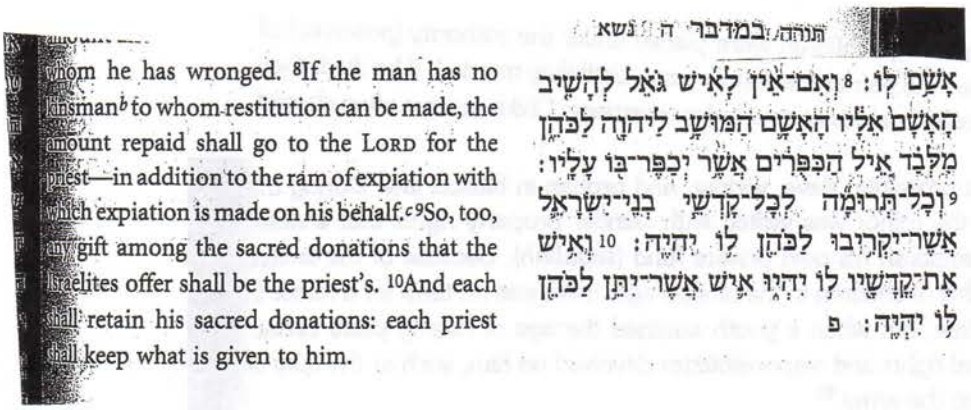
OR ZARUA
TALMUD CLASS
RABBI BOLTON



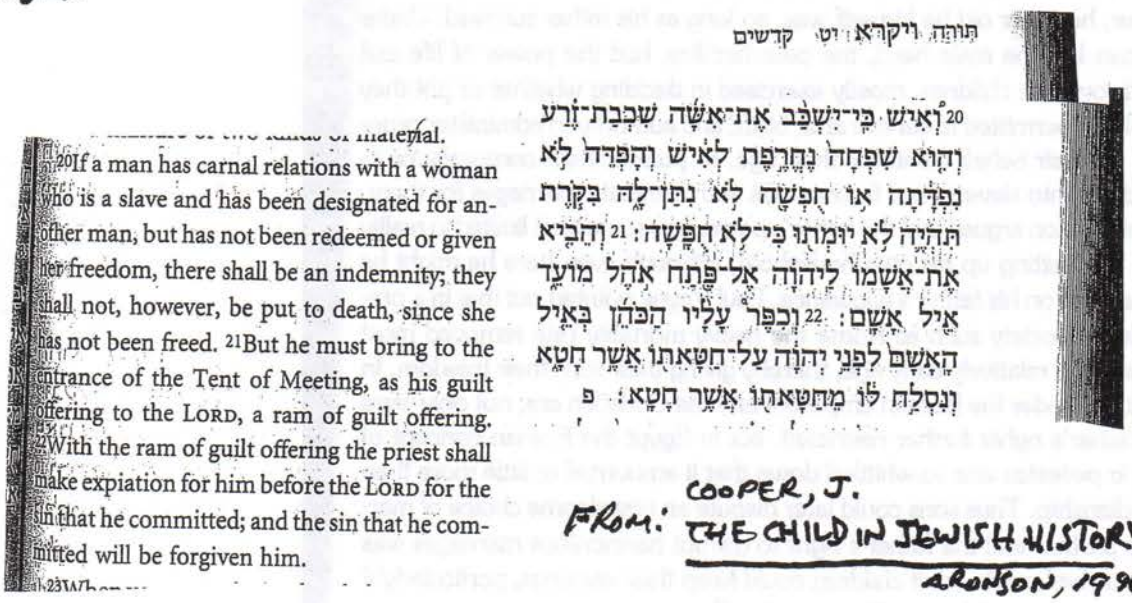
תורה: במדבר ה נשא

אָשֶׁם לוֹ: 8 וְאִם־אֵין לָאִישׁ גֹּאֵל לְהָשִׁיב
הָאָשָׁם אֵלָיו הָאָשָׁם הַמּוּשָׁב לַיהוָה לַכֹּהֵן
מִלְבַד אֵיל הַכִּפֻּרִים אֲשֶׁר יְכַפֶּר־בּוֹ עָלָיו:
9 וְכָל־תְּרוּמָה לְכָל־קָדְשֵׁי בְנֵי־יִשְׂרָאֵל
אֲשֶׁר־יַקְרִיבוּ לַכֹּהֵן לוֹ יִהְיֶה: 10 וְאִישׁ
אֶת־קָדָשָׁיו לוֹ יִהְיוּ אִישׁ אֲשֶׁר־יִתֵּן לַכֹּהֵן
לוֹ יִהְיֶה: פ

