

Rabbinic Law in its Roman and Near Eastern Context

Edited by
CATHERINE HEZSER

*Texts and Studies in
Ancient Judaism*

97

Mohr Siebeck

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Edited by
Martin Hengel and Peter Schäfer

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Preface

This volume is the outcome of an international conference on “Rabbinic Law in its Roman and Near Eastern Context” held at Trinity College Dublin from March 11–12, 2002. The conference explored the relationship between rabbinic halakhah, both in its Palestinian and Babylonian form, and other types of ancient legal tradition and practice. The conference was organized by the Herzog Centre for Jewish and Near Eastern Religion and Culture, which provides the framework for the new programme in Jewish Studies at Trinity College Dublin, the first of its kind in Ireland. Funding was provided by Mediterranean and Near Eastern Studies, a joint undertaking of the Classics faculty and Biblical and Jewish Studies, encouraging interdisciplinary research in the ancient world. I thank Professors Brian McGing and Sean Freyne for making this funding possible and for acting as co-hosts at the time when the conference took place.

I would also like to thank all participants for contributing to the success of the conference and for their lively participation in discussions. Those whose papers are published in this joint volume are to be praised for their good cooperation with the editor during the final stages of the book’s development. As is usual for joint conference volumes, the written versions are revised and elaborated forms of the papers presented in Dublin. For pragmatic reasons, no fixed formal guidelines were imposed on the individual authors, besides the requirement to be internally consistent with regard to the abbreviations used.

Particular thanks go to Gottfried Reeg and Marianne Seegelken-Reeg who prepared the computerized version of the volume for publication, and to Peter Schäfer and Martin Hengel for their readiness to include the book in the series *Texts and Studies in Ancient Judaism*.

Dublin, July 2003

Catherine Hezser

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Introduction

Ancient Palestinian and Babylonian rabbinic literature developed in a context of constant exposure to and challenge by the dominant Graeco-Roman and Babylonian cultures, respectively.¹ Rabbinic legal thinking is unlikely to have constituted an exception in this regard. Although the precise nature and extent of foreign “influence” on rabbinic *halakhah* cannot be determined, it is obvious that at least those Palestinian rabbis who lived in or occasionally visited larger towns and cities would have been aware of Roman court proceedings and jurisprudence. For some rabbis this awareness may have been limited to a knowledge of Roman law’s existence, whereas others may have known some precedents, court rulings, or general principles, or even tried to familiarize themselves with Roman legal science.² Since the rabbinic movement seems to have been very diverse with regard to rabbis’ socio-economic status, family background, openness to Greek culture, and halakhic opinions, one has to assume that no uniform rabbinic knowledge of and position toward foreign legal theory and practice can be identified. The comparative study of rabbinic *halakhah* in the context of other ancient legal traditions is nevertheless very rewarding, since it can lead to a better understanding not only of Jewish participation in the ancient cultural milieu but also of recurrent legal problems and solutions, of the development of legal principles and institutions, and the meaning of justice in ancient societies.

The value of the comparative legal approach for understanding rabbinic *halakhah* has already been recognized by scholars in the past. At the end of the nineteenth and the beginning of the twentieth century a number of Jewish scholars who lived in a German cultural context devoted monographs to particular legal issues dealt with in both rabbinic and Graeco-Roman law. These scholars’ comparison of traditional Jewish law with non-Jewish legal systems, especially with the Roman, on which modern Western European law is based, must be seen in the context of Jewish Emancipation and assimilation. They emphasized that rabbinic law was based on similar moral principals and was

¹ With regard to Roman Palestine, this phenomenon has been emphasized especially by Saul Lieberman in his works, *Hellenism in Roman Palestine*, 2nd ed. New York 1962, and *Greek in Jewish Palestine*, 2nd edition New York 1965. The issue has been taken up and developed further in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, ed. Peter Schäfer, TSAJ 71, Tübingen 1998, vol. 2, ed. Peter Schäfer and Catherine Hezser, TSAJ 79, Tübingen 2000, vol. 3, ed. Peter Schäfer, TSAJ 93, Tübingen 2002.

