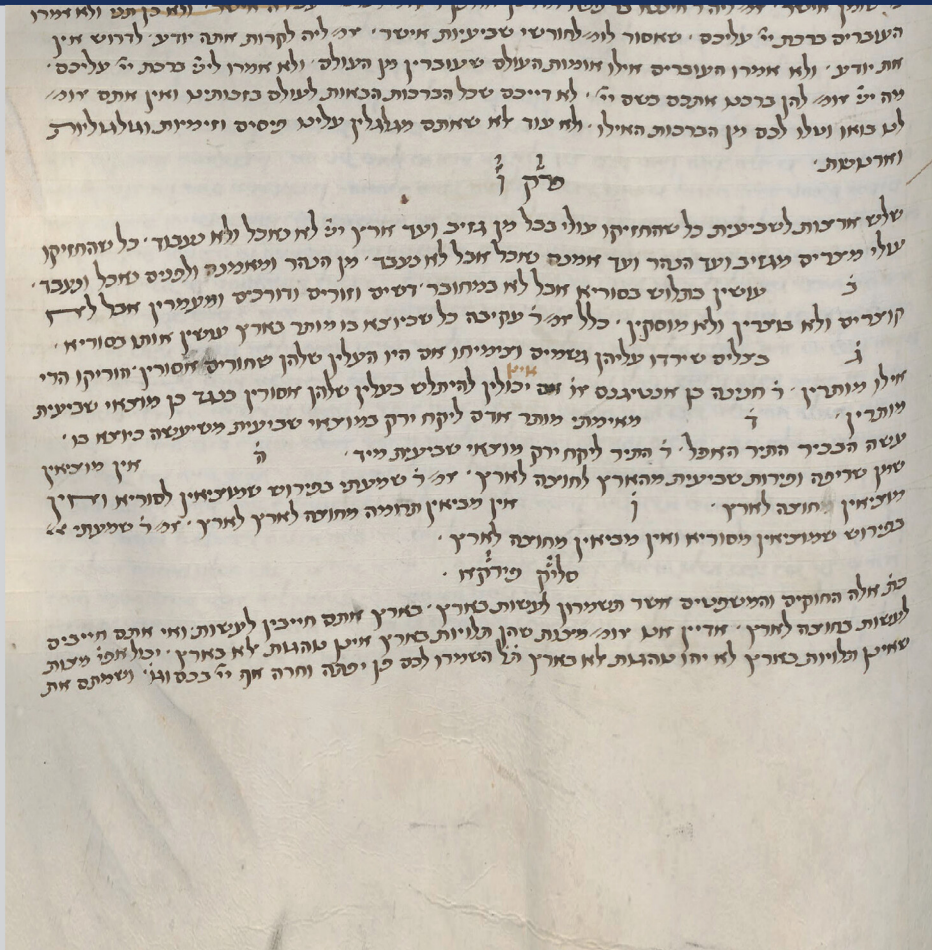


Reconfiguring the Land of Israel

A Rabbinic Project



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Reconfiguring the Land of Israel

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Reconfiguring the Land of Israel

A Rabbinic Project

By

Constanza Cordoni



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Dedicated to Günter Stemberger



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Vienna, 7th December 2023

Abbreviations of Ancient Sources

Hebrew Bible

Gen	Genesis
Exod	Exodus
Lev	Leviticus
Num	Numbers
Deut	Deuteronomy
Josh	Joshua
Judg	Judges
1 Sam	1 Samuel
2 Sam	2 Samuel
1 Kgs	1 Kings
2 Kgs	2 Kings
Isa	Isaiah
Jer	Jeremiah
Ezek	Ezekiel
Hos	Hosea
Joel	Joel
Obad	Obadiah
Mic	Micah
Hab	Habakkuk
Zeph	Zephaniah
Zech	Zechariah
Mal	Malachi
Ps	Psalms
Prov	Proverbs
Job	Job
Song	Song of Songs
Lam	Lamentations
Eccl	Ecclesiastes
Dan	Daniel
Ezra	Ezra
Neh	Nehemiah
1 Chr	1 Chronicles
2 Chr	2 Chronicles

New Testament

Matt	Matthew
Mark	Mark
Luke	Luke
Acts	Acts
Rev	Revelation

Rabbinic Sources

Av	Avot
Ar	'Arakhin
ARN	Avot de-Rabbi Natan
AZ	'Avodah Zarah
b	Babylonian Talmud
BB	Bava Batra
BM	Bava Metsi'a
BemR	Bemidbar Rabbah
Ber	Berakhot
BerR	Bereshit Rabbah
Hal	Challah
Ed	'Eduyot
EkhR	Ekhah Rabbah
Er	'Eruvin
Git	Gittin
Hag	Chagigah
Hul	Chullin
Ker	Keritot
Ket	Ketubbot
LeqT	Leqach Tov
m	Mishnah
Mak	Makkot
Meg	Megillah
MekhY	Mekhilta de-Rabbi Yishma ^o el
MekhSh	Mekhilta de-Rabbi Shim'on b. Yochai
Men	Menachot
MidMish	Midrash Mishle
MidTan	Midrash Tanna'im
MidTeh	Midrash Tehillim

Miq	Miqwa'ot
MQ	Mo'ed Qatan
Nid	Niddah
Ohal	Ohalot
Pes	Pesachim
PesRab	Pesiqta Rabbati
PRE	Pirqe de-Rabbi Eli'ezer
Qid	Qiddushin
QohR	Qohelet Rabbah
RuthR	Ruth Rabbah
San	Sanhedrin
Sem	Semachot
SER	Seder Eliyahu Rabbah
SEZ	Seder Eliyahu Zuta
Shab	Shabbat
Shevi	Shevi'it
Shevu	Shevu'ot
ShirR	Shir ha-Shirim Rabbah
SifBem	Sifre Bemidbar
SifDev	Sifre Devarim
SOR	Seder 'Olam Rabbah
Sot	Sotah
Suk	Sukkah
t	Tosefta
Tam	Tamid
Tan	Tanchuma
TanB	Tanchuma Buber
Tem	Temurah
Ter	Terumot
WayR	Wayiqra Rabbah
y	Yerushalmi
Yev	Yevamot
Yom	Yoma
Zev	Zevachim

Introduction

Erets Yisrael—Erets Yisrael [is] Israel's desire. ... Every man should have his eyes and heart there every day, as in the verse, *My soul thirsts for God, for the living God, when shall I come and behold the face of God?* (Ps 42:1). Therefore one should put all his efforts establishing his home in the land of Israel. One should keep one's eyes open from the beginning so that he is not disgusted at his early [deeds] and is not forced to regret [having settled in the Land] and emigrate. One should only go there in old age, after the time in which his wife has ceased to be in the manner of women and does not give birth any longer. And one should not bring children with him, neither sons nor daughters. And if God gives him the means (lit. 'enlarges his territory'), he may bring a daughter, so that she goes forth and he is rescued through her, but a son he should bring under no circumstances, for he would multiply his children and he will not know *what the day will bring* (Prov 27:1). And yes, it is true that 'the air of the land of Israel makes wise' (bBB 148b). But what we see is that the sustenance of man in the land of Israel is difficult, and in most cases they are forced to leave [the Land] the moment they seize a *shelichut* (mission of rabbinic emissaries) to leave for cities abroad (lit. *'Kiriath-huzot'* [Num 22:39]) for ten years or more. A life of grief they live, they and even more so their wives. And great is the misery of the traveller for the body and the soul, as we know. Otherwise it is for those who live outside of the Land. They find as much as to provide for themselves in their own places. (Pele Yo'ets 12)

Pele Yo'ets, one of the most successful works of Sephardic ethical or musar literature, was composed in Hebrew at the beginning of the nineteenth century by Elie'zer Papo, a native of Bosnia who became a rabbi in Bulgaria.¹ In the passage quoted above, the Ottoman rabbi acknowledges the centrality of the land of Israel and refers to settling there in terms of a commandment. However, he does not encourage his readers *par tout* to observe this commandment personally. He argues that only old people who can afford it should move to the Land;²

1 M.B. Lehmann, *Ladino Rabbinic Literature and Ottoman Sephardic Culture* (Bloomington, IN: Indiana University Press, 2005), 9.

2 I use the phrase 'land of Israel' to translate the Hebrew *erets yisrael*. I only capitalise 'land' in 'the Land' when the expression is used as a synonym for 'land of Israel'.

he does not animate the young to move to the Land. His son Judah seems to have disregarded his advice and settled in the Land. In his translation of his father's work into Judeo-Spanish, the younger Papo conveys a somewhat different approach to this commandment. As Matthias Lehmann observes, Judah warns his readers in the Sephardic diaspora of the difficulties of life in Palestine, but he tones down his father's warnings. However different these two attitudes towards the Land might appear, the programmes of both father and son emerge as quietist when compared to the activist approach advocated by another Sephardic rabbi, Judah Alkalai.³ These conflicting approaches and the arguments they each put to use are not innovations in the early phase of religious Zionism in the nineteenth century, but resonate with discussions about attitudes towards the land of Israel that took place several centuries before.

Innumerable pages have been and will no doubt continue to be written about the Holy Land as this is conceptualised in the Hebrew Bible/Old Testament. Due to its ubiquity, it tends to be regarded as its/their central theme. Major monographs and collections of essays address the wide spectrum of sub-themes relevant to this subject matter.⁴ Fewer books and articles have been published that address the post-biblical Jewish reflection on the Land in the literatures of the so-called Second Temple period, which comprise the writings of the Greek-speaking diaspora, the Hebrew Apocrypha and Pseudepigrapha,

3 See Lehmann, 156–161.

4 To name but a few: W.D. Davies, *The Territorial Dimension of Judaism* (Berkeley, CA: University of California Press, 1982); M. Weinfeld, *The Promise of the Land: The Inheritance of the Land of Canaan by the Israelites* (Berkeley, CA: University of California Press, 1993); W. Brueggemann, *The Land: Place as Gift, Promise, and Challenge in Biblical Faith*, 2nd ed. (Minneapolis, MN: Fortress Press, 2002); M. Ebner, ed., *Heiliges Land*, *Jahrbuch für biblische Theologie* 23 (Neukirchener Verlag, 2008); D. Frankel, *The Land of Canaan and the Destiny of Israel: Theologies of Territory in the Hebrew Bible* (Winona Lake, IN: Eisenbrauns, 2011); N. Wazana, *All the Boundaries of the Land: The Promised Land in Biblical Thought in Light of the Ancient Near East*, trans. L. Qeren (Winona Lake, IN: Eisenbrauns, 2013). For encyclopaedic treatments, see J. Bergman and M. Ottosson, 'erets,' in *Theologisches Wörterbuch zum Alten Testament*, ed. G.J. Botterweck and H. Ringgren, vol. 1 (Stuttgart, Berlin, Köln, Mainz: Kohlhammer, 1973); R.L. Wilken, 'Heiliges Land,' in *Theologische Realenzyklopädie*, ed. G. Müller, vol. 14 (Berlin, New York: Walter de Gruyter, 1985), 684–694; W. Janzen, 'Land,' in *Anchor Bible Dictionary*, ed. D.N. Freedman, vol. 4 (New York: Doubleday, 1992), 143–154; R.L. Cohn et al., 'Holy Land,' in *Encyclopedia of the Bible and its Reception*, ed. C. Helmer et al., vol. 12 (Berlin: De Gruyter, 2016), 146–173; C. Levin et al., 'Land,' in *Encyclopedia of the Bible and its Reception*, ed. C. Helmer et al., vol. 15 (Berlin: De Gruyter, 2016), 785–787; A.J. Brawer, M. Avi-Yonah, and G. Biger, 'Israel, land of: Geographical Survey,' in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 10 (Detroit, MI: Macmillan Reference, 2007), 100–104; H.Z. Hirschberg, 'Israel, land of: History,' in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 10 (Detroit, MI: Macmillan Reference, 2007), 165–191.

and the Dead Sea scrolls.⁵ The question of how the sages envisioned the Land in their vast corpus of literature over the subsequent period—the literature that defines much of what Judaism is today, and which scholars refer to as rabbinic literature or the literature of the sages (Hebr. *sifrut chazal*)—has only been examined in a broader scope relatively recently.⁶

5 See R.L. Wilken, *The Land Called Holy: Palestine in Christian History and Thought* (New Haven, CT: Yale University Press, 1992), ch. 2; J.C. de Vos, 'Die Bedeutung des Landes Israel in den jüdischen Schriften der hellenistisch-römischen Zeit,' in *Heiliges Land*, ed. M. Ebner (Neukirchen-Vluyn: Neukirchener Verlag, 2008), 73–96; J. v. Ruiten and J.C. de Vos, eds., *The Land of Israel in Bible, History and Theology*, Supplements to *Vetus Testamentum* 124 (Leiden: Brill, 2009); J.C. de Vos, *Heiliges Land und Nähe Gottes: Wandlungen alttestamentlicher Landvorstellungen in frühjüdischen und neutestamentlichen Schriften* (Göttingen: Vandenhoeck & Ruprecht, 2012); M.Z. Simkovich, 'Jewish Attitudes Towards the Land of Israel during the Time of the Second Temple,' *TheTorah.com*, 2015, <https://thetorah.com/article/jewish-attitudes-towards-the-land-of-israel-during-the-time-of-the-second-temple>; E. Ben-Eliyahu, *Identity and Territory: Jewish Perception of Space in Antiquity* (Oakland, CA: University of California Press, 2019), ch. 1–2. With more specific research questions: I. Heinemann, 'The Relationship between Jewish People and Its Land in Hellenistic-Jewish Literature' [in Hebrew], *Zion* 13–14 (1948–1949): 1–9; D. Mendels, *The Land of Israel as a Political Concept in Hasmonean Literature: Recourse to History in Second Century B.C.; Claims to the Holy Land*, Texts and Studies in Ancient Judaism 15 (Tübingen: Mohr, 1987); B. Halpern-Amaru, 'Land Theology in Josephus' Jewish Antiquities,' *Jewish Quarterly Review* 71 (1997): 221–229; M. Weinfeld, 'Inheritance of the Land—Privilege versus Obligation: The Concept of the Promise of the Land in the Sources of the First and Second Temple Periods' [in Hebrew], *Zion* 49 (1984): 115–137; E.S. Gruen, 'Diaspora and Homeland,' in *Diasporas and Exiles: Varieties of Jewish Identity*, ed. H. Wettstein (Berkeley, CA: University of California Press, 2002), 18–46; M. Kepper, 'What to Do with Borders when they Become Obsolete? Strategies of Re-defining Border Concepts in the Hebrew and Greek Text of Genesis,' in *Borders: Terminologies, Ideologies, and Performances*, ed. A. Weissenrieder (Tübingen: Mohr Siebeck, 2016), 43–59.

