The laws of *siqriqon*

**Date:** 3d CE  
**Place:** Syria Palaestina  
**Language:** Hebrew  

**Category:** Jewish  

**Literary genre:** Legal text  

**Title of work:** Tosefta  

**Reference:**  
Gittin3:10-11  

**Commentary:**  
This text presents several stages in the development of the law of *siqriqon* (also spelled *siqariqon*). Though the exact origin of the word *siqriqon* (also spelled *siqariqon*) is unclear (see suggestions in Lieberman, *Tosefta Ki-Feshutah*, vol. 8, p. 841; Safrai, “Sikarikon,” p. 60-61). In rabbinic texts, the term *siqriqon* can refer to property that was confiscated by the Romans or to laws regarding lands that had originally been owned by Jews, were confiscated by Rome, and later given or sold to other Jews. The holder of such land is also called a *siqriqon* (irrespective of whether he confiscated the land himself or whether he purchased or received it from the confiscator). These laws were implemented in response to “anti-Roman political activities” (Shahar, “Why a Quarter?,” p. 195) since, as Yuval Shahar has shown, they were not applied to Roman confiscations of land in the context of economic misconduct, such as failure to pay taxes. Scholars have long associated the inception of these laws with the years immediately after the destruction of the Temple (70 CE). More recent research, however, suggests that the *siqriqon* laws may have originated during the period following the Bar Kokhba revolt, when large-scale land confiscations took place in Judea (Safrai, “Sikarikon,” p. 63). It is also feasible that this law reflects an earlier time (prior to 66 CE), which was characterized by Jewish resistance to Rome.

In Section A, the tosefta states: “The [law of] *siqriqon* is not applied in the land of Judea for the sake of settlement of the province.” The mention of settling the country, or “the sake of settling the province” indicates that the application of this law (described in Section B) would negatively affect Jews’ ability to buy land and, thereby, to preserve their position in that region. This reasoning is not included in a parallel to this tosefta in the Mishnah (Gittin5:6), though it may have provided its foundation. While the Mishnah differentiates between the “men who were slain in the war,” to whom the law is not applied (in Judea) and those who were slain after the war, the Tosefta adds the men who were slain before the war to those who were slain during the war. Both compositions rule: “...[regarding those who were] slain after (lit: from) the war and onward the [law of] *siqriqon* is applied.” The Tosefta adds that: “In the Galilee, the [law of] *siqriqon* is always applied.” This statement also appears in Jerusalem Talmud, Gittin5:6, 47b, but not in Mishnah Gittin5:6. The differentiation between Judea and the Galilee is probably related to the historical context: this exemption for Judea was likely instituted in the wake of the Bar Kokhba revolt, which was centered in that region and thus witnessed significant land confiscations; given its distance from that political uprising, the Galilee did not endure large-scale confiscations, (Safrai, “Sikarikon,” p. 63).

Section B presents the first stage of this law, which states that a Jew who is interested in buying land held by a *siqriqon* is also required to pay that same purchase price to the original owner. According to this law, a Jewish buyer would pay a double rate for the property (full price to the *siqriqon* and to the original owner, respectively), a requirement that would inhibit Jews’ ability to acquire fields that had been confiscated. In this parallel section, the Mishnah and the Tosefta present different approaches (emphasis added):

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[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.

Saul Lieberman (*Tosefta Ki-Feshutah*, vol. 8, p. 842) claims that the Tosefta disagrees with the Mishnah. He reads the Tosefta to rule that, if one buys land from the original owner first, it is not valid since that property is not in his possession; therefore, the buyer could lose his money if he pays the original owner before approaching the *siqriqon*, who may refuse his offer. However, if the buyer had already purchased the field from the *siqriqon*, he can then conduct a subsequent transaction with the original owner. Thus, whereas the Tosefta seeks to protect the buyer, the Mishnah defends the interests of the original owner. Other scholars contend that these texts were initially identical but the version in the Tosefta that has reached us has been altered erroneously (Safrai, “Sikarikon,” p. 58-59; Shahar, “Why a Quarter?” p. 192, note 4).

Section C describes the next phase in the development of this law, where the original owner is the first person to have the right to buy back his field. If he lacks the assets for this purchase, another Jew who buys this property from the *siqriqon* is required to give one-quarter of its value to the original owner. As a result, the purchase price would effectively be 125% of the land's value: 100% to the *siqriqon* and an additional 25% to the original owner. To this point, the material in this section is identical to Mishnah Gittin5:6; however, this tosefta then details that the quarter given to the original owner may be paid either with land or in coin. It is then specified: “And the owners have the upper hand.” According to the Babylonian Talmud (Gittin58b), “the upper hand” is the ability to choose the means of payment. According to Safrai (“Sikarikon,” p. 60), this modification indicates acknowledgement of the legal validity of the *siqriqon*'s economic activity (about this stage, see also Yuval Shahar, “Why a Quarter?”).

In Section D, the final stage of this law is associated with Rabbi Yehudah the Patriarch (who lived from the late second century to the early third century). According to the Tosefta, at that stage, if the field was in the *siqriqon*'s possession for twelve months during which the original owner had not purchased it (probably referring to the twelve-month period since the land had been placed on the market), the first interested party may buy the field, provided that he pays the original owner one-quarter of its value. In this phase, the statute of limitations for securing the original owner's consent before the sale of confiscated property was limited to one year. That is to say, the original owner has one year to exercise first right of refusal on purchasing his field. According to Safrai (“Sikarikon,” p. 60), the words “If [the owners] have [the means] to buy [the land back], they precede any [other interested] person” have no meaning here and they were mistakenly attached from the previous section.

The next passage of the Tosefta, which is not quoted here, indicates that the laws of the *siqriqon* do not apply to properties that were confiscated by Roman authorities for economic reasons (such as failure to pay taxes). These rulings only refer to land that was seized because of anti-Roman political activity.

According to Shmuel Safrai, “The historical process of the rule of *siqriqon* put the seal on the tendency to recognize this act (the confiscation) of the Roman authorities... It goes hand in hand with the history of the general attitude of the Jews towards Roman Rule, on the one hand, and the improved and normalized relationship between the imperial authorities and the Jewish communities in *Eretz Israel* at the end of the second century, on the other” (Safrai, “Sikarikon,” p. 64, translation by Shahar, “Why a Quarter?,” p. 192-193).

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- ????
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- Bar Kokhba Revolt
confiscation
Galilee
Judea
land ownership
Rabbi Yehuda the patriarch
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)

Other sources connected with this document:
- Text

Mishnah Gittin 5:6

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Text

Mishnah Bikkurim 1:2

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Text

Tosefta Terumot 1:6

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Text

Jerusalem Talmud, Gittin 5:6, 47b

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- Read more about Jerusalem Talmud, Gittin 5:6, 47b