² This despite the fact that there is little evidence of rabbis’ knowledge of Latin beside the occasional Latin loanwords found in rabbinic texts.

as valuable as Roman law. This emphasis is, for example, made explicit in David Farbstein's introduction to his study of the rights of wage laborers in Talmudic and Roman law:

Ich hoffe, dass der unparteiische Leser zu demselben Resultate, zu dem ich gelangt bin, kommen wird, dass nicht nur das biblische Gesetz ... sondern auch das talmudische von einem edlen, freiheitsliebenden und menschenfreundlichen Gedanken beseelt ist.³

He goes on to describe the Talmud as the *Corpus Iuris Judaeorum* in analogy to the *Corpus Iuris Civilis* promulgated by Justinian in the seventh century C.E.⁴ This designation, although not explicated in detail by Farbstein at his time, may be seen as a precursor of later comparative studies of Jewish and Roman legal corpora and set the task for future scholarship.⁵

Farbstein and other early representatives of the comparative study of Jewish law clearly distinguished themselves from traditional talmudic scholarship which focussed on the internal logic of rabbinic argumentation rather than on its relationship to other legal systems. Jacob Neubauer, who investigated the history of rabbinic marriage law, presents the legal-historical and comparative approach as an alternative to the so-called dogmatic approach which he considers ahistorical.⁶ He stresses that rabbinic law can only be properly understood when seen in the context of the legal traditions of other ancient Mediterranean cultures. The possibility of foreign influence on Jewish law and of changes within rabbinic *halakhah* from one generation to the next stood in conflict with the fundamental conservatism of traditional Talmud scholarship which saw rabbinic *halakhah* as an authoritative, timeless, and unchangeable system which had developed in and out of itself.⁷ Neubauer's approach also stood in conflict with common opinions about the originality and superiority of Western, Roman law, since for Neubauer "influence" was not a one-way system. He reckoned with the possibility that Jewish law had an impact on canonical law as well.⁸

Probably the most prominent early historical-comparative study of rabbinic *halakhah* is Alexander Gulak's work on legal documents.⁹ The evidence of Greek Egyptian papyri, often with exact dates, provided a new basis on which

³ David Farbstein, *Das Recht der unfreien und freien Arbeiter nach jüdisch-talmudischem Recht verglichen mit dem antiken, speciell mit dem römischen Recht*, Doctoral Dissertation, Bern 1896, 1–2.

⁴ See *ibid.* 6.

⁵ See below.

⁶ See Jacob Neubauer, *Geschichte des biblisch-talmudischen Eheschliessungsrechts. Eine rechtsvergleichend-historische Studie*, Leipzig 1920, VI.

⁷ See *ibid.*

⁸ See *ibid.* VIII.

⁹ Alexander Gulak, *Das Urkundenwesen im Talmud im Lichte der griechisch-ägyptischen Papyri und des griechischen und römischen Rechts*, Jerusalem 1935.

references to legal contracts in rabbinic sources could be viewed. The types and forms of contracts in rabbinic sources are compared with the papyrological evidence reflecting Greek and Roman law. The problem with Gulak's work, however, as well as with the other early studies of *halakhah* which claim to be historical, is the undifferentiated usage of Babylonian talmudic texts as evidence for Palestinian rabbinic teaching and the unquestioned confidence that rabbinic rules reflect actual practice. Furthermore, the issue of foreign influence on Jewish law is dealt with in a positivistic way.

Whereas Gulak's emphasis on the many cultural contacts between Jews and other ancient Mediterranean cultures is justified, his claim that Greek law directly influenced rabbinic *halakhah* in general and rules on legal contracts in particular requires more cautious investigation.¹⁰ His dating of much of talmudic civil law to pre-tannaitic, Hellenistic times to make it contemporary with the evidence of the papyri cannot be considered methodologically acceptable anymore.¹¹ Gulak's suggestion that Greek law more than Roman law influenced Jewish legal thinking, since Hellenistic culture was more attractive to Jews than Roman culture, which they associated with imperialism and subjugation, is compelling, but needs to be studied in more detail. Palestinian rabbis lived at a time when Roman jurisprudence and law schools flourished in their vicinity, so that their exposure to Roman law is likely to have been much greater than their knowledge of Greek law. Therefore Gulak's conclusion, that all traces of Roman influence on Jewish law are short-lived and external only, seems premature.¹² Despite these shortcomings, the inclusion of papyrological material in the historical-comparative study of Jewish law constituted a great advance over earlier approaches which focussed on legal literature only.