6 See R. Gradwohl, 'Das Land Israel in der talmudischen Literatur,' in *Jüdisches Volk, gelobtes Land: Die biblischen Landverheißungen als Problem des jüdischen Selbstverständnisses und der christlichen Theologie*, ed. W.P. Eckert, N.P. Levinson, and M. Stöhr (Munich: Kaiser, 1970), 52–61; C. Thoma, 'Das Land Israel in der rabbinischen Tradition,' in *Jüdisches Volk, gelobtes Land: Die biblischen Landverheißungen als Problem des jüdischen Selbstverständnisses und der christlichen Theologie*, ed. W.P. Eckert, N.P. Levinson, and M. Stöhr (Munich: Kaiser, 1970), 37–51; G. Stemberger, 'Die Bedeutung des Landes Israel in der rabbinischen Tradition,' *Kairoser Salzburger* 25, nos. 3–4 (1983): 176–199; K.E. Wolff, "Geh in das Land, das ich Dir zeigen werde ...": *Das Land Israel in der frühen rabbinischen Tradition und im Neuen Testament*, Europäische Hochschulschriften Theologie 340 (Frankfurt am Main: Lang, 1989); I. Gafni, *Land, Center and Diaspora: Jewish Constructs in Late Antiquity* (Sheffield: Sheffield Academic Press, 1997); I. Gafni, *Center and Diaspora: The Land of Israel and the Diaspora in the Second Temple, Mishnah and Talmud Periods* [in Hebrew] (Jerusalem: Zalman Shazar Center for Jewish History, 2004); G. Oberhänsli-Widmer, 'Bindung ans Land Israel—Lösung von der Eigenstaatlichkeit: Der Umgang der Rabbinen mit einer virtuellen Heimat,' in *Heiliges Land*, ed. M. Ebner (Neukirchen-Vluyn: Neukirchener Verlag, 2008), 149–175; Z. Safrai, *Seeking out the Land: Land of Israel Traditions in Ancient Jewish, Christian and Samaritan literature (200 BCE–400 CE)*, Jewish and Christian Perspectives 32 (Leiden: Brill, 2018) (who dedicates a substantial chapter of

The Jewish revolts in the first and second centuries CE ushered in the so-called rabbinic period of Jewish history and marked the beginning of the most paradigmatic of the diasporas.⁷ While Jews had been living in places other than their ancestral homeland before the revolts,⁸ the meaning of their dispersion changed with the destruction of the Temple and the end of Jewish sovereignty in Judea. Jews in the diaspora as well as in the ancestral homeland

his book to major topics concerning the rabbis' Land-concepts, emphasising the academic character of a discourse that replaces a realistic geography); Ben-Eliyahu, *Identity and Territory*, ch. 4. There are two major collections of excerpts of rabbinic literature on the Land: M. Guttman, 'The Land of Israel in Talmud and Midrash' [in Hebrew], in *Festschrift zum 75-jährigen Bestehen des jüdisch-theologischen Seminars Fraenkelscher Stiftung*, vol. 1 (Breslau: Marcus, 1929), 1–148; Y. Zehavi, *Midrashim on the Land of Israel* [in Hebrew] (Jerusalem: Mekhon Tehila, 1959). Mention should also be made of the substantial article by S. Zevin and M. Bar-Ilan, eds., 'Erets Israel,' in *Encyclopedia Talmudit*, vol. 2 (Jerusalem: Talmudic Encyclopedia Institute, 1956), which not only quotes passages from the talmudic period, but also statements by medieval and early modern commentators (*rishonim* and *acharonim*). In part concerned with the Land in the rabbinic period are L.A. Hoffman, ed., *The Land of Israel: Jewish Perspectives* (Notre Dame, IN: University of Notre Dame Press, 1986); D. Vetter, 'Die Bedeutung des Landes in der jüdischen Überlieferung,' in *Das Judentum und seine Bibel* (Würzburg: Echter, 1996), 256–272; A. Pontzen and A. Stähler, eds., *Das Gelobte Land: Erez Israel von der Antike bis zur Gegenwart* (Hamburg: Rohwolt Taschenbuch Verlag, 2003); M. Krupp, 'Das Land im jüdischen Denken,' *Communio viatorum* 46 (2004): 26–33; P. Capelli, 'Diaspora perenne e richiamo della Terra,' *Rivista Biblica* 64 (2016): 301–335. On late antique Christian attitudes towards the Land, see H. Donner, *Pilgerfahrt ins Heilige Land: Die ältesten Berichte christlicher Palästina-pilger (4.–7. Jh.)*, 2nd edition (Stuttgart: Katholisches Bibelwerk, 2002); Wilken, *Land Called Holy*; O. Limor and G.G. Stroumsa, eds., *Christians and Christianity in the Holy Land: From the Origins to the Latin Kingdoms* (Turnhout: Brepols, 2006); H. Sivan, *Palestine in Late Antiquity* (Oxford: Oxford University Press, 2008); K. Heyden, *Orientierung: Die westliche Christenheit und das Heilige Land in der Antike*, *Jerusalem Theologisches Forum* 28 (Münster: Aschendorff Verlag, 2014). See also A. Jacobs, *Remains of the Jews: The Holy Land and Christian Empire in Late Antiquity* (Stanford, CA: Stanford University Press, 2004).

7 See L.V. Rutgers, 'Next Year in Sardis: Reflections on whether the Jewish Diaspora of the Roman Era was Diasporic at all,' in *"Let the Wise Listen and Add to Their Learning"* (*Prov 1:5*): *Festschrift for Günter Stemberger on the Occasion of his 75th Birthday*, ed. C. Cordoni and G. Langer (Berlin: De Gruyter, 2016), 167–195. For the concept of diaspora in Jewish history and thought see L.R. Feuerstein, 'Diaspora,' *Lo Sguardo: Rivista di Filosofia* 29, no. 2 (2019): 513–524; H.R. Diner, 'Introduction: The History of the History of the Jewish Diaspora,' in *The Oxford Handbook of the Jewish Diaspora*, ed. H.R. Diner (New York: Oxford University Press, 2021), 1–19. On the periodisation of rabbinic literature and its genre system, see G. Stemberger, *Einleitung in Talmud und Midrasch*, 9th ed. (Munich: Beck, 2011), 17; P. Alexander, 'Using Rabbinic Literature as a Source for the History of Late-Roman Palestine: Problems and Issues,' in *Rabbinic Texts and the History of Late Roman Palestine*, ed. M. Goodman and P. Alexander (Oxford: Oxford University Press, 2010), 7–24.

8 On the problem of the apparently useful diaspora–homeland dichotomy, see R.S. Kraemer, 'The Mediterranean Jewish Diaspora of Late Antiquity,' in *The Oxford Handbook of the Jewish*

were now dispersed—they were diasporic Jews.⁹ During this time, a distinctive Hebrew-Aramaic discourse on the notional homeland emerges—a discourse that creates community, reifies boundaries, and is articulated first in sayings of the rabbis and later in edited texts, the literature of a literate elite active in Roman Palestine and Persian Babylonia. As a movement, the rabbis reached some level of institutionalisation in Palestine in the period during which the Roman Empire became a Christian empire.¹⁰

Diaspora, ed. H.R. Diner (New York: Oxford University Press, 2021), 279–307, who observes: ‘Dividing Jews into those of the diaspora and homeland heightens the construction of difference *between* the two, while simultaneously obscuring or minimizing difference *within* each. ... The defining attribute of Jews outside of the homeland becomes precisely their external residence, while those within it are above all else defined by their internal residence.’

- 9 There are other metaphors apart from ‘diasporisation’. S. Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton, NJ: Princeton University Press, 2001), ch. 3–5, for example, describes the period after the revolts and until the Christianisation of the empire and the province of Palestine as one in which Palestinian Jewish society *disintegrated* and Jewish society in the diaspora declined. As he points out, from a demographic point of view, dislocation and depopulation primarily affected the district of Judea, less so Idumaea and Peraea, and least of all Galilee and Golan (108). According to H. Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 C.E.* (Oxford: Oxford University Press, 2012), the region went through a process of Roman *provincialisation*. B. Spolsky, ‘The Languages of Diaspora and Return,’ *Multilingualism and Second Language Acquisition* 1, nos. 2–3 (2016): 4, in his discussion of the effects of diaspora on the Jews’ linguistic varieties, argues that Judah in the sixth century BCE, though technically not a diaspora, participated from the same linguistic phenomena as the diaspora because ‘foreign rule and a mixed population encouraged the gradual loss of Hebrew and its replacement by Aramaic.’ In the Greco-Roman and Byzantine periods, when towns that had been predominantly Jewish were transformed into towns of mixed populations, Jews living in Greek settlements and colonies in Palestine ‘lived in Diaspora, adopting the Greek language and local customs while maintaining traditional religious observances’ (33). For an understanding of diaspora as a condition that may have been actual in the land of Israel itself even before the destruction, see M. Goodman, ‘Sacred Space in Diaspora Judaism,’ chap. 18 in *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2007), 222, according to whom Caesarea Maritima in the year 66 CE ‘may count as part of the diaspora, since the problem which arose came from the position of Jews as a minority in a gentile community in a fashion comparable to that in more strictly diaspora cities.’
- 10 On the rabbinic movement as having become visible only in the later part of the so-called rabbinic period, see H. Lapin, ‘The Rabbinic Movement,’ in *The Cambridge Guide to Jewish History, Religion, and Culture*, ed. J.R. Baskin and K. Seeskin (Cambridge: Cambridge University Press, 2010), 58–84; Lapin, *Rabbis as Romans*, ch. 1. On the problem of reading responses to Christianity into Palestinian rabbinic literature, see G. Stemmerger, *Jews and Christians in the Holy Land: Palestine in the Fourth Century* (Edinburgh: Clark, 2000); A. Schremer, ‘The Christianization of the Roman Empire and Rabbinic Literature,’ in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. L.I. Levine and D.R. Schwartz (Tübingen: Mohr Siebeck, 2009), 349–366.

Even though historians of late antiquity never get tired of reminding us that the literature of the sages is ‘regrettably unhelpful’ for writing a history of the Jews of the period,¹¹ these sources do tell part of the Jewish story: the story of part of the Jewish people, their beliefs, and their relation to place.

How is the Land imagined in the part of the Jewish story represented by the literature of the sages? As Ze’ev Safrai observes, this literature seldom reveals the sages’ interest in a study of the Land as a subject of geographical inquiry in its own right.¹² In what other ways do the sages approach the significance of the Land for Jews once their cultic centre has been destroyed, their political independence has come to an end, and Jews are dispersed in Rome, the Roman provinces of Egypt or Syria-Palestine, and Sasanian Persia? It is from the perspective of two cultural contexts in the broader late ancient Jewish diaspora that the rabbis recreate the Jewish homeland in the land of Israel, and only to a certain extent along the avenues already established in Scripture. This rabbinic recreation, part of the sages’ broader ethno-religious identity discourse, is probably only a fraction of what Palestinian and Babylonian Jews in general may have thought about the ancestral homeland during this period. Like all elite discourses, this one also primarily represents the opinions and experiences of a group of learned individuals.¹³

1.1 Diaspora Studies

According to the classical understanding of diaspora in the context of diaspora studies, a field of research that involves social scientists and historians, a diaspora is a group of people who live in locations other than their homeland, who arrived in these locations involuntarily, and who relate trans-locally to this homeland and/or to other diasporic locations in which other members of the same group live.¹⁴ Ever since its beginnings in the 1980s, the academic

11 See R.S. Kraemer, ‘Mediterranean Jewish Diaspora,’ 279–280.

12 See Z. Safrai, *Seeking out the Land*, 145, who argues that a Jewish geographic thought must have existed even though the rabbinic sources provide little evidence for this and put the sages’ geographical knowledge and interests at the service of exegetical discourse. Especially with respect to the later (amoraic) period, Safrai emphasises that the sages often subordinate realism to their own academic agendas (156, 183).

13 The rabbinic corpora, like elite communication in general, may be mined for so-called hidden scripts on what the common people thought.

14 See Rutgers, ‘Next Year in Sardis,’ 171; see, however, Diner, ‘History of the History,’ 3, for the distinction drawn in scholarship between exile as implying an involuntary situation and diaspora a voluntary one.

field of diaspora studies has operated with a concept of diaspora for which the Jewish diaspora is paradigmatic:¹⁵ Thus, Rogers Brubaker describes ‘the Jewish diaspora’ with an apt metaphor, as a ‘conceptual homeland’.¹⁶ The scriptural narrative of the Babylonian exile is usually seen as the beginning of that conceptual homeland. The Jewish diaspora still provides a sort of backdrop against which to test the diasporicity of other diasporas for which no theological or religious dimensions are constitutive.¹⁷ A key non-theological aspect of diasporic identities related to their multilocality is their connectedness and solidarity.¹⁸

As some scholars of Jewish studies have pointed out, the very notion of the Jewish diaspora is a sweeping generalisation that fails to convey the fact that there is not one monolithic Jewish diaspora that encompasses the entire history of the Jews, from the exile after the destruction of the first Temple in the sixth century BCE until the establishment of the State of Israel and beyond.¹⁹

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- 15 See W. Safran, ‘Diasporas in Modern Societies: Myths of Homeland and Return,’ *Diaspora: A Journal of Transnational Studies* 1, no. 1 (1991): 83–99; W. Safran, ‘The Jewish Diaspora in a Comparative and Theoretical Perspective,’ *Israel studies* 10, no. 1 (2005): 36–60; W. Safran, ‘The Diaspora and the Homeland: Reciprocities, Transformations, and Role Reversals,’ in *Transnationalism: Diasporas and the Advent of a New (Dis) order*, ed. E. Ben-Rafael and Y. Sternberg (Leiden: Brill, 2009), 75–99; R. Cohen, *Global Diasporas: An Introduction*, 2nd edition (London: Routledge, 2008); G. Sheffer, ‘Introduction: The Need and Usefulness of Diaspora Studies,’ in *Encyclopedia of the Jewish Diaspora: Origins, Experiences, and Culture*, vol. 1 (Santa Barbara, CA: ABC-CLIO, 2009), xxv–xxxii. The first of two senses of ‘diaspora’ in the Oxford English Dictionary (OED) also refers to the Jewish paradigm: ‘The body of Jews living outside of the land of Israel; the countries and places inhabited by these, regarded collectively; the dispersion of the Jewish people beyond the land of Israel. Also with reference to the early Christians: Christians of Jewish origin living outside of the land of Israel, as recipients of the Gospels.’
- 16 R. Brubaker, ‘The ‘Diaspora’ Diaspora,’ *Ethnic and Racial Studies* 28, no. 1 (2005): 2: ‘Most early discussions of diaspora were firmly rooted in a conceptual “homeland”; they were concerned with a paradigmatic case, or a small number of core cases. The paradigmatic case was, of course, the Jewish diaspora.’ Similarly, K. Kenny, *Diaspora: A Very Short Introduction* (Oxford: Oxford University Press, 2013), 20, observes: ‘It is with Jewish migration, then, that the history of diaspora begins.’
- 17 See Kenny, 5–6; Safran, ‘Jewish diaspora’; Diner, ‘History of the History,’ 1.
- 18 See Safran, ‘Diasporas in Modern Societies’, who provides a longer list of criteria satisfied by communities understood as diasporas in a generic sense (rather than in a classical Jewish sense). Such a generic concept of diaspora has evolved to denote, according to Safran, ‘Jewish diaspora’, ‘almost anyone who falls outside the majoritarian norm’, ‘immigrants and their descendants, ethnic minorities, and any communities trying to keep their collective identities’, ‘a consciousness of being different from surrounding society’, and an ‘awareness of multilocality’ (50).
- 19 See M.A. Ehrlich, ed., *Encyclopedia of the Jewish Diaspora: Origins, Experiences, and Culture*, 3 vols. (Santa Barbara, CA: ABC-CLIO, 2009). Not even in late antiquity is it possible, as A. Edrei and D. Mendels, ‘A Split Jewish Diaspora: Its Dramatic Consequences,’ *Journal*

Moreover, such an understanding of the Jewish diaspora does not acknowledge that Jewish communities at certain periods and in certain regions which are usually referred to as part of the Jewish diaspora left no evidence of having had a diasporic identity, i.e., in the classical, negatively connoted sense of diaspora.²⁰ Speaking of *the* Jewish diaspora fails to make sense of the fluctuating nature of the Jewish people's historical experience, of the diversity of Jewish communities outside of the ancestral homeland ever since the Babylonian exile, and of the changing conditions in that very notional homeland to which such diaspora communities related and which, from the second century onwards, was itself part of the Jewish diaspora.²¹ However, the Jewish diasporic experience does evince some constants, as Hasia R. Diner reminds us in her introduction to the *Oxford Handbook of the Jewish Diaspora*. Living under the Christian cross or the Muslim crescent, Jews as a minority population tended to live in enclaves and thereby 'enjoyed, or suffered from, relative degrees of isolation from the societies around them.' Jews 'differed from the others around them—women and men who could define themselves as the natural, authentic inhabitants of the land, who practiced religions and shared in cultural practices synonymous with the place.' The fact that 'Jews, regardless of their level of integration and the benefits they accrued from their marginality, could not make such claims,'²² however, applies not only to Jewries outside of the ancestral homeland, but also to the communities living in the Land after

for the Study of the Pseudepigrapha 16, no. 2 (2007): 91–137, argue, to speak of *the* Jewish diaspora, given the major linguistic and theological differences between the Jewish communities to the West and the East of the land of Israel. With respect to diasporas in general, Kenny, *Diaspora*, 6, points out: 'a purist might object that any attempt to deploy a single category of diaspora across wide stretches of time is anachronistic.'

