Early Rabbinic Civil Law

Lapin, Hayim

Published by Brown Judaic Studies


For additional information about this book
https://muse.jhu.edu/book/75767

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=2627784
INDEX OF SUBJECTS

Amoraim, Amoraic, 3
and source criticism of the Mishnah, 37–8
'Amra, 92
Ancient Judaism, modern study of, 20–2
Angareia, 224–6, 283
Attributions, 26–7, 98–115
catalogue, 101–4
Early (pre-70), 105–6
Late, 112
methodological problems, 98–101
Neusner on, 99, 105–6
nominative absolute series, 113–5
supplementary, 106, 107–12
Ushan, 107–12, 114
Yabnean, 106–7
See also: Source criticism (Mishnah), attributions and
Avidius Cassius, 8

Banks, See Moneychangers and banks

Codex Justinianus, See Index of Sources, s.v.
Codex Theodosianus, See Index of Sources, s.v.

Coins
Gresham’s Law, 132
Mishnaic and Roman, 124–8
“produce” and, 128–31, 133
metallic vs. face value, 128–30
relative values of, 126, 266, 267, 272
“silver acquires gold,” and “gold acquires silver,” 131–3, 265
“Tyrian,” 128
See also: Money

Crop rotation, 230, 302–3

Dead Sea Scrolls, 4, 240

Deposits
depositum irregulare, See Roman law, depositum irregulare
liability for, 164–73
masking other transactions, 173–4
negligence, 166–71
{o}nes and, 166–7, 171
paid depositaries, 172–3
produce, 71–4

Digest of Justinian, 4; see also: Index of Sources, s.v.

Diocletian, 15, 184

Deuterosis, 16–7

Ethnicity, study of, 34

Finders and Losers, See Found property

Found property
care, 160–62
despair (ye’ush), 158–9
intention, 159–60
negotiorum gestio, See Roman law, negotiorum gestio
status and, 163

Gentiles
gēr tôšab, 276
interest, 46–7, 190, 275–6
lost objects, 324–5
ritual status of produce, 173–4

Glosses in m. B. Mes., See Source Criticism
(Mishnah), glosses
Hakahim haynu tanna’ qamma’, 106, 111
Halivni, 25–7, 106, 207
m. Qid. 1:1, 175
m. B. Qam. 1:1, 329
tenant farming. See Tenant farming
Lien clause (‘aharayyāh), 247; see also: Slaves,
documents, lands, and consecrated goods
Loans
for consumption (milwād), 190–3
for use (ṣefālā), 186–90
interest: See Interest
sale for deferred payment, for deferred de-
ivery, 185, 192–3
Lost property. See Found property
Marcus Aurelius, 8, 10
Markets
agricultural produce, 137–9
agrarian societies and, 134–5
fairs, 138–9
ṣitīs, 136
market price, 143–4; see also: Sale, hōnāyā
specialization, 139–40
ṣūq, 136–7
tāgār, 141–3
Mekila, 319–24
Mekila de-rasbi, 327–9
Mishnah
and Dead Sea Scrolls compared, 4, 240
and Digest compared, 4
as a literary artifact, 20–7, 115–7
description of, 2–5
disputes and authority, 112–3
contents of, 3–4
midrashic formulae in, 44–5, 251
sources, See Source criticism (Mishnah)
strophic composition, 87
Money, 122–34
as commodity, 124–32
distribution of, 134
measure of value, 123–4
transactions in kind and, 122–3
See also: Coins
Moneychangers and banks
“checks” in Mishnaic law, 153–4
deposits, 151–2
engaged in lending?, 148–9
exchange of coins, 150–1
pōrēt, mesārēp, 150–1
Pergamum, 126
source of income, 151–3
Index of Subjects