Another until then undiscovered type of comparative material was located by Saul Lieberman in the 1940s. In his article, "Roman Legal Institutions in Early Rabbinics and in the Acta Martyrum",¹³ he investigates legal *realia* in the form of references to trials and court proceedings transmitted in the Martyr Acts. He shows how they can be used to elucidate rabbinic texts such as, for example, midrashic references to edicts issued by Roman emperors or a talmudic reference to the punishment of a person who transgressed a king's enactment. In his conclusion Lieberman is more cautious than some of his colleagues before him. He differentiates between theory and practice: "... the rabbis offer us a description of the 'legal' procedure in the Roman courts of Palestine, *not* as it ought to have been (according to the Roman laws) but as it

¹⁰ See *ibid.* 151.

¹¹ See *ibid.* 152–53.

¹² See *ibid.* 151–52: "Daher kommt es auch, dass, wo immer wir Spuren des römischen Einflusses finden, diese von kurzer Dauer sind und ganz äusserlich haften, ohne tiefer ins jüdische Recht einzudringen, ohne sich mit ihm zu verschmelzen".

¹³ JQR 35 (1944–45) 1–57.

was practiced in fact, legally or illegally. They recorded the actual ‘*realia*’ of the Roman procedure”.¹⁴ According to this view, rabbinic depictions of legal procedure were not directly influenced by Roman legal theory, but provide an alternative and more realistic depiction of what was actually practiced in the courts. They can thus be used to correct and supplement the Roman sources and are valuable for both the Roman legal historian and the talmudist. That rabbis would have presented Roman legal institutions from a different perspective than Roman legal writers is plausible, but that their depictions are closer to actual practice may be contested. Just as Roman legal traditions reflect legal experts’ theorizing about practices and institutions which are more ideal than real, so do rabbinic traditions.¹⁵

Neubauer’s previously mentioned assumption that Jewish law may have influenced other, non-Jewish legal systems was dealt with in more detail by Jacob J. Rabinowitz in the 1950s.¹⁶ The expressed purpose of his study was to show that Jewish law influenced general legal ideas and practices “in the civilized world from ancient times to the late Middle Ages”.¹⁷ He believed that this influence was mainly transmitted through the legal formulas used by Diaspora Jews, which were “copied” by their non-Jewish neighbors.¹⁸ The allegedly “substantial continuity” of the Jewish legal tradition is traced from the Bible and the Elephantine papyri to the Talmud. The larger part of the book deals with the law of the Bible and the Aramaic papyri, however, whereas talmudic law is only mentioned in the last chapters on Byzantine legal documents. In the earlier part of the book Rabinowitz tries to prove “that early Roman law, in its main institutions, was influenced by Oriental law, and that the Bible is an important source for the study of this influence”.¹⁹ Certain terms and concepts which appear in biblical and Roman law such as, for example, the bond or treaty (*foedus ferire/firmare* – לברית/להקים) and the view of marriage as *coemptio*, similar to purchase, were allegedly very similar in the two traditions.²⁰ According to Rabinowitz, these formal similarities must be due to borrowing and cannot have emerged independently. Since the Bible preceded Roman law chronologically, it is given precedence with regard to the forms’ origin.²¹ In the later part of the book Rabinowitz makes a similar claim concerning Byzantine legal documents which, he

¹⁴ Ibid. 38.

¹⁵ A more recent approach to Roman legal *realia* in rabbinic literature is represented by Daniel Sperber, *A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature*, Ramat-Gan 1984.

¹⁶ Jacob J. Rabinowitz, *Jewish Law. Its Influence on the Development of Legal Institutions*, New York 1956.

¹⁷ Ibid. IX.

¹⁸ See *ibid.*

¹⁹ Ibid. 1.

²⁰ See *ibid.* 1–16 for examples.

²¹ See *ibid.* 5.

argues, were directly influenced by Jewish legal texts of roughly the same time. The positivist claim for direct influence of one tradition on another, which has already been criticized above with regard to the impact of Greek or Roman legal thinking on rabbinic law, must likewise be dismissed as far as its opposite is concerned, namely the claim that Jewish law, whether biblical or rabbinic, had a direct impact on non-Jewish legal traditions.

