

Suzanne Last Stone

Volume 38 of *Diné Israel* celebrates the career and work of our colleague Suzanne Last Stone, University Professor of Jewish Law and Contemporary Civilization at Yeshiva University and Professor of Law at the Benjamin N. Cardozo School of Law, co-editor in chief of *Diné Israel* for the past eighteen years and a central force in the advancement of the study of Jewish law in the United States and abroad.

Suzanne began her academic journey as an undergraduate at Princeton University, where she wrote her undergraduate thesis on the subject of magic and the supernatural in rabbinic literature.¹ In her scholarship, Suzanne has returned to the same topics but has explored them through a jurisprudential lens. She remains fascinated by the interplay between law and the realm of the divine, fantasy, magic, and mystery, and particularly the ways in which law has tamed these realms. In several articles she calls attention to the fusing of magical and legal elements in a variety of ritual practices.² For instance, she shows how the act of drawing a circle in the narrative of the rabbinic figure Honi is better understood in terms of the constitution of legal space rather than a magical practice. And yet, even as a legal construct, the circle, like a court, protects the appellant from his divine antagonist and thus resembles the “magic” circle of procedure. Conversely, litigation also follows magic-like rituals of procedure that are rigidly followed by lawyers and present a secret language of law that binds together those who use it—lawyers and judges—and excludes all others.

- 1 Suzanne J. Last, “Moses as Magician-Mystic in the Rabbinic Haggadah” (BA thesis, Princeton University, 1974).
- 2 “Rabbinic Legal Magic: A New Look at Honi’s Circle as the Construction of Law’s Space,” *Yale Journal of Law & the Humanities* 17 (2005): 97–124; “On the Interplay of Rules, ‘Cases’, and Concepts in Rabbinic Legal Literature: Another Look at the Aggadot on Honi the Circle-Drawer,” *Diné Israel* 24 (2007): 125–55.

This exploration of intercessors, whether legal, magical, or other, continues through a series of articles examining prophecy and trust.³ Suzanne delves into questions such as whether the prophet's speech originates with the prophet or with God and what such prophetic speech reveals about truth. She ponders whether individual expression serves as a test of true prophecy or of the true prophet's qualities. As she demonstrates, rabbinic sources reflect on the multiplicity within singularity in divine speech and urge contemplation of the human capacity and obligation to discern and convey truth, pertinent to both modern and ancient contexts. Suzanne's legal scrutiny of the literary legacy of true and false prophecy prompts reflection on universal issues of truth-acquisition. Meticulous legal analysis of true and false prophecy prompted the talmudic rabbis to question whether prophecy, despite promising ultimate truth, might be as uncertain as human reasoning, if not more so, considering the inherent limits of cognition and the frailties of psychology. Suzanne highlights how this interplay between epistemological inquiries and the law can yield productive insights, questioning whom to trust for truth in public life and the relationship between truth, self-expression, and individuality. While both law and prophecy aim for truth, they offer distinct perspectives on its location and the most effective means of accessing and acquiring it.

Suzanne made a significant intervention in numerous fields with her groundbreaking article, "In Pursuit of the Counter-text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," published in the 1993 volume of *Harvard Law Review*.⁴ This essay, a kind of programmatic statement for Suzanne's own interdisciplinary scholarship, illuminates how contemporary American legal scholars increasingly draw inspiration from the Jewish legal tradition. Jewish law is regarded as a model of a system in which law transcends mere state authority, rooted instead in the voluntary acceptance of legal obligations within a community. Scholars argue that this tradition provides valuable insights for addressing critical challenges in American law, given the capacity of Jewish law to maintain coherence while accommodating diverse interpretations and behaviors. In her article, Suzanne

3 "Between Truth and Trust: The False Prophet as Self-Deceiver?" *Hebraic Political Studies* 4 (2009): 337–66; "The Transformation of Prophecy," *Cardozo Studies in Law and Literature* 4 (1992): 167–77; "Truth and Illusion," *JQR* 94 (2004): 19–22.

