

Two great maestri influenced the work and career of Prof.ssa Daniela Piattelli: her teacher, Edoardo Volterra, for whom she worked as an Assistant at La Sapienza early in her career, and her father Elio Piattelli. The influence of the former was manifest in her continuing the agenda of Volterra's *Diritto Romano e Diritti Orientali* (for which she wrote an Introduction in the 1999 edition<sup>1</sup>). The influence of the latter was felt in many aspects of her personal identity (not excluding her family's wartime experience), and her commitment to preserving his heritage as Director of the choir of the Great Synagogue (for forty years) and as a scholar and composer of Jewish liturgical music.<sup>2</sup>

She taught at Sapienza,<sup>3</sup> Salerno,<sup>4</sup> Tor Vergata<sup>5</sup> and (part-time) Lateranense. She was a founder member of both the Fondazione della Associazione italiana per lo studio del Giudaismo,<sup>6</sup> and the Jewish Law Association, in both of whose congresses she frequently participated. She contributed both as co-editor of and co-contributor to the latter Association's textbook on Jewish law, published by Oxford University Press,<sup>7</sup> and widely used. Her contribution to this volume was to a substantial proportion of the chapter on "Jewish Law During the Second Commonwealth Period",<sup>8</sup> co-authored with the present writer. She contributed the entry on "Religionsvergehen II: Altes Testament und Judentum", to the *Theologische Realenzyklopädie*.<sup>9</sup>

She set the standard for later works in her heavily documented 1972 monographic article published in this journal, on "Ricerche intorno alle Relazioni Politiche tra Roma e l'ΕΘΝΟΣ ΤΩΝ ἸΟΥΔΑΙΩΝ dal 161 a.C. al 4 a.C.",<sup>10</sup> starting with the treaty of friendship and alliance with Judas Maccabaeus, a century before Pompey's conquest, continuing with the extensive diplomatic exchanges with the Hasmonean dynasty, and concluding the study at the death of Herod. Throughout she deployed an impressive range of Jewish and classical sources, including historical sources quoted in Greek, papyrological sources, Dead Sea Scrolls, the Books of the Maccabees in the Apocrypha, numismatic evidence, Josephus, and the Talmud, together with extensive citation and discussion of modern scholarship, not neglecting critical examination of the authenticity of sources. From the beginning, she

<sup>1</sup> "Nota", in the Napoli: Jovene, 1999 edition, pp.311-33. See also *IVRA* 55 (2004-2005), pp. 485-490, for her record of the Giornata di Studio in ricordo di Edoardo Volterra (Frascati, 21 ottobre 2005). On the sources, see her bibliography (with F. Sitzia) on "Tutela e curatela" (*diritto romano*), *Nuovissimo Digesto Italiano* 19 (1973), 912-915; "Vaticana Fragmenta", *Nuovissimo Digesto Italiano* 29 (1975), 572-574; *Diritti dell'Oriente Mediterraneo* (Turin: UTET, 1989), 3-10, reprinted from *Digesto*<sup>4</sup>. [*Discipline privatistiche. Sez. Civile* 5]. This did not inhibit her appreciation of others, with whom Volterra would not always have agreed. See her Review of Z.W. Falk, *Jewish Matrimonial Law in the Middle Ages*, *Rivista italiana per le scienze giuridiche* XIV (1970), pp. 312-314; Review of A.M. Rabello, *Giustiniano, Ebrei e Samaritani alla luce delle fonti storico-letterarie, ecclesiastiche e giuridiche, Vol. I* (Milano: Giuffrè, 1987) e *Vol. II* (Milano: Giuffrè, 1988), *IVRA* 39 (1988), pp. 183-185; "In memoriam Reuven Yaron (1924-2014)", *IVRA* 63 (2015), pp. 257-264.