Comparative studies of rabbinic *halakhah* proliferated from the 1960s onwards, and the works of Reuven Yaron, Boaz Cohen, and David Daube must be considered groundbreaking in this regard. Yaron, like other comparative legal scholars before him, saw a clear distinction between his own historical research and the traditional systematic approach. Whereas “historical research thrives on inconsistencies and contradictions”, the systematic approach tries to harmonize between them.²² Yaron recognized the basically unsystematic nature of rabbinic *halakhah*, which systematic approaches would fail to take into account.

Like Alexander Gulak Yaron concludes that Hellenistic rather than Roman law had an impact on the Talmudic law of dispositions in contemplation of death.²³ He notes, however, that “this must be carefully distinguished from the hunt after ‘influence’, which seems to me a singularly futile occupation, apt in its excesses to distort and discredit purposeful comparison. Influences do indeed exist, and it is proper to point to them when occasion arises, but finding them ought not to become the primary aim of research”.²⁴

In accordance with his historical approach, Yaron traced references to gifts in contemplation of death from the Bible to the Elephantine papyri and tannaitic law.²⁵ He noticed that Hellenistic legal terminology had influenced tannaitic law on this issue.²⁶ Roman law, on the other hand, allegedly stood in conflict with rabbinic principles: the step from bilateral gift to unilateral testament was never taken in Jewish law.²⁷ Yet, although the differences between gifts in contemplation of death and testamentary dispositions were more emphasized in Roman law, gifts in contemplation of death in Jewish law had the same function as Roman testaments.²⁸ Graeco-Egyptian documents seem to have been used by the tannaim merely as “raw material for the building up of legal institutions of their own, which in important aspects were quite different from the original”.²⁹

²² See Reuven Yaron, *Gifts in Contemplation of Death in Jewish and Roman Law*, Oxford 1960, VII.

²³ See *ibid.* VIII.

²⁴ *Ibid.* 46

²⁵ The Babatha and Salome Komaise papyri from the Judean Desert were not yet published at his time.

²⁶ See Yaron, *Gifts*, 18–31.

²⁷ See *ibid.* 32.

²⁸ See *ibid.* 34.

²⁹ *Ibid.* 46.

Yaron provides a careful comparison of Jewish, Greek, and Roman law which considers both similarities and differences between the two. His historical approach is tempered by taking the attributions to particular sages literally, though. In cases where there is only Babylonian amoraic evidence it is sometimes assumed that that specific ruling already existed in tannaitic times. It seems very difficult, if not impossible, however, to trace the historical development of a rabbinic ruling beyond the basic distinction between tannaitic and amoraic sources.

Reuven Yaron's teacher David Daube was an expert in both biblical and legal studies, a combination which helped him produce a truly interdisciplinary body of work. He not only knew his sources very well, but also applied historical-critical and literary-critical methodologies and was aware of the importance of the social, political, and economic contexts in which the authors and editors of the traditions lived.³⁰ Daube's many comparative-historical studies of biblical, Hellenistic, rabbinic, and Roman law from the 1950s onwards cover so many areas and topics that his work is difficult to summarize. He investigated certain general principles in Jewish law, legal terminology and its "Sitz im Leben", halakhic and social-political issues involved in ethical decisions, women's rights and the institution of marriage, witnesses and court proceedings, as well as the relationship between legal texts and their interpretation, legal forms such as example and precept, rabbinic methods and Hellenistic rhetoric, and the codification of legal traditions in the Mishnah.³¹

Daube, like the other earlier scholars of comparative law mentioned above, takes attributions to rabbis literally for purposes of dating traditions. He also uses traditions attributed to Palestinian scholars in the Babylonian Talmud as evidence for their actual teachings and legal practice.³² Since then, historical-critical approaches to rabbinic texts have advanced and moved into new directions.³³ Furthermore, the historical explanations for certain rabbinical rules which Daube presents are sometimes not particularly convincing. For example, to explain the teaching that the child of a Jewish mother and a non-Jewish father is a *mamzer* he surmises that not Roman legal influence stands behind this rule (in the case of a Roman woman married to an alien the child has the status of the father) but the historical-political situation in which Jews lived at that time: it was a time of abuse of Jewish women by Roman soldiers and of the father's absence from the family.³⁴ Why the child was considered a *mamzer* is not really explained by this reasoning, though.

