

Syllabus - Teaching Program for the Course **The Development of Talmudic Law**

Shana Strauch Schick | Talmud

התפתחות ההלכה התלמודית | 09-963-01

Course Type:	Class (אגלית) הרצאה
Scope of credits:	2 נ"ז (1 ש"ש)
Year of study:	תשפ"ה
Semester:	א'
Day & Time:	Wednesday 20:00
Reception Time:	—
Lecturer Email:	Straucs1@biu.ac.il
Moodle Site:	https://lemida.biu.ac.il



Course description and learning goals

Course Abstract

The course explores how aspects of rabbinic jurisprudence developed from their formulation in Tannaitic literature through the generations of rabbis whose rulings are recorded and discussed in the two Talmuds. We examine shifts in legal thinking that underlie some of the central disputes in areas such as tort law and the Sabbath. Using contemporary source critical methodologies, we will discern approaches to fundamental legal principles like intention and negligence that changed across generations of rabbis and see how the different schools of thought reflect the teachings of key sages.

Primary texts will be provided.

Learning objectives

1. Students will gain skills in reading and analyzing Talmudic texts using contemporary source critical methodologies.
2. Students will be exposed to the ways in which different voices are preserved in Talmudic texts and how they may shed light on how Talmudic law and thought developed.
3. Students will engage concepts relating to intentionality and its role in rabbinic law and thought.



Active learning – lessons plan:

Lesson No.	Topic	Active learning	Required reading	Assessment
1	Introduction: background and methodology			
2	Intention in the Mishnah: A mental revolution?	Collaborative learning	Balberg Rosen-Zvi,	
3	Tort Law: The Tannaitic approach	Collaborative learning	Mishnah Bava Qamma; 2:6, chapter 3; Mekhilta de-Rabbi Ishmael	

			on tractate Neziqin 14	
4	Tort law in the Yerushalmi	Collaborative learning	y.Bava Qamma 2:6, 3a; 3:1, 3:6	
5	Tort Law in the Bavli: Early generations of Babylonian Amoraim	Collaborative learning	b.Bava Qamma 26b	
6	The Shift in Babylonian Amoraic law	Collaborative learning	b.Bava Qamma 27b	
7	Pumbedita versus Mahoza: A Third-generation Divide	Collaborative learning	bBQ 26b-27a, 28b-29a	
8	Fourth generation: Talmudic Conceptual Revolution	Collaborative learning	bBMQ 62a, b.Sanhedrin 61b	
9	The Laws of Shabbat	Collaborative learning	b. Sanhedrin ; 62b; b.Shabbat 72b-73a	
10	Intention in the performance of Mitzvot: Tannaitic law	Collaborative learning	m.Berakhot 2:1; m.Rosh Hashana 3:7-8;	
11	R. Hisda and intention in Mitzvot	Collaborative learning	m.Sukkah 1:1, 3y.Suka 1:2, b.Sukk 8b	
12	“Mizvot ein tzerikhot Kavannah”: development	Collaborative learning	y.RH 3:7; bRH 28a-b	
13	“Mizvot do not require Intention”: A Conceptual Category	Collaborative learning	m.Eruvin 10:1; b.Eruvin 95b-96a	

(In a course that lasts a whole year, the additional sessions should be added)

* There may be changes in the syllabus depending on learning progress and effectiveness



Final Grade:

Components of the score:

Assignments for class preparation – 30%

Exam- 70% - a written theoretical test with comprehension questions to test mastery of the material.

The goal is to assess that you have understood what we have learned and are able to apply it. Grading will be based on clarity, how well the material was understood, and that you are able to make a compelling argument.

* **Attendance** – No weight should be given in the final grade to the mere attendance at the class.



Course Requirements:

- **Regular Assignments** – assigned to the students as part of preparation for classes, such as: material to prepare with accompanying questions to answer, written responses to articles, presentations. These regular assignments are a way to ensure that students do the preparation and can participate in class discussions. These assignments constitutes 30% of your final grade. They are submitted through the class moodle and graded by me.
- **Attendance** – 80% attendance is required. Students are expected to make up the work for any missed classes



Prerequisites:

None. This class is intended for all interested students.



Bibliography:

Required content for reference:

4. Albeck, Shalom. "Is there a Category of Intention in Talmudic Criminal Law?"
Qovetz Haziyonot Hadatit 5 (2002): 460–71.