- 20 See Rutgers, 'Next Year in Sardis', who makes this point with respect to the Jewish diaspora during the Roman period. See also Y.H. Yerushalmi, 'Exil und Vertreibung in der jüdischen Geschichte,' in *Ein Feld in Anatot: Versuche über jüdische Geschichte* (Berlin: Wagenbach, 1993), 26. On the historical semantics of the Greek term *diaspora* and the question of whether it had a positive pre-Septuagint connotation, see M. Baumann, 'Diaspora: Genealogies of Semantics and Transcultural Comparison,' *Numen* 47 (2000): 313–337; S. Dufoix, *La Dispersion: Une Histoire des Usages du Mot Diaspora* (Paris: Éditions Amsterdam, 2011), 45–52. Apart from this traditional understanding in terms of 'an endless set of tragedies' other historians have assessed diaspora 'as a source for creativity', as Diner, 'History of the History,' 2–3, points out.
- 21 See D. Boyarin, *A Traveling Homeland: The Babylonian Talmud as Diaspora* (Philadelphia, PA: University of Pennsylvania Press, 2015). See also C. Aviv and D. Shneer, *New Jews: The End of the Jewish Diaspora* (New York: New York University Press, 2005), for a provocative take on the end of the dichotomy centre-diaspora.
- 22 Diner, 'History of the History,' 11.

the destruction of the Temple and the loss of sovereignty, and even more so after the Christianisation of the Roman province of Palestine. Some Jews could and did make claims about their relation to this 'place of places' in their *Gelehr-tendiskurs*. That is what this book is about.

Although the homeland features prominently in classical and generic definitions of diaspora,²³ the research literature of diaspora studies appears to be more interested in the mechanisms of identity formation that apply to modern diasporas in their respective hostlands than in questions pertaining to the different ways in which the diaspora communities' original or ancestral homeland produces meaning.²⁴

With his threefold typology of solid, ductile, and liquid homelands, Robin Cohen is a major exception here.²⁵ The notion of a *solid homeland* stands for the 'unquestioned need for a homeland', i.e., for an original territorial homeland.

23 The OED's generic definition of the term reads: 'Any group of people who have spread or become dispersed beyond their traditional homeland or point of origin; the dispersion or spread of a group of people in this way; an instance of this. Also: the countries and places inhabited by such a group, regarded collectively.' According to Safran, 'Diasporas in Modern Societies,' 83–84, a given expatriate community, i.e., territorially displaced from their homeland, can be described as constituting a diaspora if a) their members or their ancestors have been dispersed from an original centre to another region; b) there is among them a myth of an original homeland; c) they perceive themselves as not accepted by their host societies and therefore do not assimilate; d) they idealise the ancestral homeland and share a myth of return; e) they share the belief that those living in the diaspora should be committed to the maintenance of their original homeland; and f) they otherwise relate to the homeland. This strong emphasis on the homeland has led to criticism from different angles by scholars interested in the specific types of culture that migrants produce. This criticism, however, led diaspora studies scholars in their turn to revise some of their assumptions about diaspora and homeland, e.g., about the implications of the notion of 'attachment to place'—that is, an original place, see, e.g., K. Tölölyan, 'Restoring the Logic of the Sedentary to Diaspora Studies,' in *Les diasporas: 2000 ans d'histoire*, ed. L. Anteby-Yemini, W. Berthomière, and G. Sheffer (Rennes: Presses Universitaires de Rennes, 2005), 138–139; or to rework Safran's typology, see Brubaker, 'The 'Diaspora' Diaspora,' 5–7, who holds that the three criteria 'dispersion', 'home orientation', and 'boundary maintenance' are constitutive of a diaspora. For some scholars, neither homeland nor transnationalism are required for diasporas to exist. See Safran, 'Jewish diaspora,' 52.

24 See A. Weingrod and A. Levy, 'On Homelands and Diasporas: An Introduction,' in *Homelands and Diasporas: Holy Lands and Other Places*, ed. A. Weingrod and A. Levy (Stanford, CA: Stanford University Press, 2005), 3–26.

25 R. Cohen, 'Solid, Ductile and Liquid: Changing Notions of Homeland and Home in Diaspora Studies,' in *Transnationalism: Diasporas and the Advent of a New (Dis)order*, ed. E. Ben-Rafael and Y. Sternberg (Leiden: Brill, 2009), 117–134.

In the examples he adduces for this type of homeland, the role of diasporas as agents of development for the homeland is particularly salient. A *ductile homeland* is one in which the link between the diaspora/hostland(s) and the homeland has weakened (e.g., in a process of ‘dezionization’ between American and European Jews on the one hand and Israel on the other) or where a geographical shift in a group’s cultural centre can be ascertained (e.g., the case of both the Hindu Sindhi and Zoroastrian diasporas with their *ersatz* homeland in Bombay).²⁶ Finally, the virtual, *liquid homelands* of deterritorialised diasporas are those constructed by cultural links; according to Cohen, the Caribbean peoples are the paradigmatic example of this.²⁷ To this category Cohen adds unusual diasporic experiences, such as religious diasporas—cases in which the relationship between the diaspora and the religious epicentre is attested in pilgrimage as a primary tie to the sacred homeland. A definite return to or recovery of a homeland is ‘deferred indefinitely and displaced by newer centres of religious, cultural and economic achievement.’²⁸ Especially in the first two types of homeland Cohen describes, it is worth noting that the type of diasporic identity a given group develops in relation to a homeland is connected to the duration of the group’s diasporic experience. While individuals who are part of the generation that migrates—a diaspora’s first generation—may define their homeland as their ‘native land’, individuals who are part of later generations of the same group will relate to that land in terms of an ancestral homeland because either their direct or their distant ancestors were born and, for a while, at home there. They may develop a sense of an ancestral homeland or even of a dual homeland without having ever set foot in the former.²⁹ Cohen’s typology is based on more or less contemporary diasporic phenomena. As my study will demonstrate, none of the three types of homeland he describes precisely corresponds to the multifaceted land of Israel which the sages give shape to in their literature. In her discussion of the Land in this literature, Gabrielle Oberhänsli-Widmer convincingly dubs the Land ‘a virtual homeland’.³⁰

26 See Cohen, 124–127.

27 See Cohen, 127–130. To this group one may add the Rom or Romani diaspora, which is characterised by their lack of remembrance of a homeland. See Spolsky, ‘The Languages of Diaspora and Return,’ 16.

28 Cohen, ‘Solid, Ductile and Liquid,’ 132.

29 On time as important factor when comparing diasporas, see Spolsky, ‘The Languages of Diaspora and Return,’ 3.

30 Oberhänsli-Widmer, ‘Bindung ans Land Israel’.

1.2 The Land of Israel: A Place in Late Antique Texts

Yi-Fu Tuan, one of the founding figures in humanistic geography, defines place as ‘a center of meaning constructed by experience.’³¹ According to some theorists of place, places are not only settings within which individuals or groups act out their lives, but also part of the process of both individual and collective identity formation.³² Although geographical inquiries into religious phenomena tend to focus on contemporary cases, some of these approaches may prove useful when studying historical discourses of place in religious communities.³³ As human geographers have noted, apart from particular small-scale places such as cities, towns, or neighbourhoods, even larger-scale divisions of space may have qualities of place.³⁴

When we turn to the rabbinic corpora of late antiquity and ask how they—as a major cultural product of the Jewish diaspora, due to the fact that the rabbinic movement emerges in Palestine at a time when Jews have become a diaspora there—make sense of the Jewish (ancestral) homeland as a place, we notice that they do not deploy a terminological equivalent to the Greek *patris*

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- 31 Y.-F. Tuan, ‘Place: An Experiential Perspective,’ *Geographical Review* 65, no. 2 (1975): 152. For a philosophical approach to place, see J.E. Malpas, *Place and Experience: A Philosophical Topography*, 2nd edition (Cambridge: Cambridge University Press, 2018); E. Casey, *The Fate of Place: A Philosophical History* (Berkeley, CA: University of California Press, 1998).
- 32 See B. Murton, ‘Place,’ in *SAGE Encyclopedia of Geography*, ed. B. Warf, vol. 4 (Thousand Oaks, CA: SAGE, 2010), 2187–2188; N. Castree, R. Kitchin, and A. Rogers, ‘Place,’ in *A Dictionary of Human Geography* (Oxford: Oxford University Press, 2013). Place is seen as an anthropological constant, insofar as individuals and groups have always needed place in order to exist. Places need human agency, and humans need places to go on being who or what they are. Communities are concerned with delimiting their space; they imagine themselves as emerging and interacting in space with other communities in the past, present, and future. See Y.-F. Tuan, ‘Religion: From Place to Placelessness,’ chap. 1 in *Religion: From Place to Placelessness* (Chicago, IL: The Center for American Places at Columbia College Chicago, 2009), 17.
- 33 T.A. Tweed, *Crossing and Dwelling: A Theory of Religion* (Cambridge, MA: Harvard University Press, 2006); K. Knott, ‘Religion, Space, and Place: The Spatial Turn in Research on Religion,’ *Religion and Society* 1, no. 1 (2010): 29–43.
- 34 See T. Cresswell, *Place: An Introduction*, 2nd ed. (Malden, MA: Wiley Blackwell, 2015), 141. These and other types of places are negotiated, made, and re-made. This is evident, for example, when we look at the multiplicity of maps that visually record the changing boundaries of one and the same place (be it a city or a country), when we think about the various toponyms used to denote roughly the same space over a period of time, and also of changing attitudes towards places of different dimensions. For a recent approach to questions related to place in Judaism, see R. Cohen, ed., *Place in Modern Jewish Culture and Society*, Studies in Contemporary Jewry 30 (New York: Oxford University Press, 2018).

or the modern Hebrew *moledet*.³⁵ 'Homeland' may not be part of the lexicon of rabbinic literature, but it is evident that the Land is a major and multifaceted Jewish place in the rabbinic imaginary, which nevertheless represents only a fraction of the ways in which Jews in general thought about the Land and lived in Roman Palestine during the so-called talmudic period, as scholars of late antique Jewish history have stressed.³⁶ While social scientists who study

35 In scriptural and rabbinic contexts this expression is used to refer to 'kindred' and in modern usage to 'homeland'. The twinned expressions diaspora–homeland (and diaspora–centre) have their origin in research literature rather than in ancient sources. Diaspora studies and humanistic geography operate with modern concepts of homeland and European vernacular expressions. According to the OED, 'fatherland' and 'homeland' share a number of synonyms (e.g., native land, native country, country of origin, home, fatherland, motherland, mother country, land of one's fathers, the old country). While the former has more evident nationalistic and patriotic overtones, the latter is defined as '[a] person's home country or native land; the land of one's ancestors. Also in extended use: a place regarded as the home of something.' In its turn 'home' is broadly defined as '[t]he place where a person or animal dwells', and more specifically as '[t]he place where one lives or was brought up, with reference to the feelings of belonging, comfort, etc., associated with it' and 'a place or region to which one naturally belongs or where one feels at ease'. This is similarly the case in German. Jacob and Wilhelm Grimm's *Deutsches Wörterbuch* has two entries that correspond to the Latin *patria*, used as synonyms since the 15th century, *Heimat* and *Vaterland*. *Heimat* is 1) 'das land oder auch nur der landstrich, in dem man geboren ist oder bleibenden aufenthalt hat'—the second sense is that found in expressions such as *zweite Heimat* ('second home') and *neue Heimat* ('new home'); 2) 'der geburtsort oder ständige wohnort'; 3) 'selbst das elterliche haus und besitzthum heiszt so, in Baiern', 4) 'dem christen is der himmel die heimat, im gegensatz zur erde, auf der er als gast oder fremdling weilt'. The opposite of *Heimat* is *Fremde* ('extraneous, foreign'). With a shorter history, *Vaterland* may mean: 'land, worin mein vater lebte, als welches landes angehöriger ich mich betrachte; oft zusammenfallend mit geburtsland'; 'nicht nur die heimat eines einzelnen, sondern auch eines volkes oder völkergbietes'; 'da nach christlicher anschauung der himmel für die wahre heimat gehalten wird, heiszt letzterer oft vaterland und wird durch die beiwörter ewig, himmlisch u. s. w. von der erde unterschieden'; 'im gegensatz dazu das irdische vaterland.' Major sources for the usage of these expressions in this lexicographic context are Luther and the romantic poets. Romance languages do not know this pair of synonyms but use for both feminine nouns derived from Latin *patria* in the sense of nation or political community one belongs to and the region this community inhabits. The major dictionary for the language I speak in my first homeland, Argentina, the *Diccionario de la lengua española* of the Real Academia Española, defines *patria* as '1. Tierra natal o adoptiva ordenada como nación, a la que se siente ligado el ser humano por vínculos jurídicos, históricos y afectivos. 2. Lugar, ciudad o país en que se ha nacido.' The homeland is also referred to with an expression that combines mother- and fatherland, 'mère patrie', 'madre patria'. For both Germanic and Romance languages, one sense of homeland is a specifically Christian one which alludes to 'heaven as a Christian's true home' (OED).

36 See R.S. Kraemer, 'Mediterranean Jewish Diaspora,' 281–282. For other, quantitative rather

contemporary phenomena may resort to diverse types and amounts of data covering a wider spectrum of the societies they examine, from the literature of the sages we may at most recover certain aspects of a *literary* sense of place, expressed and shaped in a highly mediated, often formulaic language. However, like all forms of cultural representation from any given historical period, these texts emerged in certain socio-historical contexts. For this reason, in spite of their apparently ahistorical literary character, elite intellectual perspective, and ideological focalisation, we can assume that they may also shed some light on a Jewish sense of place within the wider society of which they were part.³⁷

Before I turn to the period on which this book focuses, some words on the question of how Jews related to their actual homelands (in the diaspora) and to the ancestral homeland (Judea) in the literature of the Second Temple period are in order.

1.3 The Literature of the Second Temple Period

During the nearly five centuries that elapsed between the time when some of the exiles returned to Judea and rebuilt the Temple in 516 BCE and the time when Jerusalem and its Temple were destroyed in 70 CE—that is, during the so-called Second Temple period of Jewish history—Jews lived both in Judea and in the diaspora.³⁸ The question of how the Jewish literature from this period conceptualises the ancestral homeland and deals with the question of Jews living in other places has been treated in a number of contributions to the research literature.³⁹ In what follows, I briefly outline the findings of certain scholars who have dealt with this subject matter in depth.

In his study on the emergence of the concept of a holy land in the Jewish literature of the Second Temple period, Jacobus Cornelis de Vos distinguishes

than qualitative reasons, this is also valid for the material evidence of the entire Jewish diaspora in the late ancient Mediterranean.

37 For an overview of this literature, see C. Hezser, 'Classical Rabbinic Literature,' in *The Oxford Handbook of Jewish Studies*, ed. M. Goodman (Oxford: Oxford University Press, 2002), 115–140; A. Samely, *Forms of Rabbinic Literature and Thought* (Oxford: Oxford University Press, 2007), 8–42; C.E. Fonrobert and M.S. Jaffee, eds., *The Cambridge Companion to the Talmud and Rabbinic Literature* (New York: Cambridge University Press, 2007).

38 Here and in the context of research on Second Temple literature, the term diaspora is used in the traditional sense of Jews living in places other than Judea, even though it is plausible that not even in this period was the Jewish diaspora a homogeneous phenomenon. See Edrei and Mendels, 'A Split Jewish Diaspora: Its Dramatic Consequences'.