4 "In Pursuit of the Counter-text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106 (1993): 813–94.

dives into the ways in which different facets of the Jewish legal tradition converge to offer an alternative framework for law. Through an examination of Jewish legal sources and systems, she suggests that the contemporary relevance of Jewish law stems from its inherent religious nature and its impact on the dynamics between legal interpretation, practice, and divine authority. Suzanne concludes by asserting that no secular theory of justice can replicate the role of the divine in the Jewish legal tradition within the American legal system. Religious law, by contrast, allows law to embody both aspirational ideals and political order.

Unlike earlier scholars who focused solely on civil law within Jewish law, Suzanne expands her areas of exploration to encompass a wider range of rabbinic texts, recognizing their legal significance.⁵ Through her scholarship, Suzanne seeks to integrate Jewish legal concepts into modern political discourse.⁶ Suzanne also tackles the challenge of readdressing Jewish governance and statesmanship using Jewish sources, a task largely neglected for two millennia.⁷ Her work highlights parallels between the development of society in biblical Israel, emphasizing collective responsibility, and the modern Zionist aspiration to establish a unique moral code within the nation-state framework.⁸ Drawing from Jewish tradition, Suzanne outlines criteria for trust and social solidarity in a pluralistic society, rejecting the

5 See, e.g., "Justice, Mercy, and Gender in Rabbinic Thought," *Cardozo Studies in Law and Literature* 8 (1996): 139–74; "Another Look at the Aggadot on Honi," *Diné Israel* 24 (2007): 125–55.

6 See, e.g., "A Jewish Perspective on Human Rights," *Society* 41 (2004): 17–22; "The Jewish Tradition and Civil Society," in *Alternative Conceptions of Civil Society*, ed. Simone Chambers and Will Kymlicka (Princeton: Princeton University Press, 2002), 151–70; "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law," *Cardozo Law Review* 12 (1991): 1157–1214; "Religion and State: Models of Separation from within Jewish Law," *International Journal of Constitutional Law* 6 (2008): 631–61.

7 See, e.g., "Sovereignty and Ethics in the Thought of Rabbi Hayyim David Halevi," in *Swimming Against the Current: Reimagining Jewish Tradition in the Twenty-First Century*, ed. Shaul Seidler-Feller and David N. Myers (Boston: Academic Studies Press, 2020), 269–83; "The Jewish Law of War: The Turn to International Law and Ethics," in *Just Wars, Holy Wars, and Jihads: Christian, Jewish, and Muslim Encounters and Exchanges*, ed. Sohail H. Hashmi (Oxford: Oxford University Press, 2012), 342–63.

8 See, e.g., "Law without Nation? The Ongoing Jewish Discussion," in *Law without Nations*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford: Stanford University Press, 2011), 101–37; "Law in Light of Zionism: A Comparative View," *Israel Studies* 19 (2014): 111–32.

liberal model of civil society in favor of covenantal fellowship.⁹ In this model, individual accountability, adherence to law, communal obligation, and identity take precedence over subjective rights. These discussions shed light on the potential characteristics of a distinctly Jewish civil society, one that, aligned with both rabbinic tradition and Zionism, differs from models based on voluntary association and stresses the importance of community in shaping individual identity and societal organization.

Until recently, the prevailing view among scholars of Jewish law has emphasized its significance in shaping the legal framework of the emerging state of Israel in accordance with the principles delineated by the foundational codices of the Jewish legal tradition. Suzanne, however, has been a trailblazer in advocating for an alternative perspective. She argues that Jewish law can remain relevant in the twenty-first century without necessarily incorporating it into normative law codes.¹⁰ Instead, she focuses in her scholarship and teaching on the underlying philosophical concepts behind the rules. She emphasizes the importance of understanding how traditions evolve and cohere with one another, looking backward to make sense of past conversations. Rather than deriving rules from Jewish law, Suzanne explores concepts applicable to modernity, such as defining the collective, the individual's role within it, and transforming society into a more aspirational community.¹¹

Suzanne's greatest impact has been made through the program she founded and continues to direct at Cardozo Law School, the Yeshiva University Center for Jewish Law and Contemporary Civilization (CJL). The Center was founded in 2004 as a platform for interdisciplinary and cross-disciplinary discourse, fostering dialogue between Jewish law, other religious legal traditions, Western legal theory, and the humanities. Suzanne envisioned the creation of a distinctly American contribution to Jewish law studies, complementing established centers in Israel. By examining Jewish law through contemporary intellectual lenses, it aims to integrate the Jewish tradition into broader discourse, particularly amidst globalization's heightened focus on religion, law, and global politics. Over the past twenty years, the Center has