5. Balberg, Mira. *Purity, Body, and Self in Early Rabbinic Literature*. Berkeley, Los Angeles, London: University of California Press, 2014.
6. Cohen, Barak S. "Rav Nahman and Rav Sheshet Conflicting Methods of Exegesis of Tannaitic Sources." *Hebrew Union College Annual* 76 (2005): 11–32.
7. Shamma Friedman, "Talmudic Studies, Investigating the Sugya, Variant Readings, and Aggada," in Mehkarim u-Mekorot, ed. Haim Zalman Dimitrovsky (NY: Jewish Theological Seminary, 1977), pp. 301–8.
8. Friedman, Shamma. "The Writing of the Names 'Rabbah' and 'Rava' in the Babylonian Talmud." *Sinai* 110 (1992): 140–64.
9. Stall, Fritz. "The Meaninglessness of Ritual." *Numen* 26 (1979): 2–22.
- 10.
11. Rosen-Zvi, Ishay. "The Mishnaic Mental Revolution: A Reassessment." *Journal of Jewish Studies* 66 (2015): 36–58.
12. Jackson, Bernard S. "Liability for Mere Intention in Early Jewish Law." *Hebrew Union College Annual* 42 (1971): 197–225.
13. Menahem Kahana, "The Halakhic Midrashim", *Literature of the Sages II*, pp. 30-40
14. David Kraemer, "On the Reliability of Attributions in the Babylonian Talmud," pp. 175–90.
15. Saul Lieberman. *Talmuda Shel Kesarin*. Jerusalem: Azriel, 1931.
16. Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tubingen: Mohr Siebeck, 2002).
17. Rubenstein, Jeffrey. "Introduction." In David Weiss Halivni, *The Formation of the Babylonian Talmud*, translated by Jeffrey Rubenstein, xvii–xxxv. New York: Oxford University Press, 2013.
18. Sussman, Yaakov. "Ve-shuv Li-yerushalmi Neziqin." In *Talmudic Studies*, edited by Yaakov Sussman and David Rosenthal, 1:55–133. Jerusalem: Magnes, 1990.
19. Weiss, Abraham. *Diyyunim u-Verurim be-Bava Kamma*. New York: Feldheim, 1966.

Recommended content – enrichment reading:

1. Amit, Aaron. *Talmud Ha-Igud: BT Pesahim Chapter IV with Comprehensive Commentary*. Edited by Shamma Friedman. Jerusalem: The Society for the Interpretation of the Talmud, 2009
2. Bazak, Jacob. "The Element of Intention in the Performance of Mitzvot Compared to the Element of Intention in Current Criminal Law." In *The Jewish Law Association Studies, XIV: The Jerusalem 2002 Conference Volume*, edited by Hillel Gamoran, 9–15. Binghamton: Global Academic Publishing, 2004.
3. Bell, Catherine. *Ritual Theory, Ritual Practice*. NY: Oxford University Press, 1992.

4. Robert Brody, "The Anonymous Talmud and the Words of the Amoraim," *Iggud: Selected Essays in Jewish Studies I* (2005): 213–32.
5. Goldberg, Abraham. *Tosefta Bava Kamma: A Structural and Analytic Commentary*. Jerusalem: Magnes Press, 2001.
6. Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli*, Brown University Press: 2020.
7. Gilat, Itzhak. "Intent and Act in Tannaitic Teaching." In *Studies in the Development of Halakha*, 72–83. Ramat Gan: Bar Ilan University Press, 1992.
8. Hoffman Libson, Ayelet. *Law and Self-Knowledge in the Talmud*. NY: Cambridge University Press, 2018.
9. Novick, Tzvi. "Blessings over Mišvot: The Origins of a Category." *Hebrew Union College Annual* 79 (2008): 69–86.
10. Seligman, Adam B., Robert P. Weller, Michael J. Puett, and Bennett Simon. *Ritual and Its Consequences: An Essay on the Limits of Sincerity*. 1 edition. Oxford ; New York: Oxford University Press, 2008

Textbooks and other content:

1. Strack, Hermann, and Gunter Stemberger. *Introduction to the Talmud and Midrash*. Minneapolis: Fortress Press, 1992.
2. Weiss Halivni, David. *Meqorot U-Mesorot*