



## [Mishnah Gittin 5:6](#)

The laws of *siqriqon*

**Date:** 200 CE to 220 CE

**Place:** Syria Palaestina

**Language:** Hebrew

**Category:** Jewish

**Literary genre:** Legal text

**Title of work:** Mishnah

**Reference:**

Gittin 5:6

### **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 Mishnah states: "The [law of] *siqriqon* was not applied in Judea in [the case of men] who were slain in the war," meaning that land owned by Jews who were slain in the war against Rome could be purchased by Jews even if it had been confiscated and was later sold by the Romans. In a parallel to this mishnah, [Tosefta Gittin3:10](#) explains that this decision represented an effort to secure Jewish settlement in the Land of Israel by enabling Jews to buy back confiscated fields (see also the [Jerusalem Talmud, Gittin5:6, 47b](#)).

Section B presents the first stage of this law, which aims to protect the original landowner, whose field was confiscated. Here the Mishnah considers the *siqriqon* an illegitimate owner of the land. If a Jew wants to buy that land from the *siqriqon*, he is also required to pay its full price to the original owner, probably to assure that he is participating in this transaction by his own free will rather than from being forced to sell. Thus, if the buyer only approaches that original owner after an initial purchase, that transaction is not valid. According to this law, Jewish buyers would be required to pay a double rate for this type of property (full price to the *siqriqon* and to the original owner, respectively), a requirement that would inhibit their ability to acquire fields that had been confiscated.

Section C describes the next phase in the development of this law, which reserves first right of refusal (the option to purchase confiscated land) for its original owners. If they lack the necessary resources, a Jew who buys that parcel of land from the *siqriqon* is required to pay one-quarter of the field's value to its original owner. As a result, the purchase price would effectively be 125% of the property value: 100% to the *siqriqon* and an additional 25% to the original owner. 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 in the late second century to the early third century). According to the Mishnah, at that stage, if the field were 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 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).

Keywords in the original language:

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

Thematic keywords in English:

- [Bar Kokhba Revolt](#)
- [confiscation](#)
- [Judea](#)
- [land ownership](#)
- [Rabbi Yehuda the patriarch](#)
- [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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## [Jerusalem Talmud, Gittin 5:6, 47b](#)

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