whom he has wronged. 8If the man has no kinsman[b] to whom restitution can be made, the amount repaid shall go to the LORD for the priest—in addition to the ram of expiation with which expiation is made on his behalf.[c] 9So, too, any gift among the sacred donations that the Israelites offer shall be the priest's. 10And each shall retain his sacred donations: each priest shall keep what is given to him.

(1)

BAMIDBAR
5:8-10



תורה ויקרא יט קדשים

20 וְאִישׁ כִּי־יִשְׁכַּב אֶת־אִשָּׁה שִׁכְבַת־זֶרַע
וְהִוא שִׁפְחָה נֶחֱרֶפֶת לְאִישׁ וְהָפְדֵּה לֹא
נִפְדְּתָה אוֹ חֻפְשָׁה לֹא נִתַּן־לָהּ בִּקֹּרֶת
תִּהְיֶה לֹא יוּמְתוּ כִּי־לֹא חֻפָּשָׁה: 21 וְהֵבִיא
אֶת־אֲשָׁמוֹ לַיהוָה אֶל־פֶּתַח אֹהֶל מוֹעֵד
אֵיל אָשָׁם: 22 וְכִפֶּר עָלָיו הַכֹּהֵן בְּאֵיל
הָאָשָׁם לִפְנֵי יְהוָה עַל־חַטָּאתוֹ אֲשֶׁר חָטָא
וְנִסְלַח לוֹ מֵחַטָּאתוֹ אֲשֶׁר חָטָא: פ

[illegible] of two kinds of material.
20If a man has carnal relations with a woman who is a slave and has been designated for another man, but has not been redeemed or given her freedom, there shall be an indemnity; they shall not, however, be put to death, since she has not been freed. 21But he must bring to the entrance of the Tent of Meeting, as his guilt offering to the LORD, a ram of guilt offering. 22With the ram of guilt offering the priest shall make expiation for him before the LORD for the sin that he committed; and the sin that he committed will be forgiven him.
23When [illegible]

(2)

VAYIKRA
19:20-22

FROM: COOPER, J.
THE CHILD IN JEWISH HISTORY
ARONSON, 1996.

Was the discipline in the Jewish home and school as severe as in their Hellenistic and Roman equivalents? Were Jewish fathers and teachers brutal floggers? In the second century B.C.E. Ben Sirah, following the author of Proverbs, recommended that "a man who loves his son will whip him often so that when he grows up he may be a joy to him" (Ecclesiasticus 2:2). The Hebrew word for instruction, *musar*, also had the meaning of chastisement but was translated into Greek by the compilers of the Septuagint solely by a word meaning punishment. Not only was the *hazzan* the official of the court who administered corporal punishment on its behalf, but he often served as a schoolmaster and it is probable that he was a strict disciplinarian in the classroom. [illegible]

From the third century C.E. onwards in Palestine and Babylonia, the rabbis favored the reduction of corporal punishment and the disciplining of teachers, even dismissing them from their teaching positions in schools: "Rav [third century] also said . . . : When you punish a pupil, only hit him with a shoe latchet. The attentive one will read; and if one is inattentive, put him next to a diligent one" (Bava Batra 21a). R. Isaac declared that children should be taught "with patience and sensitivity." Many masters supported softer techniques to gain their pupils' interest, as one teacher explained to Rav: "I also have a fish pond, and the boy who is unwilling to learn, I bribe with these and coax him until he comes and learns" (Taanit 24a).[35]

