

Lo Ba-Shamaim Hi (*It is not in Heaven*): Professor Ranon Katzoff as a Teacher of Law

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Ulpian states:

Iuri operam daturum prius nosse oportet, unde nomen iuris descendat. Est autem a iustitia appellatum: nam, ut eleganter Celsus definit, ius est ars boni et aequi. Cuius merito quis nos sacerdotes appellet: iustitiam namque colimus et boni et aequi notitiam profiteamur, aequum ab iniquo separantes, licitum ab illicito discernentes.

—Digesta 1.1.1.1 (533 A.D.).

A law student at the beginning of his studies should know whence the term “ius” comes. It is derived from justice. For, in the elegant words of Celsus (ca. 100 C.E.), “ius” is the art of the good and the equitable. Consequently, we jurists are called priests because we cultivate justice, and we seek knowledge of the good and the equitable. We mark the difference between equitable and inequitable and determine what is licit and illicit.¹

Whether we understand *discernentes* as ‘determine,’ or as ‘distinguish’, as others translate², I think that what Ulpian is actually saying here is not that the word *ius* is “derived from justice (*iustitia*)” (which is obviously nonsense), but that the content of the law, the very meaning of what is right and wrong

¹ Translation adapted from Ken Pennington.

² See D. N. MACCORMICK in A. WATSON, ed., *The Digest of Justinian: Book One*, Philadelphia, 1985.

is to be decided by the law's artists, its priests—the jurists. In other words, *lo ba-shamaim hi*, “it is not in Heaven”, as the Jewish teachers formulate, using the Torah's statement in Deuteronomy 30:12, in the Babylonian Talmud, *Baba Metzia* 59b, during the famous debate on the oven of Akhnai.

But who can determine, or distinguish, what the ancient jurists and sages meant? Obviously, one who has studied not only the law itself, but their way of thinking, their logic, their sense of humor, if you like. These would be the classicists, because here in Classics we learn to enter the Greeks' and the Romans' head. It is not a coincidence that I mentioned previously a saying of the Jewish sages along with that of the Roman: the parallels between the Roman and the Jewish law help to understand both of them better. And who is capable to perform that kind of study better than a classicist who also deals with Judaica?

That would be, for instance, Professor Ranon Katzoff. Having been his student for the long twelve years of my doctorate, I had the pleasure not only to hear his lessons, but to enjoy his notes and observations on various subjects concerning Roman and Jewish law (and life itself, which sometimes could be a slightly more boring topic).

I also had the honor to be his student in the particular area that opens a unique window to everyday Roman law practice—Juristic Papyrology. Professor Ranon Katzoff has published several studies on the subject, starting with “The Provincial Edict in Egypt,” *Tijdschrift voor Rechtsgeschiedenis* 37 (1969), pp. 414-437. In my thesis I included a note disagreeing with one of his statements in this article (which was published in the year when I was born), and his joyful reaction taught me another important thing about studying and teaching.

Being inspired, as he has told me more than once, by A. Arthur Schiller's approach to Roman legal studies, Professor Ranon Katzoff transmits his inspiration through his lessons, easily making such difficult subjects as law and history vivid and enlightening. *Lo ba-shamaim hi* – it is not in Heaven, nor in the “old dusty books”. It is here, in our hands.