³⁰ On David Daube see Calum Carmichael's introduction to the *Collected Works of David Daube*, vol. 1: *Talmudic Law*, Berkeley 1992.

³¹ See the studies collected in Carmichael's edition of Daube's work.

³² See, for example, David Daube, *Ancient Jewish Law. Three Inaugural Lectures*, Leiden 1981, 26–27.

³³ See below.

³⁴ See *ibid.* 27–28.

Boaz Cohen's collection of studies of Jewish and Roman law is most pertinent to our topic here.³⁵ The collection of previously published articles is arranged according to the order of the Institutes of Gaius (A. General Part, B. Law of Persons, C. Law of Things, D. Law of Actions), but the articles do not cover all of the relevant issues suggested by this classification. The topics are taken over from Roman law (e.g., *peculium*, *contractatio*, *antichresis*, *usufructus*), but some of them have direct analogies in Jewish law as well (e.g., betrothal, divorce, oath). This classification already suggests that Cohen views Jewish law in the framework and larger context of Roman law which provides the starting point for his analyses.

Like earlier scholars who favored the comparative historical approach over against the systematic, Cohen stresses that the latter is contrary to the structure and nature of ancient law, which did not form a system. In both the Bible and the Talmud one rather finds a corpus of "vast, complex and unwieldy materials".³⁶ Jewish law was systematized only after its crystallization in the Middle Ages. Unlike dogmatic presentations of Jewish law as a fixed and static system, the historical approach views law as "something dynamic, unfolding and ever changing in the course of human events".³⁷ The view of rabbinic *halakhah* as a dynamic and ever-changing process reveals Cohen as a representative of the Conservative Movement, whereas the systematic approach is usually adopted by Orthodox scholars.

The comparative study of Jewish law, which is also historical in that it traces the causes and development of the legal tradition, provides a new perspective which leads to a "deeper understanding".³⁸ Whereas the goal of the law is the same in different societies, namely to create peace and order and to protect the individual citizen, this goal is reached differently by different legal systems.³⁹ Cohen sees reflections of both Hellenistic and Roman law in rabbinic documents. And he already points to Sasanian law as the appropriate comparative context for Babylonian *halakhah*: "It is hoped that when the new edition and translation of the Sassanidian Code of Law by Russian scholars appears, that Talmudic scholars will be enabled and intrigued to study it for parallels between the Persian law and the Talmud".⁴⁰

Cohen takes up possible objections against the comparative study of rabbinic and Roman law and subsequently negates them. One might point out that the two systems have no common origin; or that Jews would never think of adapting the legal ideas of their conquerors. None of these objections provides

³⁵ See Boaz Cohen, *Jewish and Roman Law. A Comparative Study*, 2 vols, New York 1966.

³⁶ *Ibid.* VIII.

³⁷ *Ibid.* IX.

³⁸ *Ibid.* XI.

³⁹ See *ibid.* XII.

⁴⁰ *Ibid.* XVI. For a recent fulfillment of this hope see Elman's article in this volume.

sufficient ground for rejecting the importance of comparative legal study, however, which must be based on a careful examination of the original texts.⁴¹ Therefore the prerequisite of such study is a broad knowledge of both the rabbinic and Roman (or Sasanian) legal tradition, as well as a knowledge of the respective historical, social, and economic contexts in which the traditions developed.⁴² Since both Jews and Romans participated in ancient legal culture, a comparative study can provide new perspectives on either system.