39 See n. 5.

different accents in the attitudes towards the Land that emerge in the literature composed in Judea on the one hand and in the diaspora on the other.⁴⁰ While some of the Judean writings appear to emphasise the significance of the Land as a concrete place on Earth,⁴¹ a general tendency towards spiritualising the Land appears to be characteristic of the literature of this period. Rather than stressing the concrete land of the Scriptural triad God–people–land, this literature is keen to idealise the Land in several ways: Judea, or rather Jerusalem and its Temple,⁴² are conceived as a central point of orientation (Septuagint, Josephus);⁴³ as cosmic centre (Genesis Apocryphon, Jubilees, Letter of Aristeas) or eschatological safe haven (4 Esra and 2 Baruch); and as an allegory (Philo of Alexandria). Thus envisioned, the land of Judea exists—especially in texts composed in the diaspora and for a diaspora audience—side by side with the concrete, everyday homeland of diaspora Jews. This homeland in the diaspora is God’s will and is therefore viewed in positive terms. Even if the hope of someday returning to the Land finds expression in rare cases (e.g., Tobit), what

40 See Vos, *Heiliges Land*, ch. 2–3; Vos, ‘Bedeutung’.

41 On the epistle to the Jews of Egypt in 2 Macc 1:1–10, Wilken, *Land Called Holy*, 27, points out that it shows the adoption of Greek notions of fatherland, which enables Jews to express their relation to the Land in a new manner: ‘For the authors of the letter to the Jews of Egypt the sanctity of the land of Israel had to do with the celebration of Jewish festivals, but once the term came to be used with reference to non-Jews it took on new shades of meaning. The only worship that was fitting in the holy land was the worship of the God of Abraham, Isaac, and Jacob, and this worship was to be found only among the Jewish people. When claims about the sanctity of the land were made to non-Jews, especially to those living in Palestine, they were inevitably accompanied by statements about Jewish tenancy in the land and claims about ownership. This can be seen in the appropriation of Hellenistic ideas of fatherland or homeland during this period.’ This led to the possibility of legitimating their residence in the land without making use of the promise argument: ‘As the land of Israel came to be viewed as a native land, Jews learned to legitimate their residency in the land, without reference to the land promises in the Scriptures. The right to possess the land rested on tenancy, on having lived on the land as long as anyone could remember’ (29). The new tenancy vocabulary did not completely replace, but rather merged with the traditional one of inheritance and spiritual patrimony.

42 It is already characteristic for the post-exilic texts of the Bible to describe the Land as ‘Judah and Jerusalem’. See Janzen, ‘Land,’ 2b.

43 In the writings of Josephus, however, Vos, *Heiliges Land*, 84, observes, the Land is generally ‘reduced’ to the spatial setting of Israel’s history. With respect to the ‘diaspora literature’, scholars appear to agree on the notion that the homeland orientation of Jewish diaspora communities was essentially related to the Temple and Jerusalem—rather than the broader land of Judea. Such an orientation is viewed as a special category among the social and symbolic resources that held Jewish identity intact. See J.M.G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE)* (Edinburgh: Clark, 1996), 418–424.

characterises these Hebrew and Greek writings is the way in which they represent a certain orientation among Jews both in and outside of the Land towards the Temple, which unites them and establishes a space that includes Judea and the diaspora.⁴⁴

Philo of Alexandria's (15/10 BCE–40 CE) writings in particular have often been the focus of scholarly attention when it comes to a conspicuous double orientation towards the concrete, actual homeland *and* the Holy Land in the literature of the Second Temple period. This double orientation on the part of Jewish communities outside Judea, which maintained attachments to Jerusalem and at the same time had 'deep roots in their adopted communities', is a phenomenon without analogy in antiquity.⁴⁵

Philo's œuvre presents a number of conceptualisations, whereby scholars tend to distinguish between his early and his later writings. As Robert Wilken has pointed out, for Philo the Land was not merely a spiritual idea or an allegory (e.g., *De Abrahamo* 68; *Quaestiones et solutiones in Exodum* 2:13), but also the Jewish *metropolis* (*In Flaccum* 46); a concrete place for some Jews to live (*Legatio ad Gaium* 331) and for Jews living elsewhere to visit on a pilgrimage (*De specialibus legibus* 1:66–70); and a place to return to at the end of time, for the eschatological ingathering in Jerusalem (*De praemiis et poenis* 163–172).⁴⁶ However, as Isaiah Gafni has shown,⁴⁷ Philo's attitude towards the Land is also illuminated by his statements affirming his patriotic connection to his actual homeland, Alexandria, which he refers to as 'our Alexandria' (*Legatio ad Gaium* 150) and as his *patris* (*In Flaccum* 46). With the latter he appears to mean his fatherland on the one hand—a land which, among others, had been settled by Jews at the time of the city's foundation⁴⁸—and on the other a place of res-

44 See Vos, *Heiliges Land*, 84–86.

45 See Wilken, *Land Called Holy*, 21.

46 See Wilken, 34–37. See also R. Bloch, 'Leaving Home: Philo of Alexandria on the Exodus,' chap. 26 in *Israel's Exodus in Transdisciplinary Perspective: Text, Archaeology, Culture, and Geoscience*, ed. T.E. Levy, T. Schneider, and W.H.C. Propp, Quantitative Methods in the Humanities and Social Sciences (Cham: Springer, 2015), 357–364; J.R. Trotter, 'Going and Coming Home in Diasporan Pilgrimage: The Case of Philo's Ἱεροπομποί and Diaspora-Homeland Relations in Alexandrian Jewish Perspective,' *Journal for the Study of Judaism* 50 (2019): 26–51.

47 See Gafni, *Land*, ch. 2.

48 See Gafni, 45–47. Such a shared past with the Greeks, he argues, 'might indeed have served some Jews as an expression of local patriotism'. Gafni also points out that the projection of Jews as part of a local Greek past in claims used for apologetic purposes, e.g., in Josephus, *Bellum judaicum* 2:487, might raise questions about the conviction that motivated such statements.

idence to which Jews properly relate by showing a certain attachment.⁴⁹ Philo also justifies residing outside this land exegetically: In his reading of Num 9:6–14, a scriptural passage in which God explains to Moses that those who happen to be on a journey when Passover is celebrated in the Land may celebrate it a month later, Philo claims that those residing outside of the Land are not wrongdoers, but simply settlers from a nation which has grown so populous that the one country of their origin cannot contain them all. Residents abroad—like Philo himself—constitute colonies, and these are evidence of God’s mercy towards Israel (*Vita Mosis* 2:232).⁵⁰ With a focus on the identity discourse that can be retrieved from statements pertaining to the attitudes Jews have towards their places, Isaiah Gafni has pondered the questions of what could have moved authors such as Philo⁵¹ to express this type of local patriotism (authentic feeling? a struggle for rights?) and to what extent such a patriotism may have been perceived as conflicting with the preservation of a Jewish identity.⁵²

In his book *Identity and Territory*, Eyal Ben-Eliyahu is likewise interested in Jewish discourses of identity in relation to space during this timeframe. To describe them, he analyses the reception of scriptural territorial concepts in Jewish writings of the Second Temple period, i.e., works composed by writers who identified as Jews and lived in the Land between the sixth century BCE and the first century CE: the late biblical books of Ezra, Nehemiah, and Chronicles;

49 See Gafni, 47–50. Gafni also adduces what may amount to evidence of expressions of local patriotism in funerary inscriptions in Leontopolis and Acmonia, in Phrygia, in which the expression *patris* is used to refer to the land where Jews reside. He argues, however, that the sense of belonging such inscriptions appear to reveal is of a practical, geographical nature, rather than related to an identification with the area’s past.

50 See Gafni, 27–30, 59. For the *polyanthropia* argument, see also *In Flaccum* 45.

51 Other texts in which this type of expression of Jewish local patriotism towards lands other than the land of Israel (expressed as praise of a society, its rulers, or a shared past) can be found include the Letter of Aristeas 6:24. Gafni also highlights a special form of patriotic expression which operates with the notion of a dual heritage, for example in the work of Artapanus, who ‘emerges as unabashedly Jewish, while at the same time considering his ethnic heritage to be inexorably linked with the history and culture of Egypt’ (52). This type of expression of allegiance contrasts with the patriotism that can be ascertained in Babylonia in the talmudic period, for, as Gafni argues, the Babylonian sages did not explain their attachment as ‘natural outgrowth of their relationship with the surrounding population and culture’ (52).

52 See Gafni, 42–43. Related questions include whether the intended audience was Jewish, and what the use of certain demonyms reveals. According to Josephus, it is normal for Jews to be referred to as Alexandrians if they have joined the colony of Alexandria (*Contra Apionem* 2:38). As Gafni, 44, notes, in rabbinic literature demonyms such as ‘Babylonians’ or ‘Alexandrians’ when used to refer to Jews, do not appear to denote more than geographical facts, such as where someone was born or where he comes from.

the books of Judith and 1 Maccabees; Jubilees, Genesis Apocryphon, as well as Josephus' Jewish War and Jewish Antiquities. Not only because they were composed at various times, but also because they are informed by different Jewish identities, these writings represent several perceptions of the region that they view as Jewish ethnic territory. Ben-Eliyahu posits that different modes of Jewish national self-identification (inclusive, exclusive) are closely associated with different territorial orientations (maximalist, minimalist).⁵³ He also discusses a further set of sources for which territory is less crucial.⁵⁴ This is the case with 1 Enoch, which uses the real map of the land of Israel to draw a celestial map, or the sectarian literature from Qumran. On the one hand, the Qumran community is understood as a substitute for the Temple and for Jerusalem, which highlights the priority of the community's moral commitments over its territorial ones. On the other, the Qumran writings present the community's existence on the geographical margins of the Land in the Judean desert as an 'exile in the land'. The phenomenon of the Greek polis, and Alexandria in particular, appears to have had an impact on the orientation towards Jerusalem specifically, rather than towards the entire Land, as attested in works of Jewish Hellenistic literature such as 2 Maccabees, the Letter of Aristeas, and Philo. Ben-Eliyahu also discusses the way in which Philo understands the Land as having a universal rather than a national function: The Land is the source of offerings brought on behalf of all humanity, not only of Israel. By calling the Land 'holy', works such as 2 Baruch transmute the territory of the land of Israel into a 'place that belongs to another dimension', into something other than 'tangible territory'.⁵⁵

The New Testament writings demonstrate several attitudes towards the Land. The concrete land, seldom referred to as the land of Israel, is the setting of Jesus' activities as these are depicted in the Synoptic Gospels and is also the geographical point of departure for the mission to the gentiles.⁵⁶ According to Cornelis de Vos, the Hebrew Bible/Old Testament triad God–people–land is still valid in the New Testament, but both the people and the Land have been redefined. He focuses his reading of a wide array of relevant passages concerning three land-related concepts in the Hebrew Bible/Old Testament—namely, the people inheriting, dwelling in, and resting in the Land—to demonstrate how the New Testament adapts them. The epistle to the Hebrews receives par-

53 See Ben-Eliyahu, *Identity and Territory*, ch. 2.

54 See Ben-Eliyahu, ch. 3.

55 See Ben-Eliyahu, 75.

56 See W.D. Davies, *The Gospel and the Land: Early Christianity and Jewish Territorial Doctrine* (Berkeley, CA: University of California Press, 1974).

ticular attention: Here the concepts of promise, inheritance, habitation, and rest connect this letter to the Hebrew Bible/Old Testament.⁵⁷

1.4 Rabbinic Literature: Status Questionis

In the literature of the sages, the promised land of the Hebrew Bible continues to be referred to as ‘the Land’ (*ha-arets*),⁵⁸ but for the first time in the history of Jewish literature, it is now consistently designated as the ‘land of Israel’ (*erets yisrael*).⁵⁹ This is certainly not a minor detail and is one of the manifestations of new ways in which some Jews—Jews who would become religious leaders—envisioned the Land and their relation to it in the period that followed the suppression of the Jewish revolts, both in the Land and abroad, during the first and second centuries.⁶⁰ Although the subsequent transformation of Judea into a Roman province put an end to Jewish sovereignty and most probably had an impact on how some of the Jews living in the region and abroad related to this place, the earliest of the rabbinic documents, the Mishnah (redacted in the early third century CE), is not particularly concerned with acknowledging

57 See also Wilken, *Land Called Holy*, 53, who writes: ‘The book of Hebrews has been read as an effort to transform the land promise, the promise of rest, into a spiritual concept that has no relation to the actual land of Canaan.’

58 It must be noted that this wording is at least sometimes equivocal in rabbinic contexts, given that even in Scripture, the Hebrew *erets* refers to a specific geographical region, a people’s territory, but also to the Earth, in the sense of ‘realm of human habitation’.

59 Less frequent is the Aramaic equivalent (*ar’a de-yisrael*). It must be noted that this wording is at least sometimes equivocal in rabbinic contexts, given that even in Scripture, the Hebrew *erets* refers to a specific geographical region, a people’s territory, but also to the Earth, in the sense of ‘realm of human habitation’.

60 I.J. Yuval, ‘The Myth of the Jewish Exile from the Land of Israel: A Demonstration of Irenic Scholarship,’ *Common Knowledge* 12, no. 1 (2006): 16–33, argues that the notion of the exile of the Jews from the land of Israel after the destruction of the Second Temple, the so-called exile of Edom, does not have its origins in clear historical facts, but is rather a myth, the origins of which cannot even be traced back to rabbinic authorities from the land of Israel (19–21). Yuval points out that the apologetic resemantisation of the name Erets Israel in rabbinic literature—an expression which in Scripture denoted only the northern kingdom of Israel—so that it comprised Judea, the coastal plain, perhaps part of Transjordan, and most importantly the Galilee, could have been motivated by Judean refugees’ need to avoid perceiving themselves as exiled in their own land (24). Furthermore, Yuval views this myth of exile as related to an internalisation of Christian historical time, whereby it became possible for Jews to turn their own historical time into messianic time and their land into a messianic landscape (29). On the shifts in the names ‘Judah’ and ‘Israel,’ used for both place and people, in the Bible as well as in the literature of the Second Temple and the rabbinic periods, see Ben-Eliyahu, *Identity and Territory*, ch. 1.

these changed circumstances. Rather, its rules are worded as if Jews were still in a position to live by them in their land, and as if their Temple were still standing.⁶¹ While neither the literature of the Second Temple period nor the Mishnah generally convey the notion of the Land's ongoing superiority in Jewish history⁶² or the idea that Jews are supposed to live there, in other early Palestinian documents—such as the Tosefta and the halakhic midrashim, which are presumed to have been redacted later than the Mishnah—a more evident pro-land of Israel discourse can first be ascertained. This reminds Jews of the Land's superiority with respect to other Jewish places of residence, and of their obligation to reside in the land God gave them and to fulfil all the commandments there.⁶³ Now the Land is not simply a place other than an actual *patris*, as in the case of the Alexandrian Jews—that is, one of two homelands they could claim to have—but the one right place to be. However, for several centuries beginning in 135 CE, Jews would not be allowed (or would choose not) to settle in the area that was once the core of their ancestral homeland: Jerusalem and its environs.⁶⁴ This discourse continues to develop in traditions preserved in the Palestinian corpora of rabbinic literature in the subsequent period, when

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- 61 Stemberger, 'Bedeutung'. For the notion that the Temple rather than the synagogue stands at the centre of Jewish life both in the Mishnah and in the Tosefta, see S. Schwartz, *Imperialism*, 226n35.
- 62 As C.E. Fonrobert, 'The Concept of Diaspora in Rabbinic Sources,' chap. 2 in *The Oxford Handbook of the Jewish Diaspora*, ed. H.R. Diner (New York: Oxford University Press, 2021), 39, argues, the Mishnah is a document that 'seemingly self-consciously roots itself in the land.' Scholars have repeatedly emphasised, though, that it is a utopic document according to which there is still a Temple and Jews live on their own land with sovereignty over it. See D. Kraemer, 'The Mishnah,' chap. 12 in *The Cambridge History of Judaism*, ed. S.T. Katz, vol. 4 (Cambridge: Cambridge University Press, 2006), 313.
- 63 Contra Davies, *Gospel and the Land*, 55, according to whom the rabbinic praise of the Land begins after 70 CE, Gafni, *Land*, 64–65, argues that it is the defeat of the Bar Kokhba revolt that marks the beginning of a new attitude towards the Land. See also Heinemann, 'The Relationship between Jewish People and Its Land in Hellenistic-Jewish Literature'; Gruen, 'Diaspora and Homeland'; and more recently Z. Safrai, *Seeking out the Land*; Ben-Eliyahu, *Identity and Territory*. Gafni associates the major shift from a rather neutral attitude towards the Land represented in statements attributed to Yavnean sages, i.e., sages assumed to have been active in the first centre of rabbinic learning in Yavne, to a clear pro-land of Israel discourse demanding commitment to the Land and even prohibiting emigration with the generation of Rabbi Aqiba's disciples. However, as he concedes, this discourse takes shape either in anonymous statements transmitted in early documents or in statements preserved in later documents but attributed to sages who were active in the post-Bar Kokhba period.
- 64 In spite of the fact that Jews have found permanent homes in their lands of residence, Wilken, *Land Called Holy*, 21–22, argues that the loss of the Land is made into a self-defining motif, so that from the end of Persian rule in the fourth century BCE to the defeat

the Palestinian centre no longer constitutes the only centre of Jewish learning and spiritual leadership. The Palestinian sages' teachings, including those concerning how Jews should relate to the Land, are at times contested, at others 'merely' complemented from an outside perspective by the voices of sages active in the Babylonian centre. Several passages in the Babylonian Talmud are evidence of the way in which it refashioned Palestinian Land-traditions to suit its own agenda—so much so that Babylonia is depicted as an alternative land of Israel for as long as world history lasts.⁶⁵ However hegemonic Babylonia and its Talmud became, appropriating and controlling many a Palestinian tradition, contemporaneous and later Palestinian corpora—the Talmud Yerushalmi, the classical midrash corpora, and a number of post-classical corpora and works—preserve traditions which have their own 'western' character.⁶⁶

The perspectives on the land of Israel expressed in the texts I examine in this study are not simply diasporic in the context of the geographic sense mentioned previously—that is, in the sense that they discuss a homeland whence or within which Jews were dispersed. With its characteristic dialogue across generations of sages and the geographies of the centres of learning, rabbinic literature as a whole can be understood as diasporic, if we also understand diaspora, with Daniel Boyarin, as a 'people who participate in a doubled cultural (and frequently linguistic) location, in which they share a culture with the place in which they dwell but also with another group of people who live elsewhere, in which they have a local and a trans-local cultural identity and expression at the same time.'⁶⁷ Even if, according to Boyarin, a myth of an ancestral homeland is not really necessary to constitute a diaspora,⁶⁸ the sheer amount of statements on the Land—a whole rabbinic Land-discourse—appears to be part of

of the Bar Kokhba revolt in 135 CE, '[w]hether Jews spoke of the land of Israel as the holy land or homeland or our land or *the* land, they never abandoned the conviction that it was their destiny to dwell in the land.'