<sup>2</sup> See his entry in *Il Mondo della Musica Classica* (on line) and the list in data.bnf.fr: <https://data.bnf.fr/fr/documents-by-rdt/15057235/360/page1>. Prof.ssa Piattelli only occasionally addressed issues of Jewish ritual law in her writings. One notable exception, reflecting her father's interests, was "Leviti e cantori del tempio nella composizione del "qahal" d'Israele al ritorno dall'esilio in Babilonia", *Bullettino dell'Istituto di Diritto Romano* 39 (1997), 505-515; later English version: "The Levites and Temple Singers within the qahal of Israel on the Return from the Babylonian Exile", in Menahem Mor et al., eds., *For Uriel: Studies in the History of Israel in Antiquity, Presented to Professor Uriel Rappaport* (Jerusalem: Zalman Shazar Center for Jewish History, 2005), pp.91-104. On legal aspects of other cultic issues, see "Riflessi giuridici sulla celebrazione delle feste d'Israele: Sukkot e La Lettura della legge", *Apollinaris* LIX/3-4 (1986), pp. 701-719; "L'offesa alla divinità negli ordinamenti giuridici del mondo antico", in *Memorie Accademia Nazionale dei Lincei* [Cl. Scienze morali, storiche e filologiche] ser. VIII, 21, 5 (1977), pp. 401-448; " 'Offese al culto' nel pensiero giuridico del mondo ebraico", in J.-F. Gerkens et al., eds., *Mélanges Fritz Sturm offerts par ses collègues et ses amis à l'occasion de son soixante-dixième anniversaire* (Liège: Editions juridiques de l'Université de Liège, 1999), pp. 833-851.

<sup>3</sup> Assistente Ordinaria, 1972-1997.

<sup>4</sup> Professor of the Laws of the Ancient Mediterranean East, University of Salerno, 1997-2003.

<sup>5</sup> Professor of Roman Law and Ancient Laws, University of Tor Vergata, 2003-2011.

<sup>6</sup> See her report in *IVRA* 30 (1979), p. 208.

<sup>7</sup> N. Hecht, B.S. Jackson, D. Piattelli, S.M. Passamaneck and A.M. Labello, eds., *An Introduction to the History and Sources of Jewish Law* (Oxford: The Clarendon Press, 1996).

<sup>8</sup> At pp. 19-56.

<sup>9</sup> Berlin: W. de Gruyter, 1998, vol. 29, pp. 51-54.

<sup>10</sup> *Bullettino dell'Istituto di Diritto Romano* LXXIV (1972), pp. 219-347 (Terza Serie, XIII).

argued, Roman activity was directed (here as elsewhere) exclusively to complete and final annexation. At first, the *declared* aim of Rome was to support Jewish efforts to regain religious freedom which had been seriously compromised by the Seleucids, while the *real* aim was to foment rebellion against the Seleucids. Once Judaea had achieved independence (under Roman auspices), Rome sought to weaken it by playing on internal Jewish struggles. The treaty with Judas Maccabaeus was used as the legal foundation for the intervention of Pompey when the latter was invited by Aristobulus II and his brother Hyrcanus to act as arbiter between them in the struggle for the throne, prompting the arrival of a Jewish embassy seeking to reject any form of monarchy. In a subsequent decree of Caesar, she argued, the privilege of living *kata tous patrious nomous* did not go further than matters closely related to worship, and should not be understood in the same sense as *suis legibus uti*. And when we reach Herod, for Rome (and despite the terminology of Josephus), he “was no more nor less than a subject king.” Fortunately, this important work has not been confined to an Italian-reading audience: a shortened, but still heavily documented, English version was published in the *Israel Law Review*,<sup>11</sup> and has attracted some significant attention.<sup>12</sup>