9 See, e.g., "Tolerance Versus Pluralism in Judaism," *Journal of Human Rights* 2 (2003): 105–17.

10 See, e.g., "Law without Nation?;" "The Jewish Tradition and Civil Society."

11 See, e.g., "Jewish Law: Dynamics of Belonging and Status," in *The Routledge Handbook of Religious Laws*, ed. Rossella Bottoni and Silvio Ferrari (New York: Routledge, 2019), 157–67; "Religion and State."

hosted numerous conferences, lectures, reading groups, and workshops and collaborated on the annual publication of *Diné Israel* and other scholarship. Particularly impactful has been the Graduate Fellowship in Jewish Law and Interdisciplinary Studies, which endeavors to integrate legal theory into the fields of Jewish law and Jewish studies more generally. Through the Graduate Fellowship program, she has nurtured a vibrant community of talented and accomplished PhD candidates specializing in various disciplines within Jewish studies.

The field of Jewish law is divided between the prominent center for its study in Israel and smaller centers in the United States, primarily concentrated on the east coast, with fewer in Europe. When Suzanne embarked on her study of Jewish law in the 1970s, she was among a small handful of scholars pursuing this field in North America. Throughout her career, Suzanne has played a pivotal role as a bridge between these diverse centers. The CJL serves to bring together graduate students from both American and Israeli backgrounds. Additionally, she initiated a parallel program for graduate students in Israel in collaboration with the Van Leer Institute. Suzanne has been an affiliated scholar at Tel Aviv University for nearly two decades, and she has held visiting positions at Hebrew University, Haifa University, and Reichman University. In North America, she has held visiting positions at Princeton University, University of Pennsylvania Law School, Columbia Law School, and Harvard Law School. Throughout her tenure at these institutions, Suzanne has endeavored to foster collaboration among scholars from diverse backgrounds, spanning law and Jewish studies, and hailing from Israel and various parts of the world.

Suzanne is not only a scholar but is also active in a variety of fields, modeling her passion for bringing scholarship into conversation with the broader world. She is a member of the editorial boards of the *Jewish Quarterly Review*, *Journal of Jewish Ethics*, and *Hebraic Political Studies*. She is or has been a member of the Jewish People Policy Planning Institute, Shalem College, the Hartman Institute, the International Association of Jewish Lawyers and Jurists, the Center for Ethics of Yeshiva University, the Israel Democracy Institute, and the International Summer School in Religion and Public Life. All this she accomplished while being among the first women in Jewish legal studies, a field whose scholars were and often continue to be a select group of men from homogeneous backgrounds who studied in the same yeshivot in Israel and in the United States.

Suzanne not only expresses her support with wonderful pep talks and excellent recommendation letters, she has also always opened her home to students and colleagues, carefully choreographing sparkling dinners to enable her guests to meet others with shared interests. She is a model of sharp wit, scholarly vivaciousness, energy, and general *mentschlichkeit*. While we would have liked to include the dozens of people who wished to pay tribute to her for the central role she has played in their careers and often in their personal lives, that would have resulted in a volume many times the size of this one. Instead, we have solicited contributions to the English section of the journal from alumni of the CJL's Graduate Fellowship—Suzanne's students—who represent a much larger community of scholars in her debt.

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This volume of *Diné Israel*, like its predecessors, is the result of a longstanding collaboration between Cardozo Law School and the Tel Aviv University School of Law. We extend our heartfelt gratitude to Arye Edrei, the journal's longtime co-editor in chief, for his dedicated work over the years, as well as to Shai Wozner, the editor of the Hebrew section of this volume. Suzanne has played a crucial role in bridging the Anglo and Israeli communities of Jewish law scholars, and it is a testament to her influence that colleagues and students from these two communities have come together to contribute to this volume. We also express our gratitude to the Leonard and Bea Diener Institute of Jewish Law, whose support has made possible the CJL's role in publishing *Diné Israel*. We join together in extending our best wishes to Suzanne for many more years of teaching and scholarship, continued good health, and ongoing professional and personal success.

Ayelet Hoffmann Libson and Ari Mermelstein