65 By then, even from a Babylonian perspective, it is clear that there is no place on earth comparable to the land of Israel. See I. Gafni, 'How Babylonia became Zion: Shifting Identities in Late Antiquity,' in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. L.I. Levine and D.R. Schwartz, Texts and Studies in Ancient Judaism 130 (Tübingen: Mohr Siebeck, 2009), 333–348. On Babylonia as a centre of the diaspora, see G. Herman, 'Babylonia: A Diaspora Center,' chap. 11 in *The Oxford Handbook of the Jewish Diaspora*, ed. H.R. Diner (New York: Oxford University Press, 2021), 203–216.

66 It must be noted that some of these non-canonical corpora tend to be associated with the orbit around the land of Israel but can neither be dated nor located with any certainty.

67 Boyarin, *Traveling Homeland*, 19.

68 This is especially the case once the Talmud has legitimised exile and thus replaced the imperative to dwell in the land of Israel. See M. Vidas, 'The Bavli's Discussion of Genealogy in Qiddushin IV,' in *Antiquity in Antiquity: Jewish and Christian Pasts in the Graeco-Roman*

the sages' way of asserting their trans-local identity as distinct from the surrounding, hegemonic one: Their Land-discourse becomes a diasporic 'category of belonging'.⁶⁹

1.4.1 *Structure and Scope of This Book*

This book is about the reconfigured idea of the land of Israel as this is represented in primarily rabbinic texts.⁷⁰ Texts are hereby not read for the sake of recovering actual perceptions of territory, but as sources of the Jewish intellectual history of the period. I am interested in these texts not simply as conveyors of ideas, but especially as literature, which is why I am keen to show how the texts themselves work and how the idea of the Land is shaped textually: Who speaks, with whom, and where? What language do they use? What scriptural text do they quote, and how do they interpret or manipulate it? What is the wider context of the passage in question? How does the meaning of a given tradition change when it is transmitted in different rabbinic corpora? For this reason, I generally quote the texts in a usefully literal English translation rather than merely paraphrasing them.

The Talmud has been compared to a sea. How do I select the sources with which to study the rabbinic conceptualisations of the land of Israel from the ocean of rabbinic literature? Databases such as The Academy of the Hebrew Language's *Historical Dictionary of the Hebrew Language: Ma'agarim* and Bar Ilan University's *Responsa Project* have been useful aids in the systematic search required for this study, although my research has also profited from extant text collections.⁷¹ These collections aimed to be exhaustive, listing practically every passage in rabbinic literature that mentions the Land and then grouping these

World, ed. G. Gardner and K.L. Osterloh, *Texts and Studies in Ancient Judaism* 123 (Mohr Siebeck, 2008), 326 (quoted in Boyarin, *Traveling Homeland*, 33).

69 Another diasporic 'category of belonging' is the conceptualisation of Babylonia as an ancestral rabbinic homeland in the founding myths of the Babylonian sages. See Fonrobert, 'Concept of Diaspora,' 41–47, who also discusses the idea of how the transformation of a given space into a place of Torah creates a 'here', an alternative homeland in the diaspora where a community is attached to place.

70 This book is a fully revised version of my habilitation thesis submitted to the University of Vienna in September 2021. This research was funded in part by the Dutch Research Council (NWO grant number 360-50-08) and in part by the Austrian Science Fund (FWF) [grant DOI:10.55776/P34307].

71 See Guttman, 'The Land of Israel in Talmud and Midrash'; Zehavi, *Midrashim on the Land of Israel*; Y.H. Charlap, *The Land of Israel in Tannaitic and Amoraic Literature* [in Hebrew] (Jerusalem: Yad ha-Rav Nisim, 2003); G. Reeg, *Die Ortsnamen Israels nach der rabbinischen Literatur*, Beihefte zum Tübinger Atlas des Vorderen Orients (Wiesbaden: Reichert, 1989), 60–65; Zevin and Bar-Ilan, 'Eretz Israel'; 'Erez Israel,' in *Encyclopedia Talmudica*, vol. 3 (Jerusalem: Talmudic Encyclopedia Institute, 1978), 1–68.

occurrences thematically. For this study, I selected text passages in which the Land features prominently from among a specific set of topical areas. Nevertheless, this selection remains representative of a larger discourse.

The chapters in this book are ordered in a three-part chronological sequence: they deal with the Land of the biblical past, construed from a rabbinic perspective; with the long rabbinic present; and with the Land in the end time, before the end of world history and beyond. Chapter 2 addresses the ways in which the rabbis represented and problematised the land of Israel as their ancestral homeland, as the land of their forefathers. By projecting their own ideals onto the narratives of the patriarchs, this chapter argues that the rabbis understood the patriarchs as having been attached to the Land in different ways during their lifetimes. Chapter 3 first discusses the notion that the Land is ahistorically superior by virtue of its inherent sanctity, and then turns to an understanding of the Land as holy, namely, as acquiring this status through Israel's agency, and as continuing to change with respect to this status over the course of Israel's history. The two chapters in part 2 are primarily concerned with how the rabbis perceived themselves and their fellow Jews as bound to the Land by different precepts. Chapter 4 deals with the development of a rabbinic precept according to which Jews ought to live in the Land. Chapter 5 focuses on the imperative to keep the Land in Jewish hands. Unlike the previous chapters, which deal with flesh-and-blood people's attachment to a land of stone and dust and rivers and roads⁷² in the rabbinised biblical history of Israel or the post-biblical, long rabbinic present, the chapters in the third part are concerned with the Land in the end time. I structure this discussion of rabbinic eschatological discourse around three subjects. In chapter 6 I survey the articulation of ideas concerning burial in the land of Israel, as these are reflected in a series of key rabbinic texts on this theme, which appear to respond to the question of whether a person's place of burial has an impact on that person's chances of resurrection at the end of time. In chapter 7 I turn first to a group of texts that address the end of world history, with a narrow focus on the Land, and second to discursive strategies put to use in order to represent the land of Israel as a perfected place in a future aeon.

Except for chapter 7—where the discussion centres on late materials, some of which may be referred to as post-, quasi-, or para-rabbinic—each of the other chapters traces aspects from the rabbinic Land-discourse by beginning with readings of passages from the earlier rabbinic corpora and then proceeding

72 S. Rosenberg, 'The Link to the Land of Israel in Jewish Thought: A Clash of Perspectives,' in *The Land of Israel: Jewish Perspectives*, ed. L.A. Hoffman (Notre Dame, IN: University of Notre Dame Press, 1986), 140.

to texts transmitted in later corpora. Dating rabbinic material is a challenging task. The use of geographical and chronological markers such as the names of cities and of rabbis is generally accepted, though a number of leading scholars consider rabbis' names problematic when it comes to dating traditions, since these may have been attributed with pseudepigraphical intent.⁷³ Rabbinic literature itself repeatedly informs us that both the sages and their teachings went back and forth between the Palestinian and Babylonian centres.⁷⁴ While certain statements, attributed and also unattributed, found their way into just one corpus, it is quite characteristic for this literature that several versions of one and the same tradition are found in a number of corpora, which may be solely Palestinian or both Palestinian and Babylonian. In order to organise the sources I discuss in the following chapters, many of which are unattributed or attributed in later corpora, I proceed from the earliest to the latest redaction date of the corpora or the works in which the excerpts I quote are transmitted: 1) texts transmitted in the Mishnah, Tosefta, and the halakhic midrashim, so-called tannaitic corpora (redacted in the third and fourth centuries); 2) texts transmitted in so-called amoraic corpora, which comprise the Talmud of the land of Israel or Yerushalmi (redacted in the late fourth or early fifth century), as well as the aggadic-exegetical and homiletical midrashim (redacted between the fifth and the seventh centuries); 3) texts transmitted in the Babylonian Talmud or Bavli (redacted between the sixth and the eighth centuries) as well as Avot de-Rabbi Natan (redacted between the fifth and the ninth centuries); and finally 4) texts transmitted in post-classical midrashim (Tanchuma literature, Pirke de-Rabbi Elie'zer, Seder Eliyahu, Aggadat Bereshit; redacted between the seventh and the tenth centuries) as well as the roughly contemporary texts of late Hebrew apocalyptic literature (composed between the seventh and the ninth

73 See R. Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006), 4. On the difficulty of dating rabbinic material, B.L. Visotzky, ed., *The Midrash on Proverbs* (New Haven, CT: Yale University Press, 1992), 12, observes: 'The result of this constant flow back and forth between Palestine and Babylonia is our inability to place definitely any rabbinic work of this period in one locale or another unless the author is clearly identifiable as a scholar who lived in a particular city of Palestine or the diaspora.' More recently, see Lapin, *Rabbis as Romans*, 39–42.

74 Rabbinic authorities, stories about them, and both attributed and unattributed rabbinic statements traveled back and forth between the two centres of rabbinic learning in Roman Palestine (land of Israel) and in Persia (Babylonia). On the movement between West and East, the Babylonisation and Palestinisation of traditions, see Kalmin, *Jewish Babylonia between Persia and Roman Palestine* and S. Stern, 'The Talmud Yerushalmi,' in *Rabbinic Texts and the History of Late Roman Palestine*, ed. M. Goodman and P. Alexander (Oxford: Oxford University Press, 2010), 155. On rabbinic travel, see C. Hezser, *Jewish Travel in Antiquity*, Texts and Studies in Ancient Judaism 144 (Tübingen: Mohr Siebeck, 2011).

centuries).⁷⁵ A note on the chronological connotations of the genre attributes *tannaitic* and *amoraic*: Just as *tannaim* (early sages) are quoted in so-called tannaitic midrashim, but the corpora themselves were redacted after the tannaitic period (i.e., the timeframe in which the tannaim were active, the first and second centuries CE); so *amoraim* (later sages, as well as tannaim) are quoted in so-called amoraic midrashim, but the corpora were redacted after the amoraic period (i.e., the timeframe in which the amoraim were active, the third to the mid-fourth century).⁷⁶ I use the expression post-amoraic, a less established nomenclature which is nevertheless also less equivocal than the two previous terms, to refer to both Tanchuma literature and other late rabbinic texts.⁷⁷

1.4.1.1 *Note on Sources, Translations, and Style Conventions*

I consulted rabbinic sources in standard (critical) editions and manuscript transcriptions, the majority of which are available at the *Bar Ilan Responsa Project*, *Sefaria*, and the *Ma'agarim*. For the translations, I consulted and adapted the wording of the standard translations listed in the bibliography, in the section 'Primary Sources'.

I quote scriptural passages primarily from the *New Revised Standard English Version*, and I have also adapted them according to the hermeneutic exigencies of the rabbinic context. Scriptural passages and rabbinic documents are quoted throughout the book in abbreviated form. Where I have added text to facilitate the comprehension of either an elliptical phrase or a sentence in the rabbinic wording or the scriptural co-text of a quoted verse, this is placed between square brackets []. Round brackets () are reserved for a) literal translations (preceded by the abbreviation 'lit.') in cases in which I opted for a clearly

75 For the redactional dates of the rabbinic corpora I follow Stemberger, *Einleitung* and Samely, *Forms*. In the case of attributed statements, an index of rabbinic authorities at the end of this book informs the reader of the generation and centre of learning with which a scholar mentioned by name is conventionally associated. Authorities are designated as either tannaitic (= T) or amoraic (= A). For the former, five generations are distinguished: T1 (60–90), T2 (90–130), T3 (130–160), T4 (160–200), T5 (200–220). As to the amoraim, scholars distinguish five generations for the Palestinian [= p] and eight for the Babylonian centre [= b]. The amoraim referred to or quoted in this study are presumed to have been active in the following generations: A1 (220–250), A2 (250–280), A3 (280–310), A4 (310–340), A5 (340–375), A6 (375–425). See L.I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (Jerusalem: Yad Izhak Ben-Zvi, 1989), 67–68n120; C. Albeck, *Introduction to the Talmud, Babli and Yerushalmi* (Tel Aviv: Dvir, 1969); Stemberger, *Einleitung*.

76 See Lapin, *Rabbis as Romans*, 39–42.

77 See D. Weiss, *Pious Irreverence: Confronting God in Rabbinic Judaism* (Philadelphia, PA: University of Pennsylvania Press, 2017), where the Bavli is designated as post-amoraic.

non-literal rendering; b) translations of text set in Hebrew; and c) transliterated expressions from Hebrew (set in italics); as well as d) the original Hebrew wording of certain words or phrases. I use a vertical line | to delimit units of discourse or narrative in lengthier texts, and two lines || to indicate page breaks in the Talmud.

PART 1

Past



The Land of the Fathers Rabbiniised

In the patriarchal narratives of Gen 12–50 the Hebrew Scriptures preserve a major homeland myth.* The promise of the Land to Abraham is a motif that binds the whole narrative of the Hebrew Bible.¹ In the book of Genesis, God promises Abraham and his seed the Land and confirms this promise to Isaac and Jacob.² Moses and the Israelites are repeatedly reminded of the promise throughout the rest of the books in the Pentateuch—a land now characterised as ‘flowing with milk and honey’.³ The land promised in these verses is referred to as ‘the land’⁴ and also as ‘the land of Canaan’. On one occasion God speaks to Jacob of ‘the land of your ancestors’, where Jacob’s kin are said to reside.⁵ As the narratives in Genesis illustrate and certain verses more explicitly suggest, this land does not belong to the patriarchs,⁶ nor to any people on Earth. The patriarchs and their people are residents there, and they are surrounded by other peoples.

Numerous rabbinic texts deconstruct the more or less linear scriptural homeland myth of the patriarchal narratives and rework it in such a way that a new myth can be said to emerge.⁷ The scriptural basis of this new myth consists of segments of the Genesis accounts concerning the lives of the patriarchs in relation to the promised land, which the rabbis subjected to the magnify-

* An earlier version of chapter 2 was published as ‘Inheriting and Buying a Homeland: The Land of Israel and the Patriarchs,’ *Journal for the Study of Judaism* 49 (2018): 551–580.