This was not her first foray into the complicated areas of jurisdiction and interaction of laws.<sup>13</sup> Already in 1968 she published an article on “Intorno al problema dell’organizzazione giuridica e del diritto applicabile dalle comunità ebraiche viventi in Egitto nel periodo ellenistico-romano”.<sup>14</sup> The first of her three important published books, *Concezioni Giuridiche e Metodi Costruttivi dei Giuristi Orientali* (Milano: Giuffrè, 1981, pp.194),<sup>15</sup> pursued further questions of autonomy in the post-exilic period, with sections on the books of Ezra and Nehemiah, Esther, Judith and Daniel. She also addressed the state of knowledge of subject populations, including two chapters on the talmudic principle *dina demalkhuta dina* (“The Law of the State is Law”) arguing for its inapplicability to Jewish sovereign powers, which could not violate the religious principle that the land belonged to God: the theological legitimation of the power of those very sovereigns was limited by the conception of God as the direct source of the law. The book concludes with a chapter on rabbinic interpretation in this context, against the background of papyrological evidence (including that of the Dead Sea Scrolls) of practice in the areas of the marriage contract<sup>16</sup> and the guarantee of debts. Later work returned to the documentary sources evidencing Jewish life under the Romans, from both literary sources and the evidence of recently discovered documents from the Cave of Letters,<sup>17</sup> notably the Babatha archive, which bears directly on the application of Roman law in the provinces,<sup>18</sup> as well as other papyri<sup>19</sup> and inscriptions.<sup>20</sup> Particularly notable is her discussion of the likely relationship between the divorce

<sup>11</sup> “An Enquiry into the Political Relations between Rome and Judea from 161 to 4 B.C.E.”, *Israel Law Review* 14 (1979), 195-236. Now available on-line.

<sup>12</sup> It is cited, *inter alia*, by Erich S. Gruen, *Jews amidst Greeks and Romans* (Cambridge and London: Harvard University Press, 2002).

<sup>13</sup> Including, of course, the *Collatio Legum Mosaicarum et Romanarum*. See, e.g., her Review of F. Lucrezi, *La violenza sessuale in diritto ebraico e romano. Studi sulla “Collatio” II* (Torino: Giappichelli, 2004), in *IVRA* 55 (2004-2005), pp. 264-270. See also “Greece and Rome in Eretz-Israel”, *IVRA* 36 (1986), pp. 209-210.

<sup>14</sup> *Rivista italiana per le scienze giuridiche* XII (1968), pp. 309-326.

<sup>15</sup> See reviews by F. Parente in *IVRA* 32 (1981), pp. 277-280; F. Sturm in *Revue historique de droit français et étranger* (1981), pp. 61-65; E. Klingenberg in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 104 (1987), pp. 689-697.

<sup>16</sup> Taken up again in “The Marriage Contract and Bill of Divorce in Ancient Hebrew Law”, *The Jewish Law Annual* 4 (1981), pp. 66-78; “L’origine della ketubbah. Mohar e Ketubbah nel pensiero rabbinico”, *Materia giudaica. Rivista dell’associazione italiana per lo studio del giudaismo* 6 (2000), pp. 6-12. And see further n.30, *infra*.

<sup>17</sup> “Nuovi documenti provenienti dalla grotta delle lettere”, *Bullettino dell’Istituto di Diritto Romano* LXXV (1972), pp. 337-347 (Terza Serie XIV); “Public and Private Archives of the Jewish Communities Living Under Roman Administration”, in Y. Sinai, ed., *Jewish Law Association Studies XXIV, The Netanya Conference Volume* (Liverpool: The Jewish Law Association, 2013), pp. 198-205.

<sup>18</sup> B.S. Jackson and D. Piattelli, “A recent study on the Babatha and Salome Archives”, *Review of Rabbinic Judaism* 13 (2010), 88-125. See especially her sections of this article: “The study of Roman law in the Provinces” (at 94-100); “Roman Provincial Magistrates and the Concept of *Fides*” (105-108); “Guardianship” (108-120) including “Roman Juristic Sources Relevant to Tutela in the Provinces” (113-14).

<sup>19</sup> “Alcuni osservazioni su C.P.J. 144”, *IURA* 18 (1967), pp.121-124 (on divorce).

<sup>20</sup> “Theodotos, apeleutheros dell’Imperatrice Agrippina nell’iscrizione di Gerico”, *Apollinaris* 60/3-4 (1987), pp. 657-666.

document (*get*) and the document of enfranchisement of a slave (*get shihrur*), the latter in relation to the Roman *manumissio in ecclesia*.<sup>21</sup>

