Itzhak Brand "issura" and "mamona": Outlines and Boundary Cases

The distinction between "issura" and "mamona" is one of the most prominent sorting methods in halakhah, and it has implications both for halakhic practice and for a basic perception of halakhah as a religious legal system. In this article we will focus on two main halakhic phenomena which have a mixture of areas between the forbidden norms and the monetary norms. The mixture blurs the boundaries between the domains, and therefore it is important to determine the identity of the phenomena and their affiliation to one of the halakhic domains. The attempt to sort the phenomena and set definitions and boundaries for them was done in geonic literature and in the rabbinic literature that followed. In this context, two main approaches to halakhic classification can be distinguished, one practical and the other theoretical. In this article, we will link the two approaches to the geonim and to the tosafists, respectively. After presenting the two approaches, we examine some factors which may be the background to the differences between them.