Unlike the Hellenistic schools, which catered to a small elite in the cities and discriminated against the bulk of the rural population, the Jewish elementary school became universal. After the destruction of the Temple in 70 C.E., the new Greek-style schools spread slowly in Palestine at the end of the first century and throughout the second century, leaving large sections of the population outside the educational system; in Babylonia, where the elementary schools were based on the Palestinian model, progress was even slower. Many scholars have documented the contemptuous remarks uttered by the sages during this period against the *amei ha-aretz*, mostly rural inhabitants but also including some city merchants in this period, who were ignorant of the Torah. In our previous chapter we have touched on rural poverty and its disastrous consequences for elementary schooling, which was only overcome by making free provision for the children of the poor. Even so, not all finished a course of six or seven years schooling and absenteeism must have been high at harvest periods: "Our Rabbis taught: Who is an *am ha-aretz*? Anyone who does not recite the *Shema* evening and morning. . . . Anyone who has sons and does not bring them up to the study of the Torah" (Berakhot 47b).

THE LEGAL STATUS OF CHILDREN

In the biblical age children were placed under the authority (*potestas*) of their father, the patriarchal family head, until they married. If he died, they were released from his control before marriage. Children were often classed with the proselyte, slave, widow, and orphan in biblical law. During this period, the minor was vested with slender property rights that enabled him to establish his own private fund (*segullah*). Because of the limited legal rights of children in the biblical age, there was no term for a minor in biblical law, but when a youth attained the age of twenty years certain additional rights and responsibilities devolved on him, such as the duty of serving in the army.[40]

Moreover, a person in Roman law remained under the *potestas* of his father, however old he himself was, so long as his father survived. Under Roman law the male head, the paterfamilias, had the power of life and death over his children, mostly exercised in deciding whether or not they would be permitted to survive after birth; and authority to administer property on their behalf whatever their age, to punish them corporally or to sell them into slavery, and to conclude and terminate marriages for them. Beryl Rawson argued that the father's power was somewhat limited in reality by a son setting up his own household, although even here he might be dependent on his father's allowance. Paul Veyne pointed out that in a pre-industrial society such as Rome the heavy mortality rate removed most fathers at a relatively early age, thereby giving their sons their freedom. In addition, under the Roman emperors and the Christian era, not only were the father's rights further restricted, but in Egypt the Roman concept of *patria potestas* was so whittled down that it amounted to little more than guardianship. Thus sons could later dispute an unwelcome choice of marriage partner and the father's right to disrupt harmonious marriages was relinquished, while adult children could keep their earnings, particularly if they were derived from military service.[41]

In contrast, the rabbis fixed the age when children attained their majority and were said to have legal capacity for certain acts as twelve years for a girl and thirteen years for a boy, when they were called *gedolim*; they were liberated from the control of their father. A girl under twelve was known as a *ketana* (small girl), between twelve and twelve and a half years she was known as a *na'ara*, but once she had reached twelve and a half years she was designated a *bogeret* (*beger* = age of majority). A child with legal capacity was designated a *gadol*, but the equivalent in Roman law, *puberes* (grown-up person), sometimes lacked such capacity; a child who was under age in Jewish law was called a *katan*, corresponding to the *impubes* (under the age of puberty) in Roman law. According to talmudic law, if there was a dispute as to whether or not a boy had reached puberty, it was settled by examining him and looking for physical signs, such as the growth of two hairs (Berakhot 47b). Whereas, similar to the Talmud, Justinian remarked that whether or not a person was judged to be pubescent depended both on one's age and physical development, in Roman law girls reaching twelve years and boys fourteen years were still judged to be minors who did not attain their majority in the legal sense until they were twenty-five.[42]

40. Boaz Cohen, *Jewish and Roman Law: A Comparative Study* (New York: Jewish Theological Seminary of America, 1966), Vol. 1, p. 214 (hereafter cited as Cohen, *Roman Law*).

41. Cohen, *Roman Law*, p. 215. Dixon, *Roman Mother*, pp. 26–28. Beryl Rawson, "The Roman Family," in *The Family in Ancient Rome*, ed. Beryl Rawson (London: Routledge, 1992), p. 14, and W. K. Lacey, "Patria Potestas." in the same volume, pp. 121–144. Blidstein, *Honor*, pp. 32, 36, 175–176.