Neusner, Jacob, 22–31, 99, 105–6
New Historicism, 34
Nominative absolute series
attributions and, 113–5
catalogue, 69–70
formulae, 66
ha-mapiqd, 70–4
ha-makîr, 82
ha-mégábbél, 82–3
ha-tôkîl, 79–82
ha-tôkîr, 74–9
other possible series in m. B. Mes., 68
t. B. Mes., 315–6
Oaths, 52–5
Origen, 16–8
Palestine
history, first to third centuries CE, 5–13
recent discoveries, 32–3
Papyri
See Index of Sources
Patriarchate (Jewish), 6, 14–8
Possessory acts, 95–6, 172
See also: Sale, possessory acts
Rabbi (title), 13–4
Rabbinic civil law
as historical source, 29–30, 214–9
authority of, 2
comparability to Greco-Roman evidence, 30
landowners and, 31, 238–40
reflective of practice?, 2
social and economic background of, 232–5, 238–41
egalitarianism and hierarchy, 189–8, 231–2
deposit, 174
interests of the propertied reflected, 134, 162–3, 216–7, 221–2, 228–32, 233–5
laborers, 213–7
money, 132–4
markets, 146–7
moneychangers, 155
lost property, 162–3
sale, 182–5, 186
lease, 220–3, 228–32
Rabbinic literature
historicity of, 6, 19–20, 29–30
orality in, 5
Rabbis
as judges, 18
authority of, 13–9
institutionalization, 116–7
Second Temple period movements and, 13–4
“tradition” and, 31–2
wealth of, 18
Redaction as literary creation, 94–8
See also: Source Criticism (Mishnah), re-
dactional reuse of sources
Revolts against Rome, 7–8, 10, 28–9
Registration of real property, 139
Roman Law
commodatum, 187, 188
deposit, 164, 174
depositum irregularare, 107, 152
domestic leases, 222, 231
labor, 201
laesio enormis, 131
locatio conductio, 203, 218
mutuum, 187
negligence, 170
negotiorum gestio, 157
Patriarch (Jewish), 15–6
possession, 158–9, 160
sale, 124, 128
surety, 198
thesauri inventio, 160
See also: Index of Sources, s.vv. Digest, Co-
dex Justinianus, Codex Theodosianus
Sale, 175–86
barter and, 178
for deferred payment, for deferred deliv-
er, See Loans
hônâyâ (hônâ’d), 52–5, 128, 139, 143–4, 179–85
lgh, qny/h, 175–6, 176–84, 267–70
possessory acts, 99–9
withdrawal from, 175–9
Samaritans, 173–4
putative war with Jews, 8
Scripture and m. B. Mes., 60–1
deposits, 40, 47–8, 164–6, 187
interest, 47, 190, 276
labor, 48, 93, 209, 212
loans, 186–7
lost objects, 42–5, 251, 253
security, 49, 199–200
struggling animals, 42–5
Septimius Severus, 8–9, 11
Severan emperors and Jews, 9–12

Shops, Shopkeepers
agent of householder, 140–1
hanut, henuwani, 136–7, 139–41
shopkeeper as banker, 154–5

Sipra, 326–7
Sipre Deuteronomy, 325–6

Slaves
domestic labor, 203
Slaves, documents, lands, and consecrated goods, 52–6, 113–5, 139
See also: Trade and exchange, real property

Source criticism (Mishnah)
attributions and, 66–7, 113–5; see also: Attributions
associative clusters, 60–5, 86
codas, 63, 64–5, 71, 74–5, 82, 84–6
contradictions, 40–1, 71–4, 79–82
glosses, revisions, and corrections, 86–93
parallels, 50–9, 62–3, 152
post-Mishnaic sources and, 37–9, 83–4, 84–6
redactional reuse of sources, 52–6, 62–3, 75–9, 87, 226; see also: codas, Redaction as literary creation
"schools" and, 66–7, 115–7
series, See Nominative absolute series
shifts in frame of reference, 40–2
stylistic criteria, 44–5
terminology, 44–9, 88

Suq, See Markets, šuq

Tannaim, Tannaitic, 3
Tenant farming
rates, 223
traditional tenancy, 222
Tosepta, 312–18
Tractate Neziqin, 4, 83, 114–5
Trade and exchange
producer to consumer, 144–6

large-scale sale, 146–7, 185–6
real property, 183–5
See also: Markets, Sale

Wissenschaft des Judentums, 21
Yabneh
R. Yohanan b. Zakkai and, 6