Her second book, *Tradizioni Giuridiche d'Israele. All'origine dello 'statuto' del proselita* (Torino: Giappichelli, 1990, pp.211) pursues further the methodological issues of *Concezioni Giuridiche*, here with particular reference to the rabbinic doctrine of the “oral law” (the claim that God revealed to Moses on Mount Sinai not only the written Torah, i.e. the text of the Pentateuch, but also the essential rabbinic interpretation of its laws), and posed the question of the relationship of documentary (mainly papyrological) sources to this “oral law” and the wider implications of the issue for the relations between Roman law and oriental laws. A chapter on Old Testament issues addresses the general question of the formation of the biblical canon as well as particular legal topics: especially slavery and the concept of citizenship. A second chapter pursues the issues of written and oral torah in the light of the Qumran sources, again using slavery as a prime example. A third chapter discusses the relationship between Qumran and early rabbinic sources<sup>22</sup> and an appendix discusses penal responsibility in the Temple Scroll. The general issues discussed in this book remain topics of intense scholarly debate.

Her third book, *Libertà individuali e sistemi giuridici. Profili storico-giuridici (Mondo antico ed Israele). Concezioni Giuridiche* (Torino: Giappichelli, 1997, pp.259) discusses the status of the individual in relation to the state, commencing with a chapter reviewing the modern international human rights legislation from the Charter of the United Nations in 1945 up to 1994 (including the 1963 decision of the Court of Justice of the European Community). A substantial chapter (pp.39-149) examines the status of the individual in the “theocratic community” of Israel, in the light of both extra-biblical (pp.39-55) and biblical (56-149) sources, taking account of the theological understandings of both tribalism and monarchy. Particular attention is paid to the role of the Elders.<sup>23</sup> Nor did she withhold attention from comparable problems which now arise in the modern State of Israel.<sup>24</sup>

In her many articles, she addressed general issues of statehood,<sup>25</sup> including law and religion issues (not excluding those of Christianity) in both ancient<sup>26</sup> and modern times,<sup>27</sup> extending to the theological assumptions underlying them<sup>28</sup> and to general issues of justice.<sup>29</sup> She took a particular interest in areas of family law, notably

<sup>21</sup> “Get and Get Shihrur”, in B.S. Jackson, ed., *Jewish Law Association Studies* vol. I., *The Touro Conference Volume* (Atlanta: Scholars Press, 1985), pp. 93-99, and later: “Lo status dello schiavo liberato in Israele”, in: *Atti del convegno tenuto a Idice, nel novembre 1982* (Roma: Carucci, 1984), pp. 1-10 (Associazione italiana per lo studio del giudaismo. Testi e Studi); “Effetti giuridici dell'affrancazione degli schiavi alla luce dei documenti aramaici di Elefantina”, in *Atti del XVII Congresso Internazionale di Papirologia – Napoli 19-26 maggio 1983* (Napoli: Centro internazionale per lo studio dei papiri ercolanesi, 1984), vol. I, pp.1232-1244; “The Enfranchisement Document on Behalf of the Fugitive Slave”, in A.M. Fuss, ed., *Jewish Law Association Studies III, The Oxford Conference Volume (1984)* (Atlanta: Scholars Press, 1987), pp. 59-85, esp. 79-85; Review of G. De Bonfils, *Gli schiavi degli Ebrei nella legislazione del IV secolo. Storia di un divieto* (Bari: Cacucci, 1992), *IVRA* 43 (1992), pp. 162-165.

See also E.E. Urbach, “The Laws Regarding Slavery as a Source for Social History in the Period of the Second Temple, the Mishnah and the Talmud”, in *Papers of the Institute of Jewish Studies London* 1 (1964), 1-94 at 57-62, cited as an example of foreign influence in B.S. Jackson, “History, Dogmatics and Halakhah”, in B.S. Jackson, ed., *Jewish Law in Legal History and the Modern World* (Leiden: E.J. Brill, 1980), 1-26 (The Jewish Law Annual, Supplementary Series, 2), at 7-8.

<sup>22</sup> And see later her “Interpretatio iuris e Dottori della Legge nel pensiero giudaico ebraico”, *Koinonia* 34 (2010), pp. 81-96.

<sup>23</sup> Pp. 87-94. And see later her “Gli anziani nel pensiero giuridico d'Israele”, *Civitas et Iustitia* III/1 (2005), pp.7-16 (Lateran University Press).