1 See Wilken, *Land Called Holy*, 4–7. To mention only the major studies on this theme, see Weinfeld, *Promise of the Land*; Brueggemann, *The Land*; M. Vahrenhorst, ‘Land und Landverheißung,’ in *Heiliges Land*, ed. M. Ebner (Neukirchen-Vluyn: Neukirchener Verlag, 2008), 123–147; Frankel, *Land of Canaan*.

2 See Gen 12:7; 13:15, 17; 15:18 (Abraham); 26:3–4 (Isaac); 28:13; 35:12 (Jacob).

3 E.g., Exod 3:8; 6:4; 12:25; 33:1; Num 33:53; Deut 9:23.

4 It is also sometimes referred to deictically as ‘these lands’.

5 See Gen 31:3; 32:10.

6 They are sojourners there. See Brueggemann, *The Land*, 7–8. The Land is designated as ‘the land of your / his father’s / their sojournings’. See Gen 17:8; 28:4; 36:7; Gen 37:1. Especially for Abraham, the first patriarch in the Land, this remains a space in which he is a stranger. See J.C. de Vos, ‘Land,’ in *WiBiLex: Das Bibelllexikon*, ed. M. Bauks, K. Koenen, and S. Alkier (Stuttgart: Deutsche Bibelgesellschaft, 2010), 3.1, <https://bibelwissenschaft.de/stichwort/24593/>.

7 Although the meaning of the land of Israel in rabbinic literature has been studied in a number of contributions (see chapter 1, n. 6), the rabbinic treatment of the Land’s ancestral character as a Jewish homeland does not appear to have received close attention. See Gradwohl, ‘Das Land Israel in der talmudischen Literatur,’ 53–54; Wolff, ‘*Geh in das Land*’, 90–91.

ing glass of midrash, setting them in relation both to other scriptural contexts and to Mishnaic law. The resulting narrative is a *rabbinic ancestral homeland myth*. Unlike the apparent univocality and coherence of its scriptural counterpart, this is not a tangible, coherent whole, but a plurality of statements, different in scope and length, uttered by different voices, and transmitted in documents from various genres, periods, and geographies. These statements focus on diverse aspects of a myth that constitutes a more or less coherent narrative whole only when one amalgamates its components the way Louis Ginzberg did in his *Legends of the Jews*.⁸ The collection of texts that I will examine in this chapter comprises examples found in halakhic and aggadic midrashim, in the Talmudim, and in the narrative midrash Pirque de-Rabbi Elie'zer.

In this chapter I focus on two versions of the rabbinic ancestral homeland myth. The first is represented by tannaitic and amoraic sources in the form of statements and brief narratives pertaining to the land of the patriarchs as a whole. Crucial questions with which anonymous voices and, in the case of attributed statements, almost exclusively tannaim are concerned, are whether the patriarchs were merely promised the Land or whether they came to possess it, how this happened, and what the implications of possession prior to Joshua's conquest would be. A number of statements attributed primarily to Palestinian amoraim are representative of the different ways in which the rabbis understood the patriarchs' attitudes towards the Land. The patriarchs are viewed as having had an affectional bond to the Land, but also as having conducted themselves towards the Land according to the halakha, e.g., observing land-dependent commandments there.⁹ Furthermore, several sources of this first version of the ancestral homeland myth focus on the problem of Abraham's first homeland and his adopted homeland. Abraham leaves his native homeland in order to establish himself in a new one, but he and his descendants remain connected to the first homeland in the east. As a number of sources imply, two generations after Abraham, the land of *Jacob's* ancestors has moved west and is located in the land of Israel.¹⁰

8 L. Ginzberg, *The Legends of the Jews*, 7 vols. (Philadelphia, PA: Jewish Publication Society, 1909–1920).

9 On this concept, see below as well as chapter 3.2.

10 To use diaspora studies terminology, these are texts about a host country or hostland becoming a homeland, and they represent a chapter in a rabbinic homeland myth about the very beginnings of the Jewish homeland in the land of Israel. Even though he is not explicit about it, when Safran, 'Diasporas in Modern Societies,' 83, writes about the 'vision or myth about their original homeland' that characterises a diaspora community, he is probably using the expression 'myth' in the scholarly sense of an essentially true and meaningful narrative, a specific way of *Welterkennen*, and not in the colloquial sense of a

A second version of the ancestral myth has a narrower focus. This version is represented by amoraic and especially post-amoraic statements concerning one space within the land of patriarchal times, the cave of Machpelah. This is a place whose acquisition by means of a purchase is at odds with the notion that the patriarchs possessed the entire Land promised to them. One can posit that in these texts, which have an interest in ‘a piece of land worth four hundred shekels of silver’ (Gen 23:15), the earlier, territorially rather vague notion of a land possessed by the patriarchs is replaced with a more precise concept, with a concrete territory. This new focalisation goes hand in hand with a more detailed narrative style and a firm emphasis on the patriarchs’ emotional attachment to the Land, which stands in contrast to most of the texts that deal with the entire territory of the Land.

Almost all the authorities quoted in this primarily Palestinian corpus are of Palestinian origin. This is also the case with regard to the texts from the Babylonian Talmud I have studied. Below I will show that even though they let Palestinian voices speak, the Babylonian texts reveal a different perspective on this myth from that found in the Palestinian texts. While the latter seldom instrumentalise the ancestral myth as propaganda for the land of Israel, I will argue that the Babylonian sources do at times relativise the primordial character of the Land as ancestral homeland, its superiority, or even the patriarchs’ attachment to it. In these texts, the notion that Jews are supposed to live in their ancestral homeland is neither explicitly formulated nor contested.

2.1 The Patriarchs and the Homeland They Were Given

Die Mischna, aber auch die übrige rabbinische Literatur mißt den biblischen Landverheißungen kein allzu großes Gewicht bei. Der Akzent der rabbinischen Aussagen über das Land liegt woanders, nämlich auf der Heiligkeit des Landes und ihren Konsequenzen.¹¹

fabulous narrative; see J. Engels, ‘Mythos,’ in *Historisches Wörterbuch der Rhetorik*, vol. 6 (Tübingen: Max Niemeyer Verlag, 2003), 80. From a religious studies perspective, A. Assmann and J. Assmann, ‘Mythos,’ in *Handbuch religionswissenschaftlicher Grundbegriffe*, ed. H. Cancik, vol. 4 (Stuttgart: Kohlhammer, 1998), 179–181, distinguish seven types of myth concepts: 1) polemical, 2) historical-critical, 3) functional, 4) everyday, 5) narrative, 6) literary, and 7) ideologies and great narratives.

11 Stemberger, ‘Bedeutung,’ 178 (“The Mishnah, but also the rest of rabbinic literature, does not attach too much weight to the biblical promises of the land. The emphasis of the rabbinic statements about the land lies elsewhere—namely, on the holiness of the land and its consequences”).

Even if the rabbinic statements on the Land generally focus mainly on its holiness and the implications thereof, numerous rabbinic sources also focus on the nature of the link between the people and the land of Israel¹² as *ancestral*, i.e., as having its origins in the lives of the Israelites' forefathers and the promise made to them. As mentioned in the introduction, neither the Hebrew Bible nor the rabbinic sources use a consistent equivalent to the Greek *patris*. However, the name Erets Israel can be considered an equivalent expression for 'fatherland' in that it refers to the Land as that of a major forefather, since Israel is a name given to the patriarch Jacob in the Hebrew Bible.¹³

2.1.1 *The Land Is Israel's: Since When?*

When does the story of the land of Israel begin according to the rabbis? Among the rabbinic answers to this question, one anonymous tradition in the halakhic midrash Sifra represents an extreme position. This text interprets Lev 20:24, a verse in which the Land is promised to Moses and the Israelites, but which makes no reference to the patriarchs:

And I will give it to you to possess (Lev 20:24): In the future, I will give it to you as an inheritance for eternity. Maybe you say that you may only give to us what belongs to someone else. But is it not yours? Is it not just Shem's portion and you are Shem's children? They are just the children of Ham, and what is their nature there? They take care of the place until you come. (Sifra Qedoshim parashah 4, pereq 9:6–7)¹⁴

According to Sifra, the Land belongs to Israel even before it is promised to the patriarchs. Noah is said to have divided the Earth among his sons and given Shem, from whom Israel descends, the Land. The descendants of Ham, who inhabit the Land from the patriarchs' time to the conquest under Joshua, are there only to take care of it until the children of Israel enter it.¹⁵ More

12 This is referred to as 'the Land' or 'the land of Israel', not as 'the promised land', which is often found in English translations. 'Promised land' or rather 'land of promise' is a Christian concept. See Hebr 11:8–9. See Wilken, *Land Called Holy*, 52–53, 126–128; Oberhänsli-Widmer, 'Bindung ans Land Israel,' 149–150.

13 E.g., Gen 32:29; 35:9. Another, though less frequent Hebrew equivalent to *patris* is *erets avotchem* ('land of your fathers'), found exclusively in Palestinian sources. The expression *erets avotenu* ('the land of our fathers') is used in Naphtali Herz's poem Ha-tikvah, a shortened and modified version of which is the text of Israel's national anthem.

14 See also Sifra Qedoshim parashah 4, pereq 9:4, where the Canaanites take on the role of *shomrei maqom* ('caretakers of the place') until the Israelites arrive.

15 On the scriptural term 'land of Canaan', see MekhY Pischa 18. The Sifra text does not con-

characteristic, and in accordance with the view presented in the scriptural account,¹⁶ is the notion that the link between the Land and Israel begins with the choice of the land of Canaan and the promise made to Abraham. In another halakhic midrash, *Mekhilta de-Rabbi Yishma'el*, the question of the ancestral link between land and people is addressed in the context of an interpretation of Exod 13:5. Here the question of where the Land was 'sworn' to the Israelites' forefathers arises. The answer consists in the quotation of the three main *textual loci* in Genesis. Rather than locating it in the territory of Canaan or in the text of the book of Genesis, this answer describes how—that is, with which wording—the Land was promised to Abraham in Gen 15:18, to Isaac in Gen 26:3, and to Jacob in Gen 28:13 (see *MekhY Pischa* 17).

2.1.2 *Promised and Given to the Patriarchs?*

Some texts are especially concerned with the question of the *exact moment* when the land promised to Abraham and his seed was actually given to them, that is to say, first possessed by them—and what this implies.¹⁷ The halakhic midrash *Sifre Devarim* suggests that because title to the Land had already been given to their ancestors, Moses could tell the Israelites that they would not need weapons to enter the Land, but rather a compass to assist them with the division. Thus, the entry into the Land is imagined not as a conquest, but as free of any violence or weapons (*SifDev* 7). Another statement elsewhere in the same document argues that the patriarchs receive (only) a promise, the

demn Canaan as harshly as a related tradition in the book of Jubilees does. Here we are told that when the earth is divided among Noah's three children, Japheth receives the coastal regions of the Mediterranean, Shem the land from Lebanon to the river of Egypt, and Ham the lands to the east, as far as the Garden of Eden. The land is called land of Canaan because one of Ham's descendants, the disobedient Canaan, illegitimately settled in Shem's territory—an act for which he would eventually be cursed (*Jubilees* 10:34). As Wilken, *Land Called Holy*, 31, observes: 'The point of this fictitious and fanciful story is that the land of Israel received the name land of Canaan as a result of thievery and usurpation. Its rightful tenants are not the Canaanites, the sons of Canaan, but the Israelites, sons of Shem. The name land of Canaan is malapropos and anachronistic.'

16 As Wilken, 2, notes, the promise of the land and 'Abraham's migration from Mesopotamia to Canaan was not simply a journey of several hundred miles to a new pasture: it was the beginning of biblical history in the proper sense of the term.'

17 As Wilken, 7–8 and 261–262n15, points out, even though the expression 'possess the land' (or 'inherit the land') is used in Scripture as a standard formula to refer to the promise of the Land, it nevertheless has several quite different connotations (to conquer and take the land from other peoples, to settle in the Land, to ensure the Land's holiness, etc.), which the interpretation in rabbinic and also patristic literature exploits. Jerome, for example, claims that the patriarchs possessed the Land first and that the generation of the wilderness restored it to Israel (*Epist.* 129.1).

fulfilment of which comes about when the immigrants from Egypt enter the Land (SifDev 8; 357).¹⁸ The same tension between the notions that the Land was merely promised to the patriarchs and that it was also possessed by them can be ascertained in a later exegetical midrash. A tradition in Bereshit Rabbah argues that at the time of his return to Canaan from Egypt, Abraham has no right to the Land. Rather, it is only once the seven nations that inhabit the Land have been uprooted that the children of Israel can take possession of the Land (BerR 41:5).¹⁹ On the other hand, when God is depicted reflecting on whether to take counsel with Abraham concerning his plans to destroy five towns within the territory of the land of Canaan, he himself states that the Land has already been given to Abraham, and even if he knows that Abraham will not contradict him, the proper thing for God to do is to inform him (BerR 49:2).

In different halakhic contexts, both Talmudim address the question of whether the first patriarch took possession of the Land by walking on it. The context in the Yerushalmi is an elaboration on the analogy between the different means of acquiring Canaanite slaves (mQid 1:3) and real estate (*achuzah*), namely, with money, by means of a contract, or through possession (*bachazaqah*). Abraham is presented as having set a precedent for the acquisition of land by walking on it and thereby taking possession of the Land when he followed God's call in Gen 13:17:

Rabbi Eliezer said: He who walks acquires, for it is taught [in a baraita²⁰]: If one walks across a field along its length and breadth, one acquires up to the place he walked to, the words of Rabbi Eliezer. And the sages say: He does not acquire up to the moment he takes possession. Everybody

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- 18 Compared to the patriarchs, who only received a promise, Moses gets to see the Land that the children of Israel are going to possess. Similarly, in MekhY Pischa 18, in an interpretation of 'and shall give it to you' (Exod 13:5), Moses is told not to view the Land as having been inherited from the fathers, but rather as being given to him only on 'that day'. However, this can only be understood metaphorically, since Moses is not allowed to enter the Land. MekhY Pischa 18 interprets the promise to the patriarchs and to Moses as referred to in Exod 13:11, adducing the same verses as in MekhY Pischa 17 and Exod 6:8. This is also the assumption in bBer 18b, in a tradition by Rabbi Jonathan: 'Whence do we know that the dead converse with one another? Because it says, *The Lord said to him, This is the land of which I swore to Abraham, to Isaac, and to Jacob, saying* (Deut 34:4). What is the meaning of *saying*? The Holy One, blessed be He, said to Moses, Say to Abraham, Isaac and Jacob: The oath which I swore to you I have already carried out for your descendants.'
- 19 According to another tradition in Bereshit Rabbah only part of the lands promised to Abraham will be given to his descendants, and the entire territory will only be theirs in an eschatological future (see BerR 64:3).
- 20 A baraita is an allegedly early, i.e., tannaïtic statement, transmitted outside of the Mishna.

agrees that if one sells a path to his fellow, when he [the latter] walks on it, he acquires it. What is the [scriptural] reason? *Rise up, walk through the length and the breadth of the Land, for I will give it to you* (Gen 13:17). (yQid 1:3 [59d])²¹

This passage presents opinions on how an individual acquires a field: a field is acquired merely by walking on it—walking amounts to taking possession after a sale; walking and taking possession are different acts, therefore one does not acquire a field simply by walking on it. The idea that one does take possession by walking, that walking amounts to acquiring, is scripturally supported by the command in Gen 13:17. Even though the verse is not taken from a scriptural context concerning a sale, it is used to illustrate how one acts in taking possession by walking—the same way the patriarch acted in taking possession following the promise.

In the Babylonian Talmud, the statements made by Rabbi Eliezer and the sages in the Yerushalmi are quoted and expanded upon as part of an elaboration on a Mishnah (mBB 6:7) that deals with how one should proceed if a public path passes through one's field and one provides an alternative path for the public. The Talmud asks about the concrete steps the public needs to take in order to acquire the path:

And [according to] Rabbi Eliezer, through what does the public acquire? By walking, as it is taught [in a baraita]: One walks on it along its length and its breadth, one has acquired the area where he walked, words of Rabbi Eliezer. And the sages say: Walking is of no avail until he takes possession. Rabbi Eleazar said: What is the reason of Rabbi Eliezer? For it is written, *Rise up, walk through the length and the breadth of the Land, for I will give it to you* (Gen 13:17). And the rabbis? There, it was because of the love for Abraham that He said to him this, so that his children may easily conquer [the Land]. (bBB 100a)

The Gemara quotes another tanna, Rabbi Eleazar, who explains the reasoning underlying the sayings of Rabbi Eliezer and the sages. According to Rabbi Eleazar, Abraham's walking was a symbolic act, but the possession was only effected by those who conquered the Land. While the passage in the Yerushalmi depicts Abraham's primordial walking in analogy to the acquisition of land in the rabbinic present—that is to say, as having taken possession of the Land by

21 Par. BerR 41:10.

walking on it—the Bavli distinguishes the symbolic act of walking on a field from taking possession of it. Here Abraham's walking is seen as having symbolically eased his descendants' task.

Whereas the Yerushalmi construes Abraham's response to God's call in Gen 13:17 as a first chapter in the story of the Land and its people—that the Land was promised to and possessed by the patriarchs is a position with which several midrashim agree—the Bavli and other midrashim understand the impact of the patriarchs' lives on the land rather as a prologue to the main narrative: that of the Israelites actually taking possession.²² According to this view, the Land was only promised to them. In other words, while one of these rabbinic elaborations on the scriptural account may reveal a certain uneasiness with the conquest narrative as part of the homeland myth, the other is less concerned with adjusting the narrative of the patriarchal origins in the Land.

2.1.3 *Inheriting the Land Time and Again: Who, When, How?*

Adjustments to the scriptural ancestral homeland myth can take other forms. The following midrash focusing on part of Deut 1:8 is concerned with future inheritance or possession by the patriarchs' descendants, and not the patriarchs themselves:

To give unto them, to those who have entered the Land; and to their seed, to their children; after them (Deut 1:8), referring to those areas which were conquered by David and Jeroboam, for it is said, He restored the border of Israel from the entrance of Hamath etc. (2Kgs 12:25). Rabbi said: To give unto them, to those who have returned from Babylon; and to their seed, to their children; after them, referring to the time of the messiah. (SifDev 8)

Combining an anonymous and an attributed statement, this midrash divides the clause 'to give unto them and to their descendants after them' in Deut 1:8 into three segments and interprets each twice. The ensuing six minimal midrashic units suggest that giving the promised land is an iterative action that begins with the Israelites during the conquest and continues until the messianic time.²³ Even though the referent of the expression 'them' in Scripture is the three patriarchs—'the land that I swore to your ancestors, to Abraham, to Isaac, and to Jacob'—the midrash above is not interested in construing the lives

22 Of eleven sources examined with respect to this tension, five depict the patriarchs taking possession of the Land, and six depict them merely receiving the promise.

23 On the concept of a midrashic unit, see Samely, *Forms*, 9, 65–69.

of the patriarchs in the Land as a prelude to the main narrative. The patriarchs do not feature in the actualisation of Deut 1:8 in this halakhic midrash.

The question of how the Land continues to be inherited after Abraham's lifetime is addressed in a passage of the Tosefta, which stages a dispute between Rabbi Simeon ben Yochai and other sages on the meaning of Ezek 33:24:

Rabbi Aqiba expounded: It [Scripture] says, *Mortal, the inhabitants of these waste places [in the land of Israel keep saying, Abraham was only one man, yet he got possession of the land; but we are many; the land is surely given us to possess]* etc. (Ezek 33:24). This is an instance of inference from the minor to the major: If Abraham, who worshipped only one God, inherited the Land, is it not so much the more proper that we, who worship many gods, inherit the Land? | Rabbi Nehemiah says: If Abraham, who had only one son, whom he offered up, inherited the Land, is it not so much the more proper that we, whose sons and daughters we offer up to idolatry, inherit the Land? Rabbi Eliezer, the son of Rabbi Jose the Galilean, says: If Abraham, who had no one on whom to rely, inherited the Land, is it not so much the more proper that we, who have one on whom to rely [namely, Abraham], inherit the Land? | And I [Simeon b. Yochai] say: If Abraham, who had received only a few commandments, inherited the Land, is it not so much the more proper that we, who have been commanded concerning all of the commandments, inherit the Land? You should know that [it is] so. Listen to the answer the prophet gave to them, for it is said, *Thus said the Lord: You eat with the blood[... yet you expect to possess the land!]* etc. *you have relied on your sword[... yet you expect to possess the land!]* etc. (Ezek 33:25–26). ... This is an instance of inference from the minor to the major: If the seven commandments which were issued to the children of Noah you have not observed in my presence, do you yet say, We shall inherit the Land? And I [Simeon b. Yochai] prefer my opinion to the opinion of Rabbi Aqiba. (tSotah 6:9)²⁴

The passage opens with Rabbi Aqiba quoting a verse in Scripture that compares Abraham's inheritance of the Land as an individual to that of an unidentified group. The Ezekiel verse is interpreted four times using the same hermeneutic strategy, a *qal va-chomer*: Four sages have the others who speak in the first person in the Ezekiel verse (Judeans who stayed in Judah during the Exile²⁵) voice a rabbinic comparison with Abraham. Rabbi Aqiba and Rabbi Nehemiah

²⁴ This translation follows ed. Lieberman. See the parallel in SifDev 31.

²⁵ The Judeans who stayed in Judah during the Exile and eventually shared it with non-Jews

both let these other, hermeneutic non-rabbinic Jews, claim that their right to the Land is superior to Abraham's using arguments that emerge as unreasonable, especially when compared to those adduced by Rabbi Eliezer and Rabbi Simeon. According to the former, the Judeans can profit from the fact that their ancestor inherited the Land in a way that he himself could not—because he had no ancestors in the Land. The lengthier argument is Rabbi Simeon's. He has the Judeans argue for their right on the basis of the increased number of commandments they were able to observe—commandments which were given after Abraham's time. But then Rabbi Simeon takes up the argument and rebukes the Judeans for failing to observe even the few commandments Abraham had been given,²⁶ for which reason their right to the Land is *not* greater than Abraham's.

Rabbi Simeon's statement praises the patriarchal past and polemicises not just against the Judeans, who did not endure the Exile and failed to observe the commandments Abraham observed, but also against Jews of the rabbinic present—of the time when these statements were originally uttered (in the second century), and of the time when they were compiled in the Tosefta. *Their* right to the Land, like that of those who remained in the Land when their fellow Judeans were exiled, is only theoretically greater than Abraham's, but it is a right that depends on the proper observance of the commandments.

In the context of the land promise, the Hebrew Scriptures primarily make use of idioms containing word forms of the root *yarash* ('to inherit, to possess').²⁷ Word forms of the lexeme *nachal* ('take possession, inherit')²⁸ are sometimes used as synonymous with *yarash*. Thus, Isa 58:14 refers to the Land as 'Jacob's heritage' (*nachalat yakob*). While several Palestinian midrashim interpret this expression as a metaphor for the spiritual reward to be given

whom the Babylonians had settled there are the ones who speak in Scripture. C. Dauphin, 'Interdits Alimentaires et Territorialité en Palestine Byzantine,' in *Mélanges Gilbert Dagron*, Travaux et mémoires 14 (Paris: Association des Amis du Centre d'Histoire et Civilisation de Byzance, 2002), 149–150, points out with respect to the conflict between the exiled community and those who remained in Judah: 'Or, entre autres conséquences de la conquête babylonienne du royaume de Juda (597–587/6 av. J.-C.), les Juifs déportés en Babyloine (une partie de l'élite et des riches propriétaires hostiles aux Babyloniens) et ceux restés en Juda entrèrent en conflit, l'enjeu étant double, identitaire et territorial, chacune des deux communautés revendiquant le titre d'Israël et la possession de la terre.'

26 However, according to rabbinic tradition a small number of commandments, the so-called Noahide commandments, were actually in force during the patriarchs' lives (see bSan 56a and parallels).

27 E.g., Gen 15:7–8; Exod 6:8; Deut 1:8; 33:4; Jes 14:21; Amos 2:10; Ps 37:11. More than half the 89 occurrences are found in Deuteronomy.

28 E.g., Exod 23:30; 32:13; Josh 14:1; Isa 57:13; Ezek 47:14; Zech 2:16; Ps 69:37.

to whoever keeps the Sabbath or occupies himself with Torah,²⁹ a passage in the Babylonian Talmud insists on the geographical connotation of the expression, insofar as it compares it with expressions that refer to the land promise, as spoken to Abraham and Isaac. Thus, reading Jacob's heritage in Isa 58:14, Rabbi Jochanan contrasts the third patriarch with his grandfather and his father in bShab 118b. As attested in the verses in which God addresses Abraham and Isaac and refers to the Land as their heritage—'Rise up, walk through the length and the breadth of the land' (Gen 13:17); 'Reside in this land' (Gen 26:3)—their heritage is limited in scope, i.e., it is the land(s) visible to them. Conversely, when Jacob is told, 'and you shall spread abroad to the west and to the east and to the north and to the south' (Gen 28:14), he is given a 'heritage without borders' (bShab 118a). Commenting on this Palestinian tradition concerning a heritage comparable to a land without borders, the Babylonian Rav Nachman b. Isaac then explicitly addresses the idea that as long as they observe and delight in the Sabbath, Babylonian Jews will be spared the negative experience of the Exile, for they are, as it were, living in the land inherited by Jacob—in a real land of Israel not defined by traditional territorial borders.³⁰

2.1.4 *Improving the Land: Aggadic Attachments*

Sifre Devarim also quotes Gen 13:17 in a midrash that seeks to explain the threefold mention of Abraham, Isaac, and Jacob following the clause '[the land] which the Lord swore to your ancestors' and the repeated preposition *le-* preceding each name in Deut 1:8. The midrash argues that each of the fathers was worthy of being promised the Land because each revealed through his actions a sense of belonging to the place where he resided, to the land promised to him. A parable illustrates this notion:

[The land] that the Lord swore to your ancestors (Deut 1:8): ... Why then does Scripture say [in addition], *to Abraham, to Isaac, and to Jacob* (Deut

29 See ShemR 25:12; WayR 34:16; TanB Ve-zot ha-berakhah 4; Tan Ve-zot ha-berakhah 5; SER 139. The metaphorical shift in the inheritance motif is already present in the Pentateuch itself, e.g., Deut 33:4. Apart from *nachalat yakob* there are two other related expressions, *nachalat yisrael* (Judg 20:6) and *nachalat yisrael* (Ezek 35:15), though these seem to have been less interesting for rabbinic arguments. As Z. Safrai, *Seeking out the Land*, 37, points out, the combination of the expressions *erets* and *nachalah* is not only known to rabbinic midrashim, but even to works of Second Temple literature, such as the passage in the War Scroll that reads: 'Fill your Land with glory and your inheritance with blessing.'

30 I thank Eyal Ben-Eliyahu for calling my attention to the real character of the Land as it is alluded to in this passage.

1:8)? To [indicate that] Abraham on his own [was worthy], Isaac on his own [was worthy], Jacob on his own [was worthy]. It is like a king who gave a servant a certain field as a gift, gave it to him as it was. The servant went to work and improved it, saying, What I have is only that which was given to me as it was. And he planted a vineyard in it, saying again, What I have is only that which was given to me as it was. So also when the Holy One, blessed be He, gave Abraham the Land, He gave it to him only as it was, for it is said, *Rise up, walk through the length and the breadth of the land, for I will give it to you* (Gen 13:17). Abraham then went to work to improve it, for it is said, *And Abraham planted a tamarisk tree in Beer-sheba* (Gen 21:33). Isaac likewise went to work to improve it, for it is said, *And Isaac sowed seed in that land, and in the same year reaped a hundred-fold* (Gen 26:12). Jacob too went to work to improve it, for it is said, *And he bought the plot of land [on which he had pitched his tent]* (Gen 33:19). (SifDev 8)

Although the parable is initially told to explain the apparently redundant rephrasing of 'your ancestors' as Abraham, Isaac, and Jacob, as well as the repetition of the preposition *le-* ('to') before the names of the three patriarchs in the scriptural lemma, the secular narrative stresses only the difference made by the work on the field done by one and the same servant. The field in the parable and what the servant does with it, the midrash suggests, is comparable to the deeds of each of the three patriarchs in the Land—deeds which are seen as already alluded to in Scripture. Each is singled out for the type of action he performs on the land—Abraham plants a tree, Isaac cultivates the land, and Jacob buys a piece of land from the children of Hamor in the territory of Shechem.³¹ The common feature is that each through his actions modifies the place where

31 This is understood in BerR 79:7 as the place where Joseph was buried, which together with the field where the cave of Machpelah is located, constitute the only two places the Israelites' ancestors are said to have acquired by purchasing. A third place presumed to have been purchased at a later date is the site where the Temple is located, which David supposedly acquired. In the scriptural narrative out of which the proof-text for Jacob is taken we also read that he built an altar in Shechem (see Gen 33:20). The sages might have considered such established sacred sites as additions to the land of Israel, whereby the notions of homeland and holy land become coterminous to a certain extent. Thus we read in BerR 39:16 that, according to Gen 12:8, Abraham built not just one, but three altars: 'one on account of the good tidings about the land of Israel, another for his possession thereof, and a third [as a prayer] that his descendants might not fall at Ai.' The same wording is also used to refer to the promise of the Land in BerR 39:15: 'good tidings about the land of Israel.'

he resides, which happens to be the land promised and/or given to Abraham, and in this way each makes it his own. In relation to the rabbinic question of whether the patriarchs were merely promised or also possessed the Land, this parable and the actions predicated of the patriarchs in the scriptural material quoted here suggest that the Land was in the patriarchs' possession. The Israelites addressed in Deut 1:8 are to enter a land which their ancestors have already shaped by means of their improvements.³²

During Abraham's lifetime, according to the scriptural account, the land promised to him and his offspring is not a land which he possesses, but a land in which he dwells. This land is referred to with a peculiar expression: *erets megurekha* (Gen 17:8).³³ The sages seek to explain the participle *megurim* as an attribute of the Land.³⁴ In BerR 84:4 they read Gen 37:1 in light of the meaning associated with the *hiphil* form of *g-w-r*, i.e., 'to proselytise', rather than with the *qal*, 'be a stranger, sojourn, dwell', i.e., temporarily reside somewhere. If this is a land in which Abraham and Sarah made proselytes, then they were not strangers in the Land, but rather active agents giving shape to this land as theirs, and as a Jewish land.³⁵

Even though these examples stem from documents that operate with different hermeneutic motivations, sources from different midrash corpora articulate the notion that by living their lives in the Land, the patriarchs made it their homeland. The sages imagine them as unequivocally related to the Land by a natural, emotional bond. Upon seeing the Land for the first time,

32 On the treatment of the Land-topos in parables, see C. Cordoni, 'The Diasporic Topos of the Land of Israel in Rabbinic Parables,' in *The Power of Parables: Essays on Comparative Study of Jewish and Christian Parables*, ed. E. Ottenhejm, M. Poorthuis, and A. Merz (Leiden: Brill, 2023), 432–453.

33 It is also referred to as *erets megurei aviv* (Gen 37:1), which refers to Isaac.

34 Multiple English translations demonstrate that the expression still allows for ambiguity. Gen 17:8 is rendered as 'the land you sojourn in' (JPS), but also as 'the land where you are now an alien' (NRSV), and 'the land wherein thou art a stranger' (KJV); Gen 37:1 is translated as 'the land where his father had sojourned' (JPS), 'the land where his father had lived as an alien' (NRSV), and 'the land wherein his father was a stranger' (KJV).

35 Prooftexts are adduced for Abraham and Sarah, and also for Jacob, but not for Isaac, probably because proselytising is read into the consonants of *megurei* in the passage's lemma, 'the land where his father had lived as an alien' (Gen 37:1). The 'souls that they had made' (Gen 12:5) is interpreted as a reference to Abraham and Sarah converting gentiles in Haran: 'Abraham converted the men and Sarah the women'; in Jacob's case, his command to his household that they should put away strange or foreign gods is also read as a reference to conversion. The authorities quoted here are all Palestinian: Rabbi Eleazar (ben Pedat), Rabbi Jose ben Zimra, Rabbi Chunia, and Rabbi. The Abraham as proselytiser motif is also found in SifDev 32.

