



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Mishna Neziqin: Between Bible and Roman Law - 7869*

*Last update 27-08-2017*

*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, 11:00-12:00

*Teaching Staff:*

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Dr. Yair Furstenberg

Course/Module description:

*In this seminar we will analyse select sections of tractate Neziqin in the Mishna, and will examine the factors that shaped rabbinic legal system, specifically the role of biblical exegesis and the role of the Hellenic practices and Romans Legal environment.*

Course/Module aims:

*Through the shared study of the tractate we will:*

- (1) examine the explicit and implicit position of the Mishnah towards the biblical legal system, in comparison to the Legal midrashim*
- (2) we will evaluate the level of affinity to other legal systems, and their possible influence on the Mishnah*
- (3) reconstruct the legal reality behind the textual and conceptual developments.*

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

- [1] evaluate the factors that shaped rabbinic law.*
- [2] characterize the mishnaic manner of structuring law in comparison to the tosefta and halakhic midrashim*
- [3] identify textual processes, and offer a viable and well grounded historical explanation.*
- [4] Make use of scholarship on Greek, Egyptian and Roman law for the study of rabbinic literature.*

Attendance requirements(%):

85

*Teaching arrangement and method of instruction: close reading of rabbinic literature and scholarship. Later in the year the students will choose units and lead the study.*

Course/Module Content:

- [1] structure of the tractate*
- [2] Opening principles and ancient mishnayot.*
- [3] Harmless and dangerous sources of damage*
- [4] Mishna uprooting scripture*
- [5] the sources of Chapter 'ha-Chovel'*
- [6] rabbinic innovations concerning lost property*

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- [7] the scattered references to the laws of deposit and the redaction of the Mishnah  
[8] Market supervision in the ancient world  
[9] workers rights  
[10] neighbors and the status of local customs.  
[11] laws of succession between Greece and Rome  
[12] the rabbis and the documents

Required Reading:

- ל' אליאס בר לבב, מכילתא דרשב"י פרשת נזיקין: נוסח, מונחים מקורות ועריכה, ירושלים תשע"ד  
א' גולאק, השטרות בתלמוד: לאור הפירושים היווניים ממצרים ולאור המשפט היווני והרומי, ירושלים תשנ"ד  
א' גולדברג, פירוש מבני ואנליטי לתוספתא מסכת בבא קמא, ירושלים תשס"א  
ד' הנשקה, משנה ראשונה בתלמודם של תנאים אחרונים: סוגיות בדיני שומרים, רמת גן תשנ"ז  
א' וייס, דיונים ובירורים בבבא קמא,  
א' וסטרייך, 'התפתחות ומגמות פרשניות בדיני הנזיקין התלמודיים לאור מקרי פטור חריגים', דוקטורט,  
בר אילן תשס"ז  
ש' ליברמן, 'משהו על ספרו של יוליינוס מאשקלון "חוקי פלשתינה ומנהגיה"', תרביץ מ (תשל"א),  
409-417  
י' מנירב, פרקמטיא: מערכת השיווק בחרה היהודית בארץ ישראל בתקופת המשנה והתלמוד, רמת גן תשס"ט  
י' פורסטנברג, 'משנה עוקרת מקרא: לדרכה של מדרשי ההלכה במשנה'  
B. Cohen, *Jewish and Roman Law: A Comparative Study*, New York 1966  
D. Daube, 'The Civil Law of the Mishnah: the Arrangement of the Three Gates', C. M. Carmichael (ed.), *Collected Works of David Daube*, Vol. 1: *Talmudic Law*, Berkeley 1992, pp. 257-304  
B.S. Jackson, 'On the Problem of Roman Influence on the Halakhah and Normative Self-Definition in Judaism', in E.P. Sanders et al. (eds.), *Jewish and Christian Self Definition*, vol. 2: *Aspects of Judaism in the Graeco-Roman Period*, Philadelphia 1981, pp. 157-203 (169)  
H. F. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law*, Cambridge 1972  
J. Keenan, J.G. Manning and U. Yiftach-Firanko, *Law and Legal Practice in Egypt from Alexander to the Arab Conquest: A Selection of Papyrological Sources in Translation with introductions and Translations*, Cambridge 2014  
H. Lapin, *Early Rabbinic Civil Law and the Social History of Roman Galilee*, Atlanta 1995  
Jonathan S. Milgram, *From Mesopotamia to the Mishnah: Tannaitic Inheritance Law in its Legal and Social Contexts*, Tübingen 2016  
J. Oudshoorn, *The Relationship Between Roman and Local law in the Babatha and Salome Komaise Archives*, Leiden Boston 2007  
R. Taubenschlag, *The Law of Greco-Roman Egypt in light of the Papyri, 332. BCE - 640 AD*, New York 1944  
Reuven Yaron, *Gifts in Contemplation of Death in Jewish and Roman Law*, Oxford 1960

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Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 20 %

Participation in Tutorials 10 %

Project work 70 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: