CARAVAN CUSTOM IN EARLY RABBINIC SOURCES

by

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The caravan was a datum of the ancient world. Until modern times, there was literally no other means to transport goods for long distances overland except by toiling trains of donkeys or camels, driven by experienced skinners. The caravans were so normal and commonplace a feature of life that they are rarely mentioned in the Hebrew Bible; but an occasional word or two en passant reminds us that they were there, hauling the commerce of long-since fallen empires and steadily pushing along dusty highways as old as organized trade itself 1).

Although several major caravan routes traversed Palestine, and the caravan was undoubtedly well known to the ancient Jews, this type of trade has left no clear mark on the legal codes of the Bible 2). This is so even though pilgrims to Jerusalem must have, over the years, organized many a caravan to take them to the sacred precincts. Perhaps the absence of any reference to caravans and their attendant commercial law merely means that Israel and

*) For explanation of some terms and proper names used below see S. M. Passamaneeck, Traces of Rabbinical Maritime Law and Custom, Tijdschrift voor Rechts-geschiedenis 34 (1966), p. 525 note *.

1) The most celebrated biblical caravan took Joseph into Egypt, Gen. 37:25 ff.; Isaiah 21:13 mentions caravans figuratively; and here and there in the Hebrew Scriptures there are allusions to them. The Queen of Sheba arrived in caravan, I Kings 10, and caravans brought luxuries to the Solomonic Court, etc.

2) There is no mention of a caravan in a legal text of the Hebrew Bible. Ros-tovtzef, op. cit., pp. 10 f., alludes to the complex organization of ancient caravans, and to special bodies for taking care of their legal aspects. For caravan routes, cp. M. P. Charlesworth, Trade Routes and Commerce of the Roman Empire, (Cambridge 1924) p. 38. These routes undoubtedly antedate Roman influence in the Near East.
Judea were on the whole not concerned with international trade or long distance transportation, and whatever was done in those areas of enterprise was accomplished by non-Jews, according to non-Jewish codes. We shall presently consider this idea more closely.

The rise of Greek and, later on, Roman power did not apparently alter the ancient rules governing caravans, and the organization of caravan trade remained rooted in the immemorial custom of Babylonian trade associations 3). By the time of Hellenistic Greek and Roman influence in Palestine, Jewish law had passed into new phases of development, guided at first by Pharisaic jurists and later by the early rabbinic authorities. The law books compiled and edited by the rabbinic authorities during early centuries of the present era, the *Mishnah*, the *Tosefta*, and the *Gemaras* of Palestine and Babylonia, make some instructive references to laws or procedures obtaining in the caravan trade. They present some intriguing problems for the legal historian and the comparative lawyer, and these texts and problems are the subject of this brief study.

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Several authors mention the complete and intricate organization of the caravan. The need for organization, discipline, and leadership on such a venture is not hard to understand. The distances involved, the often inhospitable terrain, and the threat of armed attack prompted ancient traders to band together for mutual aid and defense 4). Caravans were complete social units

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3) Rostovtzeff, *op. cit.*, p. 9, and the same author's *Social and Economic History of the Roman Empire*, 2nd ed., (Oxford 1957), Vol. I, p. 171, the Babylonian associations are specifically mentioned; neither Roman nor Greek law deals with caravans; see also Vol. II of the first edition, p. 537, note 33, on Roman and Greek law.

4) W. S. Lindsay, *History of Merchant Shipping and Ancient Commerce*, (London 1874), p. 87. Charlesworth, *op. cit.*, p. 43, cites Roman authors who give the number of days required for various journeys. Jerusalem to Edessa, 25 days; Antioch to Babylon, 70 days; Jerusalem to Alexandria, 15—16 days, etc.