<sup>24</sup> “I problemi del diritto privato israeliano”, *Rivista italiana per le scienze giuridiche* XII (1968), pp. 393-401; “La famiglia nella società e nella prassi giuridica dello Stato d'Israele”, in *La famiglia e i suoi diritti nella comunità civile e religiosa. Atti del VI Colloquio Giuridico (24-26 aprile 1986)*, ed. T. Bertone and A. Severgnini (Roma: Libreria Editrice Vaticana and Libreria Editrice Lateranense, 1987), pp. 171-177.

<sup>25</sup> “In margine alle considerazioni del Diamant sull'evoluzione dell'antico stato ebraico”, *INDEX* 19 (1991), pp. 451-453.

<sup>26</sup> “Il politeuma dei Giudei e il politeuma dei Cristiani: differenze nel valore delle accezioni identificative e identità di problematiche”, in F. Milazzo, ed., *Città territorio e diritto privato nei primi due secoli dell'Impero. Atti del Convegno internazionale di diritto romano (Copanello, 5-8 giugno 2002)* (Soveria Mannelli: Rubbettino, 2010), pp. 107-122.

<sup>27</sup> “Three Decisions of the Constitutional Court Concerning Relations with non-Catholic Churches and Religious Denominations in Italy”, *The Jewish Law Annual* 2 (1979), pp. 222-230.

<sup>28</sup> “Il vincolo verso il divino, fondamento della teocrazia d'Israele. Antiche radici e nuove prospettive”, in *Iuris Vincula. Studi in onore di Mario Talamanca* (Napoli: Jovene, 2001), vol. VI, pp. 331-346; “La ‘santità’ nella Bibbia: un

marriage and divorce<sup>30</sup> and the status of women,<sup>31</sup> as well as succession<sup>32</sup> and guardianship.<sup>33</sup> Her interests extended to the New Testament<sup>34</sup> and interfaith issues.<sup>35</sup> Indeed, she sensed the connections between the legal bases of Roman-Jewish relations in the ancient world and those between the Italian state and the Jewish community in modern times.<sup>36</sup>

In conclusion, a posthumous publication: her review of Francesco Lucrezi, *613. Appunti di diritto ebraico I* (Torino: Giappichelli, 2015) in *IURA and Legal Systems* 6 (July 2019/2).

