

Contents

	Preface	<i>page</i> ix
	Note on transliteration	xi
	Note on Biblical translations	xi
	Note on the Babylonian Talmud	xii
	List of Abbreviations	xv
1	The Talmudic argument	1
2	The literary form of the Babylonian Talmud	18
3	<i>Berērah</i> : retrospective specification	24
4	<i>Ye'ush she-lo mi-da'at</i> : unconscious abandonment of property	34
5	<i>Rubba</i> : probability	50
6	<i>Davar she-lo ba le-'olam</i> : conveyance of a thing not yet in existence	64
7	<i>Kol she-eyno be-zeh aḥar zeh afilu be-vat aḥat eyno</i> : whatever cannot be established in a consecutive sequence cannot be established even in a simultaneous sequence	75
8	<i>Yesh ḥoresh telem eḥad</i> : a single act of ploughing can result in a number of penalties	83
9	<i>Simanin de-oraita o. de-rabbanan</i> : whether reliance on distinguishing marks for the purpose of identification is Biblical or Rabbinic	91
10	<i>Devarim she-be-lev eynam devarim</i> : mental reservations in contracts are disregarded	101
11	<i>Hazakah</i> : presumptive state	110
12	<i>Gadol kevod ha-beriot</i> : the law and regard for human dignity	115

13	<i>Hazmanah milta</i> : whether the designation of an object for a particular use is effective	122
14	<i>Mitzvat 'aseh she-ha-zeman geramah</i> : positive precepts dependent on time from which women are exempt	133
15	<i>Heyzek she-eyno nikar</i> : indiscernible damage to property	144
16	<i>Kinyan hatzer</i> : acquisition by means of a domain	160
17	<i>Palginan be-dibbura</i> : admission of part of a testimony even though another part of the same testimony is rejected	168
18	<i>Tadir u-mekuddash</i> : which takes precedence: the more constant or the more sacred?	174
19	<i>Palga nizka</i> : the nature of the payment of half-damages to which the owner of a goring ox is liable	182
20	<i>Patur mi-diney adam ve-ḥayyav be-diney shamayim</i> : cases where there is liability in the eyes of God even though the human courts cannot enforce payment	191
21	<i>Maḥal 'al kevodo kevodo maḥul</i> : renunciation of honour by one to whom it is due	198
22	Conclusions	203
	Glossary	214
	Bibliography	216