The possibility of “direct bilateral borrowing” exists, but one can identify it only if the possibility of independent parallel development as well as internal development out of earlier Jewish legal traditions can be excluded. Otherwise similar social, political, and economic circumstances might have led to independent yet similar rulings.⁴³ The law must also be innovative in nature “to excite suspicion of being an alien intrusion”.⁴⁴ Parallels between Jewish and Roman law could be based on common Hellenistic prototypes. According to Louis Ginzberg, Graeco-Egyptian popular law of the Eastern provinces rather than Roman law had the greatest influence on rabbinic *halakhah*.⁴⁵ Yet Graeco-Egyptian and Roman law are hardly ever mentioned directly in rabbinic sources.⁴⁶

Cohen already recognized that certain parallels existed with regard to the codification of rabbinic and Roman law, if one takes chronological issues into consideration.⁴⁷ Gaius’ Institutes are roughly contemporary with the Mishnah, and Justinian’s *Corpus Iuris Civilis* with the Talmud: “Like the Talmud, the bulk of the *Digest* was compiled from materials reaching back centuries anterior to its date of composition”.⁴⁸ Yet even between the chronologically distinct corpora of the Twelve Table Law and the Mishnah similarities exist. Cohen reckons with the possibility that the latter was influenced by the former in structural regards.⁴⁹

⁴¹ See *ibid.* 2.

⁴² See *ibid.* 13.

⁴³ See *ibid.* 22–23.

⁴⁴ *Ibid.* 23.

⁴⁵ See Louis Ginzberg, *A Commentary to the Palestinian Talmud*, vol. 1, New York 1941, XXX, mentioned in Cohen, *Jewish and Roman Law*, 24.

⁴⁶ One exception is the story about R. Gamliel and Roman officials mentioned in y. B. Q. 4:3, 4b par. b. B. Q. 38a and Sifre Deut. 344. On this story see Catherine Hezser, *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin*, TSAJ 37, Tübingen 1992, 15–24.

⁴⁷ See also Farbstein above.

⁴⁸ See Cohen, *Jewish and Roman Law*, 15. For a comparison of the processes of redaction of the Talmud and Justinian’s *Digest* see Catherine Hezser, “The Codification of Legal Knowledge in Late Antiquity: The Talmud Yerushalmi and Roman Law Codes”, in: *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, ed. Peter Schäfer, TSAJ 71, Tübingen 1998, 581–641. On earlier Roman legal codification at the time of the Mishnah see Stephen A. Stertz, “Appendix: Roman Legal Codification in the Second Century”, in: *The Mishnah in Contemporary Perspective*, HdO I.65, ed. Jacob Neusner, Leiden 2002, 149–64.

With regard to the Law of Persons, a basic distinction between free people (freeborn or freedmen) and slaves existed. Although no analogy to an elaborate Law of Persons is evident in rabbinic sources, “a formidable *ius personarum* à la Gaius could be compiled from the multitude of observations and rules found in Tannaitic sources on these topics ...”.⁵⁰ In the case of differences, the distinct political, social, and economic circumstances need to be taken into account. For example, Roman society was a slave society, where slaves constituted one third of the entire population, whereas only few slaves were held by Jews in rabbinic times: “This economic and social phenomenon is reflected in the abundance of rules on slavery in Roman law and the corresponding paucity in Jewish law”.⁵¹

Cohen reached the important conclusion “that there was an interchange of legal ideas, between Jews and Romans, unacknowledged of course on both sides ... The influence was subtle and indirect but none the less real. The rabbis were living in no intellectual ghetto, and were susceptible to the ideas current in the Graeco-Roman world”.⁵² Intellectual exchanges between Jewish and Roman legal scholars will have stimulated their legal thinking.⁵³

Besides Reuven Yaron, Bernard Jackson is another student of David Daube who has produced major studies in comparative legal history and is one of the leading scholars in the field today. He has not only published numerous studies on particular legal topics but also introduced new methodological approaches to the study of Jewish law.

His early work on theft in Jewish law, a revised version of his doctoral thesis, is legal-historical in its approach.⁵⁴ The historical development of legal rulings concerning theft in Jewish law is traced from biblical to tannaitic sources. While Roman law is sometimes mentioned *en passant* here, the comparative method is more prominent in Jackson’s later works. His suggestion that rabbis tried to keep the jurisdiction of legal cases between Jewish litigants within the realms of the Jewish community and therefore evinced a certain leniency in their rulings, in comparison with the Roman court system, is an interesting topic for further discussion.⁵⁵

In the first chapter of his *Essays in Jewish and Comparative Legal History* Jackson addresses important methodological issues concerning the study of ancient Jewish law.⁵⁶ The common prejudice that Jewish law, unlike Greek

⁴⁹ See Cohen, *Jewish and Roman Law*, 18–22.