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- problema terminologico”, *Studia et Documenta Historiae et Iuris* 69 (2003), pp. 603-609; “Alleanza e ‘libero arbitrio’”, in I. Piro, ed., *Scritti per Alessandro Corbino* (Lecce: Libellula Edizioni, 2016), vol. 5, pp. 559-576.
- 29 “Lex et iustitia nelle fonti giuridiche del pensiero ebraico”, in “‘Lex et iustitia’ nell’utrumque ius: radici antiche e prospettive attuali”, in A. Ciani and G. Diurni, eds., *Atti del VII Colloquio Internazionale Romanistico-Canonistico (12-14 maggio 1988), in occasione del cinquantenario della istituzione della nuova sede della Pontificia Università Lateranense* (Roma: Libreria Editrice Vaticana-Libreria Editrice Lateranense, 1989), pp. 243-254; “Zedecà: Ricerca della Giustizia ed il principio del taglione nell’antico Israele”, *Apollinaris* LXVII/1-2 (1994), pp. 395-409; English version in “Zedaqà: Pursuit of Justice and the Instrument of ‘Ius Talionis’”, *Israel Law Review* 29 (1995), pp. 65-78; “Zadekà e pace nel pensiero di Israele”, *Rivista dell’Associazione Incontri* anno V, n. 9 (2013), pp. 13-18.
- 30 “Le garanzie delle obbligazioni nelle fonti ebraiche. Osservazioni in margine al problema dell’origine della Ketubah”, in *Mélanges à la Mémoire del Marcel-Henry Prévost. Droit biblique, interpretation rabbinique, communautés et société* (Paris: Press Universitaires de France, 1982; Publication de l’Université del Lille II, Droit et Santé), pp. 105-122; “Le istituzioni familiari: matrimonio e divorzio nelle fonti giudaiche”, *Rivista dell’Associazione Incontri*, anno VIII n. 16 (2016), pp. 59-64.
- 31 “La Condizione Giuridica della Donna in Israele, Ieri ed Oggi”, *Apollinaris* LXIV/3-4 (1991), pp. 771-798; “Donna et Torah”, in J. Garcia-Sanchez and P. De La Rosa Diaz, eds., *Estudios Juridicos in memoriam del professor Alfredo Colonge* (Salamanca: Caja Duero for Asociación Iberoamericana de Derecho Romano, 2002), pp. 813-821; “Donna e Torah: Il Ruolo della Donna in Israele”, in Angela Ales Bello and Anna Maria Pezzella, eds., *Il Femminile tra Oriente e Occidente* (Roma: Città Nuova, 2005), pp.77-88; “Il ruolo delle donne in Israele”, in M. Del Tufo and F. Lucrezi, eds., *Lo spazio della donna nel mondo antico* (Napoli: Editoriale Scientifica 2019), pp. 43-50.
- 32 Le figlie di Zelophehad, in *IURA and Legal Systems* 2 (2015), 48-50 (available on-line, open access), reprinted in M. Del Tufo and F. Lucrezi, eds., *Vita/Morte. Le origini della civilizzazione antica. Atti del Convegno del Centro Studi sui Fondamenti del diritto antico del 21 ottobre 2014* (Napoli: Editoriale Scientifica, 2016), pp. 227-231.
- 33 “Tutela della persona umana e libertà religiosa in Israele”, in F. Biffi, ed., *I diritti fondamentali della persona umana e la libertà religiosa. Atti del V. Colloquio Giuridico 8-10 marzo 1984* (Roma: Libreria Editrice Vaticana and Libreria Editrice Lateranense, 1985), pp. 175-183.
- 34 Review of J.D.M. Derrett, *Law in the New Testament* (London: Darton, Longman and Todd, 1970), *IVRA* 23 (1972), 137-142; “Lo portarono da Caifa, sommo sacerdote (Matteo 24, 57): la giurisdizione nel Sinedrio”, in F. Amarelli and F. Lucrezi, eds., *Il processo contro Gesù. “Quaestiones. Momenti di vita processuale romana 2”* (Napoli: Jovene, 1999), pp. 65-85; Spanish translation as “Lo llevaron ante Caifás, Summo Sacerdote (Matth. 24.57). La jurisdiction del Sanedrín”, in A. e F. Fernández de Buján, eds., *El proceso contra Jesús* (Madrid: Editorial Dykinson, 2002), 57-72.
- 35 “‘Spr hhtwm’ e ‘spr hglwy’ di Ger., XXXII, 7, 14 nell’interpretazione dei padri della chiesa”, *Rivista italiana per le scienze giuridiche* XI (1963-67), pp. 381-386; “‘Missione’ e ‘Proselitismo’: effetti dell’insurrezione maccabaica nel pensiero di Qumran e nella letteratura rabbinica”, *Apollinaris* LXII/1-2 (1989), pp. 355-374; “Rilevanza giuridica delle traduzioni del Pentateuco. La ‘Legge di Mosè’ statuto personale delle comunità giudaiche in Israele e nella Diaspora. L’atteggiamento delle comunità cristiane verso a ‘Legge di Mosè’”, *Studia et Documenta Historiae et Iuris* 61 (1995), pp. 785-793. She also edited *Globalizzazione ed Ecumene* (Napoli: Edizioni Scientifiche Italiane, 2002), which included her own “L’individuo nella prospettiva del giudaismo: antiche radici e nuove prospettive”, pp. 329-340.
- 36 Premessa storico – giuridica”, *Rassegna Mensile di Israel* LI (1985), 319-333.
- \* Professor Emeritus, University of Manchester. My thanks to Cristina Simonetti for her bibliographical assistance. A chronological bibliography has been published in *IURA and Legal Systems* VI.2019/1, and may be downloaded from [http://www.unisa.it/uploads/14686/note\\_2019-2\\_jackson\\_e\\_simonetti.pdf](http://www.unisa.it/uploads/14686/note_2019-2_jackson_e_simonetti.pdf); an Italian version of this Obituary will appear in the next issue of *IURA and Legal Systems*.

