring the connection between the political idea of freedom and the applicability of legal norms in Jewish law. Contra Robert Cover and others, who highlight the nature of commandments as obligations, commitments, which are, ostensibly, the polar opposite of freedom and rights, I show that obligations in legal traditions of antiquity are associated with moral and political liberty (the difference between freedom and liberty notwithstanding, the two terms are deeply connected, both historically and conceptually). Liberty is a precondition for the applicability of law in rabbinic literature, which accordingly does not apply to slaves, women, and minors. In this respect I examine *inter alia* the effect that the ethics of self-control (a virtue associated with liberty of the soul) had on legal status in both Jewish and Roman legal thought.

In these projects and others not described here due to limited space, I seek to unveil the political underpinnings of rabbinic thought. These are often overlooked in research given that rabbinic tradition evolved in an era lacking in Jewish political autonomy and devotes little attention to the construct of standard political institutions (such as the authorities of a king, governmental mechanisms etc.). My contention is that, nevertheless, rabbinic texts form a political scaffold and that its deep political roots can be found in the legal framework of Halakha and the conceptual structure of law as a political mechanism embedded within it.

In sum, I believe that the study of rabbinic sources can contribute significantly to the study of critical junctures in the evolution of western legal thought, given its special locus between Ancient Near Eastern legal traditions and the rising world power, Roman law. On the other hand, the unique phenomenon of rabbinic Halakha, the evolution of which has challenged researchers of Halakha for generations, could, in my mind, be best explained only as a chapter in the history of law, within the contours of the aforementioned tension between ancient and modern (Roman) legal regimes. In my research, I seek to synchronize the two realms of study to maximize their mutual benefit.

Teaching: As a lawyer by training, who has practiced commercial litigation for over ten years in leading Israeli law firms, I am qualified and would be happy to teach courses in all fields of law, with special preference accorded to the areas of evidence and procedure, alongside my research proficiency in Jewish Law (*Mishpat Ivri*). In addition, I could teach an introductory course to Roman law and, more generally, to ancient legal thought. I can also offer courses and seminars on the history of evidence law, the history of legal ideas, law and religion in the Jewish tradition, citizenship in Jewish law, and more.