⁵⁰ *Ibid.* 126.

⁵¹ *Ibid.* 128. But see the article on slaves and slavery in rabbinic and Roman law by Hezser in this volume.

⁵² *Ibid.* 157.

⁵³ See *ibid.*

⁵⁴ See Bernard S. Jackson, *Theft in Early Jewish Law*, Oxford 1972.

⁵⁵ See *ibid.* 251ff.

⁵⁶ See Bernard S. Jackson, *Essays in Jewish and Comparative Legal History*, Leiden 1975, 1–24.

and Roman law, is a religious system may have prevented some secular-oriented legal historians from dealing with it.⁵⁷ Yet even those Roman legal historians who may “recognize in the rabbinic discussions a phenomenon of comparable importance to the writings of the Roman jurists” could be discouraged from studying it more carefully due to problems pertaining to the dating of the traditions.⁵⁸ The various sources of ancient Jewish law, from the Bible to Philo and Josephus, the Qumran writings, and the rabbinic tradition carry particular methodological problems whose handling requires a special expertise.

Jackson cautions against using rabbinic traditions as evidence for the legal conditions of pre-70 times.⁵⁹ Further questions concern the relationship between theory and practice: to what extent was rabbinic law accepted and practiced by the general public rather than being merely a theoretical construct created by rabbis? What was the impact of Roman political domination on Jewish legal practice and the development of Jewish law? No general answers to these questions are possible, they rather need to be examined in connection with particular legal issues and through careful study of the relevant texts.⁶⁰

The multidisciplinary approach which uses methods and models from different disciplines is the most appropriate way of dealing with Jewish law. The traditional approach represented by Talmudic scholars, if practiced exclusively, cannot achieve a true understanding of *halakhah*: “The best legal history is rarely achieved by scholars immersed in a single legal system”.⁶¹ The comparative legal historical approach should not be evolutionary, though, claiming one legal tradition’s superiority over another.⁶² It should rather point to the respective particularities and characteristics of each body of material and help to identify “historical contacts”.⁶³

Although historians are usually interested in the “origins” of a tradition or idea, what constitutes “influence” of one body of material on another is most difficult to determine. What are the criteria for maintaining that “influence”, “common origin”, or “interdependence” exist? And what is the significance of any of these relationships, once they have been identified?⁶⁴ Positivism does not seem to be the right way of dealing with these issues.⁶⁵ According

⁵⁷ See *ibid.* 1.

⁵⁸ See *ibid.* 2.

⁵⁹ See *ibid.* 5. For the problems involved in using rabbinic literature to gain information about the Pharisees see also Peter Schäfer, “Der vorrabbinische Pharisäismus”, in: *Paulus und das antike Judentum*, ed. Martin Hengel and U. Heckel, WUNT 58, Tübingen 1991.

⁶⁰ See Jackson, *Essays*, 6.

⁶¹ *Ibid.* 7–8.

⁶² See *ibid.* 8–9.

⁶³ See *ibid.* 14.

⁶⁴ See Bernard S. Jackson, “History, Dogmatics, and Halakhah”, in: *Jewish Law in Legal History and the Modern World*, ed. Bernard S. Jackson, Leiden 1980, 2.

⁶⁵ See *ibid.* 3.

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Texts and Studies in Ancient Judaism

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- Albani, M., J. Frey, A. Lange* (Ed.): *Studies in the Book of Jubilees*. 1997. *Volume 65*.
- Avemarie, Friedrich*: *Tora und Leben*. 1996. *Volume 55*.
- Becker, A. H., A. Y. Reed* (Ed.): *The Ways that Never Parted*. 2003. *Volume 95*.
- Becker, Hans-Jürgen*: *Die großen rabbinischen Sammelwerke Palästinas*. 1999. *Volume 70*.
- see *Schäfer, Peter*
- Cansdale, Lena*: *Qumran and the Essenes*. 1997. *Volume 60*.
- Chester, Andrew*: *Divine Revelation and Divine Titles in the Pentateuchal Targumim*. 1986. *Volume 14*.
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