



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Marriage and Family: Between Mishnah and Tosefta - 7712*

*Last update 22-09-2020*

*HU Credits: 4*

*Degree/Cycle: 2nd degree (Master)*

*Responsible Department: Talmud & Halacha*

*Academic year: 0*

*Semester: Yearly*

*Teaching Languages: Hebrew*

*Campus: Mt. Scopus*

*Course/Module Coordinator: Dr. Yair Furstenberg*

*Coordinator Email: [yair.furstenberg@mail.huji.ac.il](mailto:yair.furstenberg@mail.huji.ac.il)*

*Coordinator Office Hours: Monday 12:00-13:00*

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Teaching Staff:

Dr. Yair Furstenberg

Course/Module description:

*In this seminar we will examine the major aspects of marriage and family law in early rabbinic law. We will address the major facets of legal development and compare to other legal practices and social conventions, reflected in documentary and legal sources. WE will systematically compare the Mishnah and Tosefta, as to identify legal trajectories. Alongside tractate Ketubot we will study laws of status in other tractates.*

Course/Module aims:

- [1] Characterize the textual relationship between mishnah and tosefta*
- [2] be acquainted with a variety of legal practices in the Greco-Roman world.*
- [3] discuss the possibility the uncover conceptions of marriage and social history in rabbinic legal discourse.*

Learning outcomes - On successful completion of this module, students should be able to:

- [1] Identify textual, legal and exegetical processes across tannaitic sources*
- [2] describe the history of the marriage law*
- [3] Assess the relationship with other current practices and systems of law*
- [4] Use scholarship on Ancient Law for the sake of comparative research.*

Attendance requirements(%):

100

Teaching arrangement and method of instruction:

Course/Module Content:

- [1] Marriage documents in Antiquity*
- [2] Relationship of rabbinic law to Greco-Roman practices*
- [3] Development of law in the Tosefta*
- [4] Scope of Early halakhah*
- [5] Ketubah and Dowry; Mutual commitments; Wife's property*
- [6] Relationship Between tractates on Marriage*
- [7] Marriage with priests*
- [8] Prohibited marriages and status*
- [9] Halakha and social history*

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### Required Reading:

י' ברודי, משנה ותוספתא כתובות: נוסח פרשנות ועריכה, ירושלים תשע"ה  
ח' בנטוב, משנה מסכת כתובות על פי כ"י קאופמן עם שינויי נוסחאות, עבודת דוקטור, ירושלים תשמ"ב

ספראי, משנת ארץ ישראל, מסכת כתובות א-ב, ירושלים תשע"ג  
ע' שרמר, זכר ונקבה בראם: הנישואים בשלהי ימי הבית השני ובתקופת המשנה והתלמוד, ירושלים תשס"ד.

B. Cohen, 'Dowry in Jewish and Roman Law', in: *idem, Jewish and Roman Law*, New York 1966, 348-376

M.A. Friedman, *Jewish Marriage in Palestine: A Cairo Geniza Study*, 2 vols. Tel Aviv and New York 1980

T. M. Lemos, *Marriage Gifts and Social Change in Ancient Palestine. 1200 BCE to 200 CE.*, Cambridge 2010

M. Satlow, *Jewish Marriage in Antiquity*, Princeton 2001

M. Satlow, "Reconsidering the Jewish Ketubah Payment", *Jewish Family in Antiquity*, S.J.D Cohen (ed.), Atlanta 1993

Y. Yadin, J.C. Greenfield and A. Yardeni, "Babatha's Ketubba", *IEJ* 44 (1994), 75-101

### Additional Reading Material:

ח' בירנצוויג, המונחים לקטיגוריות הממוניות בחוזי הנישואין בספרות התלמודית ובמקורות מקבילים, עבודת מוסמך תשע"ד

י' ברודי, 'האשה שנפלו לה נכסים', בתוך י' זוסמן וד' רוזנטל (עורכים), מחקרי תלמוד ג, ירושלים תשס"ה, עמ' 110-129

ע' טרופר, "השתלשלות חובה האב לזון את ילדיו בעת העתיקה", ציון עב (תשס"ז), עמ' 265-299

ע' ירדני וב' פורטן, אוסף תעודות ארמיות ממצרים העתיקה, ירושלים 1986-1992

ע' ירדני, אוסף תעודות ארמיות עבריות ונבטיות ממדבר יהודה, ירושלים 2000

ר' ירון, המשפט של מסמכי יב, ירושלים תשכ"ב

מ' קיסטר, 'כדת משה ויהודאי': תולדותיה של נוסחה משפטית דתית, עטרה לחיים, ירושלים תש"ס, עמ' 202-208

מ' קיסטר, 'מפילוטס עד הלל: הפרת הסכם קידושין בקרב יהודי מצרים בתקופה ההלניסטית

והרומית', תרביץ ע (תשס"א), עמ' 631-632

M. A. Friedman, 'Babatha's Ketubba: Some Preliminary Observations', *IEJ*, 46 (1996), 55-76

B. W. Frier and T. A. McGinn, *Casebook on Roman Family Law* (Oxford, 2004)

M. J. Geller, 'New Sources for the Origins of the Rabbinic Ketubah', *HUCA* 49 (1978), 227-245

Bernard S. Jackson, "How Jewish is Jewish Family Law?" *Journal of Jewish Studies* 55 (2004): 201-29

B. S. Jackson, "Problems in the Development of the Ketubah Payment: the Shimon ben Shetah Tradition", in: C. Hezser (ed.), *Rabbinic Law in its Roman and Near*

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Eastern Context, Tübingen 2003, 199-225  
H. Lapin, "Maintenance of wives and Children in Early Rabbinic and Documentary Texts from Roman Palestine", *Roman Law in Its Roman and Near Eastern Context*, ed. C. Hezser, Tübingen 2003, 177-198  
N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters: Greek Papyri*, Jerusalem 1989  
B.A. Levine, "mulūgu melûg: The Origins of a Talmudic Legal Institution," *JAOS* 88 (1968), 271-285  
J.G. Oudshoorn, *The Relationship between Roman and Local Law in the Babatha and the Salome Komaise Archives: General Analysis and Three Case Studies of Succession, Guardianship and Marriage*, Leiden 2007  
J. Rowlandson, ed., *Women and Society in Greek and Roman Egypt* (Cambridge, 1998)  
S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford, 1991)  
A. Wasserstein, "A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18," *JQR* 80 (1989), 93-130  
Y. Yadin, Jonas C. Greenfield, Ada Yardeni, and Baruch Levine, eds. *The Documents from the Bar Kokhba Period in the Cave of Letters: Hebrew, Aramaic and Nabataean-Aramaic Papyri*, Jerusalem 2002  
U. Yiftach-Firanko, *Marriage and Marital Arrangements: a History of the Greek Marriage Document in Egypt, 4th century BCE - 4th century CE*, München 2003

Course/Module evaluation:

End of year written/oral examination 0 %  
Presentation 0 %  
Participation in Tutorials 20 %  
Project work 60 %  
Assignments 20 %  
Reports 0 %  
Research project 0 %  
Quizzes 0 %  
Other 0 %

Additional information: