

Jonathan S. Milgram

From Mesopotamia to the Mishnah

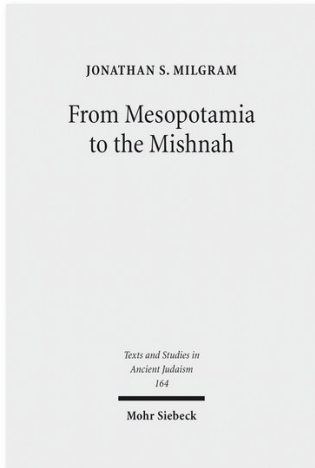
Tannaitic Inheritance Law in its Legal and Social Contexts

[Von Mesopotamien zur Mischna. Tannaitisches Erbrecht in seinen rechtlichen und gesellschaftlichen Kontexten.]

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In this study, Jonathan S. Milgram demonstrates that the transformation of inheritance law from the biblical to the tannaitic period is best explained against the backdrop of the legal and social contexts in which the tannaitic laws were formulated. Employing text and source critical methods, he argues that, in the absence of the hermeneutic underpinnings for tannaitic innovations, the laws were not the result of the rabbinic imagination and its penchant for inventive interpretation of Scripture. Turning to the rich repositories in biblical, ancient near eastern, Second Temple, Greek, Elephantine, Judean desert, and Roman sources, the author searches for conceptual parallels and antecedents as well as formulae and terminology adopted and adapted by the tannaim. Since the tannaitic traditions reflect the social and economic contexts of the tannaitic period – the nuclear family on privatized landholdings in urban centers – the author also considers the degree to which tannaitic inheritance laws may have emerged out of these contexts.

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