



## [Jerusalem Talmud, Gittin 5:6, 47b](#)

The laws of *siqriqon*

**Date:** 360 CE to 400 CE

**Place:** Syria Palaestina

**Language:** Hebrew

**Category:** Jewish

**Literary genre:** Talmud

**Title of work:** Jerusalem Talmud

**Reference:**

Gittin5:6, 47b

**Source(s) that the text is built upon (explicitly – quotations, references – or implicitly):**

Mishnah Gittin 5:6

**Commentary:**

This passage from the Jerusalem Talmud discusses [Mishnah Gittin 5:6](#), a source that presents the law of *siqriqon*. The term *siqriqon* (,???????? also spelled *siqariqon*) refers to property that was confiscated by the Romans, and also to laws dealing with lands owned by Jews that were confiscated by Rome and were later given or sold to other Jews. The holder of such land is also called *siqriqon* (no matter whether he is the confiscator or the one who bought or received the field from the confiscator). The context of these laws is activity against Rome, since as Shahaar showed, they were not applied to Roman confiscation of lands for economic reasons, such as failing to pay taxes. Traditionally, scholars have linked the origin of these laws to the time after the destruction of the Temple (after 70 CE). In more recent research, however, the origin of the *siqriqon* laws has been dated to the period after the Bar Kokhba revolt, during which a large-scale confiscation of lands took place in Judea (Safrai, "Sikarikon," p. 63). Yet, it is also possible that this law reflects the reality of an earlier period (before 66 CE) that was characterized by Jewish resistance against Rome.

The Jerusalem Talmud discusses mishnah Gittin 5:6 that describes the law as follows:

"[In the case of one who wanted to buy a field held by a *siqriqon*, if] he bought [it] from the *siqriqon* and then bought [that same field] again from the landowner – his purchase is void. [If he bought it] from the landowner and then bought [the same field] again from the *siqriqon* – his purchase is valid. ... This is the first mishnah." The Talmud provides historical explanation to the fact that this law "was not applied in Judea in [the case of men] who were slain in the war" (Mishnah Gittin 5:6).

The Talmud explicitly situates this ruling (about Judea) in the context of the Bar Kokhba revolt and the religious persecutions – known as *shemad* in rabbinic texts – that marked its aftermath (ca. 132-138 CE). According to this text, large scale confiscations of fields took place in Judea at that time. The Talmud ascribes these persecutions, including the confiscation of lands, to a long-standing Roman tradition that "Judah killed Esau." In rabbinic texts, Esau represents Rome (and, eventually, Christian Rome). The Talmud then offers justification for this statement with a biblical quotation from Jacob's final words to Judah: "[Judah, your brothers shall praise you;] your hand shall be on the neck of your enemies..." [Genesis 49:8, NRSV]. It is likely, however, that "Judah killed Esau" refers to these biblical figures (not Jews and Romans), since a tannaitic midrash, Sifre Deuteronomy 348 (Finkelstein edition, p. 406), also records a tradition that the biblical Judah killed Esau. It is noteworthy that this talmudic passage does not comment on any real Jewish actions against Rome; furthermore, it ignores the Bar Kokhba revolt as a reason for these persecutions and confiscations. Even though the war is mentioned immediately after, Jewish activity is not spoken of as the reason for these confiscations.

After explaining this Roman attitude against Jews, the Talmud describes the confiscations: "And they subjugated them, took their fields and sold them to others." In the wake of the Bar Kokhba revolt, the *siqriqon*, here in the form of a Roman official (as an individual or as a body), seizes fields owned by Jews and sells them to other Jews or



gentiles. It is not clear from the text what the original owners did in response; however, according to the Talmud, as a result “the land became irredeemable in the hand of a *siqriqon*.” Jews refrained from buying confiscated property, probably because they were required to pay 200% of the purchase price in a transaction which entailed securing agreement from the original owners. Moreover, as Yuval Shahar comments (in private correspondence), because many Jewish landowners in Judea were killed (unlike in the Galilee), it was impossible to obtain the original documents normally required for such transactions. The Talmud therefore explains that the decision that “the [law of] *siqriqon* should not be applied in Judea” refers to landowners who were slain before the war (the Mishnah clarifies that the law was not applied in Judea in the case of men who were slain during the war). Thus, according to the Talmud, the law of *siqriqon* does not apply to those who were slain before and during the war, but only to those who were slain after the war.

In Section B, the Talmud asks why men who were slain before the war (to whom the law of *siqriqon* is not applied) are placed in a separate category from men who were slain after the war (to whom the law is applied, if one follows the more logical reading), particularly because they are both cases when no war is taking place. The Talmud explains this differentiation by describing the situation in Judea prior to the war: “They (the owners) did not have enough time to write [their personal information in the blank spaces of] the sale document (*toref*) before a *siqriqon* came into the entire world.” Thus, since the status of men who were slain before and during the war cannot be meaningfully differentiated, the law is not applied to either group. However, from the end of the war onward, major confiscations no longer took place, so the law could be applied without complication.

The subsequent passages in the Jerusalem Talmud (which are not quoted here) indicate:

1) The law of *siqriqon* was always applied in the Galilee. This statement also occurs in Tosefta Gittin 3:10-11, but not in Mishnah Gittin 5:6. The distinction between these two regions is probably based on the historical context of this exemption for Judea following the Bar Kokhba revolt, which took place there. Given its distance from that revolt, the Galilee did not experience large scale confiscations (Safrai, “Sikarikon,” p. 63).

2) The law of *siqriqon* does not pertain to confiscations that resulted from economic decisions (such as failure to pay taxes), but only applies to cases when lands were seized in response to anti-Roman political activity.

Keywords in the original language:

- [?????](#)
- [?????????](#)
- [???](#)
- [???](#)

Thematic keywords in English:

- [Bar Kokhba Revolt](#)
- [confiscation](#)
- [Esau](#)
- [Galilee](#)
- [Judea](#)
- [land ownership](#)
- [persecution](#)
- [Roman authorities](#)
- [Roman rule](#)
- [siqriqon](#)

**Bibliographical references:** Safrai, Shmuel , “Sikarikon”, Zion 17 (1952) : 56-64

Lieberman, Saul , [Tosefta Ki-Feshutah: A Comprehensive Commentary on the Tosefta](#) (New York: Jewish Theological Seminary of America, 1955)

Shahar, Yuval , ["Why a Quarter? The Siqriqon Ruling and Roman Law"](#), in *Judaea-Palaestina, Babylon and Rome: Jews in Antiquity* (ed. Benjamin Isaac, Yuval Shahar ; Tübingen: Mohr Siebeck, 2012), 191-203

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## [Tosefta Gittin3:10-11](#)

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## [Tosefta Terumot 1:6](#)

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**Acknowledgements:** Yuval Shahaar

**Realized by:**

[Yael Wilfand](#)



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