In the recent decade Iranian law has come into the focus of Talmudic studies. Although the importance of the Sasanian legal system for understanding many aspects of the Babylonian Talmud has never been underestimated in the past, the main obstacle to comparative studies lay in the difficulties involved in deciphering the largely enigmatic Iranian sources. Studies concerned with Zoroastrian and Sasanian law have to deal not only with the fact that very few legal sources have survived to this day, but also with countless other philosophical and contextual difficulties. Moreover, in contrast to Jewish law, Iranian jurisprudence deteriorated quickly after the fall of the Sasanian empire in the seventh century and the once sophisticated and complex legal system was reduced to those areas of law which still remained under the jurisdiction of the Zoroastrian communities of Iran and India, i.e., mainly matters dealing with marriage, family law and simple transactions within the community. Even in these areas characteristic features of the legal system as it was practised in the Sasanian age were later no longer understood correctly and many Zoroastrian institutions were adapted to the changed conditions under Muslim rule. Hence the Zoroastrian tradition is in itself problematic and usually of no reliable help in understanding the ancient and medieval Iranian legal sources.

Despite these obstacles huge steps have been taken in the past two decades to understand the material and make it available to scholars studying other legal systems of late antiquity. These investigations have shown that the Sasanian state developed not only one of the most refined and complex legal systems of the Middle East, but also one of the most influential. Remarkable parallels and correspondences that cannot be purely coincidental have been discovered between legal concepts in Sasanian and Talmudic law. Most of these similarities are to be found in the two fields of property law and court procedure, which are, interestingly, also the two areas of law in which the Talmud explicitly makes use of Iranian legal terminology. As I have discussed on different occasions,¹ these Iranian technical terms were taken from (1) the legal

language of the Sasanian courts (e.g. *muhraqē wāwarīgānē*² “valid seals”, referring to seals of state officials, or * pursišn-nāmag*³ “court transcript in a criminal case”); and (2) from Sasanian property law (such as *dastwar*⁴ “person having a title to a certain property; entitled person” or *dastgird*⁵ “estate”). These *termini technici* represent exact Iranian legal concepts which—to judge by the context in which these terms are used—were well known to Jewish authorities. Moreover, the use of these expressions shows that the rabbis were not only acquainted with those rules dealing specifically with the Jewish community, but must have had general knowledge of the law of the state to a certain degree. Given that Jews lived for several centuries in Babylonia under Parthian and Sasanian rule, we would, in fact, expect especially Iranian property law to be one of the main areas to which Mar Samuel’s famous sentence referring to the official legal system would apply: “the law of the government is law” (*dynʾ dmlkwtʾ dynʾ*).⁶ In the present paper I would like to discuss one of the ongoing controversies in the Talmud regarding the legal definition of “substance” and “fruit” in the field of property law and compare it to the Iranian concept. Since it would be impossible to tackle all the difficult questions concerning Sasanian property law within a limited period of time, I will concentrate on a few of its most important fundamental aspects, especially those which distinguish it from Roman law, which is usually our own point of reference when it comes to ancient legal systems.

No advanced legal system can do without developing its own technical terminology and determining certain basic criteria on a more or less abstract level. Even if theoretical considerations are not transmitted (as they seldom are in the available Iranian texts), the legal sources of the Sasanian period are amazingly consistent in their use of a specific juridical jargon with an exactly defined terminology. The precise use of legal language combined with the meticulous interpretation of agreements and contracts, stipulations and wills lead one to assume that Iranian jurisprudence had reached a very high level by the late Sasanian period.⁷ In the field of property law the system distinguished between certain basic categories also known in Roman law, but not always identical with them. Let us begin with the general concept of property.

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² *Erubin* 62a.
³ *Giṭṭin* 28b.
⁴ *Ārakhin* 28a and *Qiddušin* 60b.
⁵ *Giṭṭin* 40a.
⁶ E.g. *Baba Batra* 54b, 55a; *Baba Qamma* 113a; see also Neusner 1965–1970, vol. 11, p. 69, vol. 111, p. 44, with further references.
⁷ On Sasanian legal terminology see Macuch 2005a and 2005b.