Abraham expresses a sort of *Sehnsucht* for this place, which is why God is inclined to fulfil Abraham's wish to belong here and blesses him with the promise:

Rabbi Levi said: When Abraham was travelling through Aram Naharaim and Aram Nahor, he saw its inhabitants eating and drinking and enjoying themselves. He said, May my portion not be in this country! And when he reached the promontory of Tyre and saw them engaged in weeding and hoeing at the proper seasons, he said, May my portion be in this country. The Holy One, blessed be He, said to him, *To your descendants I give this land* (Gen 15:18). (BerR 39:8)

While he has Abraham exalt the Land, the Palestinian Rabbi Levi also lets him criticise the lands of Aram Naharaim and Aram Nahor, which he traverses on his way to the land he has been promised—in Scripture. According to the midrash, the promise in Gen 15:18 is made as a reaction to Abraham's sensible wish, based on a sort of foreknowledge of the intrinsic superiority of the land he is headed for.³⁶ An emotional bond is alluded to in Rabbi Simeon ben Laqish's interpretation of the mention of the patriarch Jacob and the Land in Lev 26:42, which is transmitted in the homiletical midrash Wayiqra Rabbah:

Why does Scripture mention the Land with the merit of the patriarchs and couple the merit of the Land with them? Rabbi Simeon ben Laqish answered: It is like the case of a king who had three sons whom one of his maids brought up. Whenever the king inquired after the welfare of his sons, he would say, Inquire for me also after the welfare of the governess. Similarly, whenever the Holy One, blessed be He, mentions the patriarchs, He mentions the Land with them. Therefore, it is written, *Then will I remember My covenant with Jacob ... and I will remember the Land* (Lev 26:42). (WayR 36:5)

The parable compares the Land with a governess in charge of a king's children, for whose well-being the king himself is concerned. The way in which the Land

36 In a similar vein, a late midrash interprets the characterisation of the Land as 'a pleasant (*chemdah*) land' (Jer 3:19) to mean that 'the fathers of the world [the patriarchs] coveted it (*chamaduha*)' (Tan Re'eh 8). See also Tan Mishpatim 17; TanB Shelach lekha (suppl.) 16.

of the patriarchs is personified in this parable may simply be an effort to reiterate its initial, formative character, stretching back to primordial times.³⁷

2.1.5 *Patriarchal Sanctification of the Land: Halakhic Attachments*

Most of the material I have discussed so far, while it is related to the patriarchs' legitimate possession of the Land, is non-legal or *aggadic* in character. As we have seen in *yQid* 1:3 (59d) and *bbb* 100a, the rabbis also conceived of the patriarchs to a certain extent as related to the Land by a *halakhic* bond, as if they had been inherently oriented towards a life of halakha. The notion that the Land was in the patriarchs' possession leads the rabbis to ponder the moment at which a number of commandments—the so-called commandments dependent on the land³⁸—first became effective. Although these commandments are generally understood to have been imposed at the time of the conquest, a number of sources reveal that the rabbis understood some of them to have been in force prior to the Israelites' entry into the Land in the time of Joshua—namely, from the moment the Land was first promised to Abraham. As early as in the Mishnah, we find the notion that even though the Land had not been conquered, that which the patriarchs themselves planted became subject to the laws of '*orlah*, the 'fruit that grows on a tree during the tree's first three years of growth'.³⁹

Another commandment, which for the same reason is understood to have been in force before the conquest, is that of dough-offering (*challah*). The tan-

37 While the sources on the question of who inherits the Land quote statements attributed almost exclusively to tannaim, these few texts focusing on the manifestations of an affectional bond between the patriarchs and the Land are attributed solely to Palestinian amoraim.

38 The expression 'land-dependent commandments' (*mitsvot ha-teluyiot ba-arets*) is ambiguous because the term *arets* denotes the Earth, ground, some territories in the Bible (e.g., the land of Egypt), and the land of Israel in particular. As J.E. David, 'Nahmanides on Law, Land, and Otherness,' in *The Gift of the Land and the Fate of the Canaanites in Jewish Thought*, ed. K. Berthelot, J.E. David, and M. Hirshman (New York: Oxford University Press, 2014), 186, has pointed out, the corollary to such an ambiguity is that two distinct notions of the law's territorial dependency can be identified in rabbinic literature: 'Laws whose practice is restricted to a designated territory, that is, the land of Israel (*Land-dependent commandments*); 2. Laws which apply to a land with no concrete territorial limits (*land-dependent commandments*).' I use the customary spelling with lowercase land, even though the sources I discuss represent both notions.

39 S.J.D. Cohen, R. Goldenberg, and H. Lapin, eds., *The Oxford Annotated Mishnah: A New Translation of the Mishnah With Introductions and Notes* (Oxford: Oxford University Press, 2022), 330. See *mOrlah* 1:2. See also *tMen* 6:20, which states that the prohibition of '*orlah* fruit is in force as soon as the Israelites enter the Land, even before the conquest and division.

naim Rabbi Eliezer and Rabbi Aqiba disagree on the question of whether foreign produce imported into the Land is subject to *challah*. While Rabbi Eliezer claims that only bread from the Land is subject to this commandment,⁴⁰ Rabbi Aqiba argues that even bread brought into the Land from abroad is subject to this precept:⁴¹

How does Rabbi Eliezer explain the reason of Rabbi Aqiba, *To the land into which I am bringing you?* (Num 15:17). The colleagues in the name of Rabbi Eleazar, Rabbi Abba in the name of Rabbi Eleazar, Rabbi Hila in the name of Rabbi Simeon ben Laqish: So did Rabbi Aqiba object to Rabbi Eliezer: Do you not agree that when Israel entered the Land and found there coarse and fine flour that this was subject to *challah*? Did it [the cereal] not grow while exempt? He [Rabbi Eliezer] accepted that. Rabbi Jose said: I wonder how Rabbi Aqiba could object to Rabbi Eliezer and how the latter could accept it? There, before they entered they had inherited it retroactively, as Rabbi Huna said in the name of Rabbi Samuel ben Nachman: It is not written 'to your descendants I shall give' but *to your descendants I gave* (Gen 15:18), I already gave it. (yHal 2:1 [58b])

To answer the question of how Rabbi Eliezer could have read the verse that Rabbi Aqiba uses to support his own argument, the Yerushalmi proceeds to stage a possible dialogue between the sages, which results in Rabbi Eliezer being persuaded and then depicts other amoraim interpreting this dialogue. What apparently persuades Rabbi Eliezer is that he anticipates a later sage's interpretation of Gen 15:18. In the imagined dialogue, Rabbi Aqiba argues that foreign produce brought into the Land is subject to *challah*, just as the flour used by the Israelites upon their entry into the Land was subject to *challah*, even though this flour was made from grain that grew during a time when the Land was apparently not subject to *challah*. Rabbi Jose explains Aqiba's claim by introducing the concept of retroactive inheritance: The Land had been subject to the commandments dependent on the land ever since it was given to Abraham. This is assumed to have occurred, according to a reading of Gen 15:18 by the amoraim Samuel ben Nachman and Huna, at the moment the promise was spoken to Abraham using the perfect form *nataṭi*.⁴²

40 He bases his argument on a reading of Num 15:18.

41 He bases his argument on Num 15:17, drawing an analogy between imported bread and the grain the Israelites found when they entered the Land.

42 BerR 44:22 also understands this performative use of the perfect: '*To your descendants I gave this land* [, from the river of Egypt to the great river, the river Euphrates] (Gen 15:18).

A number of further passages in Palestinian midrash corpora reveal that the sages thought of Abraham as having observed the land-dependent commandments: He is said to have observed the precept of the *omer* of barley, separated *terumah*, and given tithes.⁴³ Not only in connection with these specific land-commandments, but also in a broader sense, the patriarchs and the matriarchs are imagined as having been related to the Land in that they led halakhically oriented lives *avant la lettre*.⁴⁴ According to Rabbi Ammi in his reading of Gen 16:3, Abraham's ten years of sterility in the land of Canaan before he conceived a child with Hagar are evidence that the years he spent married to Sarah while he was abroad do not count in an evaluation of his observance of the halakha (see BerR 45:3).⁴⁵ This tradition is expanded upon anonymously in bYev 64a, in a tradition which claims that being outside of the Land is comparable to being deprived of one's freedom, e.g., by being ill or in gaol: The verse Gen 16:3 'teaches you that the years spent dwelling outside of the Land are not included in the number. Hence, if the man or the woman was ill, or if both were in prison, [these years] are not included in the number.'⁴⁶

2.1.6 *Abraham's Two Homelands*

The patriarchal homeland myth of Scripture has its beginnings not in the land that would be called the land of Israel, but farther east. What do the sages have to say about their ancestors' own ancestral land and homeland? Abraham's own origins in the scriptural patriarchal narrative, namely, in Ur of the Chaldeans, are addressed, problematised, or made use of in a number of passages in the rabbinic corpora. Following Scripture, they thereby distinguish between the

Rabbi Huna and Rabbi Dostai said in the name of Rabbi Samuel bar Nachman: The mere speech of the Holy One, blessed be He, is [equivalent to a] deed, for it says, *To your descendants I gave*. It is not written 'I shall give', but *I gave*. Related to the issue of a retroactive inheritance is the question of whether the Land was divided among those who left Egypt (in which case the Land is already in the possession of Abraham's descendants) or among those who entered the Land (in which case the Land was only possessed after the conquest). This question is posed in relation to Zelophehad's daughters' petition to inherit their father's portion when he dies in the wilderness (Num 27:1–11). See mBB 8:3; SifBem 132; 134; bBB 119a–b; BemR 21:12; TanB Pinchas 9.

43 See PesRK 8:4; 10:6; PRE 27.

44 In Abraham's case, according to some midrashim, his general knowledge of halakha is confirmed in Gen 26:5. See S.K. Gribetz, 'Zekhut Imahot: Mothers, Fathers, and Ancestral Merit in Rabbinic Sources,' *Journal for the Study of Judaism* 49 (2018): 263–296.

45 According to mYev 6:6, a man has to either divorce his wife or take a second wife if his first wife does not give birth during the first ten years of their marriage.

46 See also tYev 8:5.

first patriarch's *native land* and the (host)land where he and his descendants would find a new homeland, one that would evolve into the Jewish ancestral homeland and Holy Land.

The first time the Land is promised to Abraham in Gen 12:1, he is told to leave his Mesopotamian homeland (a), i.e., the country where he was born and grew up, his kindred (b), and his father's house (c) to go to an unnamed and unknown land (d). Each of these four expressions in this verse is interpreted in the following midrash in Bereshit Rabbah:

Rabbi Jochanan said: *Go from your country (meartstekha)* (Gen 12:1): from your province; *and your kindred (umimoladetekha)* (ibid.): from the place where you are settled; *and your father's house (umiveit avikha)* (ibid.): [literally,] your father's house; *to the land that I will show you* (ibid.): why did He not reveal it to him [there and then]? In order to make it more beloved in his eyes and to reward him for every step he took. (BerR 39:9)

The midrash goes on to provide an analogy for God's lack of specificity with regard to the characteristics of the Land at the moment he first mentions it. It is clear that this Palestinian midrash is more interested in the land Abraham is headed for than in the homeland Abraham is expected to leave.⁴⁷ The scriptural expression *moladetekha*, translated as 'your kindred', and interpreted in the midrash as a place of residence, is significant in this context. Even though this expression is not used in the rabbinic corpora in the modern sense of native land,⁴⁸ the sages were acquainted with passages of Scripture in which the expression is used in genitive constructions with *erets*, i.e., 'land of your kindred' in the sense of 'country of origin'.⁴⁹ The notion that Abraham has a

47 Gafni, *Land*, 22n4, pointed to Philo's approach to the same verse, e.g., in *De Abrahamo* 62–67, where Philo argues that it is precisely Abraham's willingness to leave his own *patria* is precisely what makes him exemplary. See also Wilken, *Land Called Holy*, 34–37; Vos, *Heiliges Land*, 88–92.

48 L. Koehler and W. Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament*, 3rd ed., 2 vols. (Leiden: Brill, 2001), s. v. מוֹלָדֶת: 'descendants, relations, the relatives, descent'. M. Jastrow, *A Dictionary of the Targumim, Talmud Babli, Talmud Yerushalmi and Midrashic Literature* (London: Luzac, 1903), does not have an entry for מוֹלָדֶת, but for מוֹלָד, 'issue, descendant'. Wilken, *Land Called Holy*, 268–269n26, argues that the ambiguity of the term, e.g., in Ezek 16:3, might have been the reason why rabbinic tradition did not adopt it to mean homeland, native land, or fatherland, preferring 'Erets Israel'. Rosenberg, 'The Link to the Land,' 141–142, argues that even if *moledet* does not mean motherland, this does not necessarily mean that ancient Jews did not have a concept of motherland.

49 Gen 11:28 (*erets moladeto*, Ur of the Chaldeans); 24:7 (*u-me-erets moladeti*, Ur of the Chaldeans); 31:13 (*el-erets moladetekha*, Jacob's native land, the land of Canaan); Jer 22:10

first homeland and then another—or even both simultaneously, e.g., in that it is in his own native land and the land of *his* ancestors that the patriarch wishes his son Isaac to look for a wife⁵⁰—is not perceived as a problem in Bereshit Rabbah, either in the passage just quoted or in BerR 59:8, in which Rabbi Isaac interprets Abraham's request to Eliezer in Gen 24:4, 'go to my country and to my kindred and get a wife for my son Isaac', as a reasonable one. In one sense, however, Bereshit Rabbah does find fault with Abraham changing his homeland: namely, with the fact that he leaves his elderly father, Terah, behind. The midrash argues that because God exempted *only* Abraham from having to honour his father, Terah's death was narrated in Gen 11:32, prior to Abraham's departure, even though Terah would go on to live for a further sixty-five years after his son's migration.⁵¹

In a tradition that praises Abraham's mobility, the tanna Rabbi Isaac interprets Gen 12:1 as evidence that changing places is one of four types of action which cause a decree passed on man to be cancelled (bRH 16b). In Abraham's case, because he moved to the land of Israel specifically, his nation became a great one. The merit is seen as connected with the Land rather than the patriarch. In the late midrash Pirqe de-Rabbi Elie'zer, an anonymous statement reveals that Abraham's migration to the west was perceived as a momentous deed, not just for the birth of a homeland, but for the man Abraham himself. His choice to leave land and kindred to follow the call of Gen 12:1 is construed as the third of Abraham's ten trials, given that 'migration is the hardest thing for man' (PRE 26).⁵²

(*erets moladeto*, Judah, native land of Shallum, son of Josiah), 46:16 (*ve-el-erets moladetenu*, the people's native land Judah); Ezek 23:15 (*erets moladetam*, the Babylonians' native land, Chaldea); Ruth 2:11 (*ve-erets moladetekh*, Ruth's native land, Moab).

50 Rebekah and Isaac also want Jacob to look for a wife in Mesopotamia. See Gen 27:46–28:1–2.

51 See BerR 39:7. The chronology of the scriptural narrative had problematic implications for both rabbis and Church Fathers, who, as G. Stemberger, 'Gen 15 in Rabbinic and Patristic Interpretation,' in *Judaica Minora 1: Biblische Traditionen im rabbinischen Judentum* (Tübingen: Mohr Siebeck, 2010), 454, points out, 'wanted to defend Abraham as an example of filial piety'.

52 Seder Eliyahu condemns Abraham's expression of doubt, interpreting the descent into Egypt as the consequence of questioning the fulfilment of the promise: 'Consider what was the reward of Abraham who rose up and demolished all the idols in his world. Nevertheless, because he said something improper to God, his children had to go down into [slavery] in Egypt. What he said was, *O Lord God, how am I to know that I shall possess it?* (Gen 15:8), and on account of the doubt implied in his question, his children had to go down into Egypt' (SEZ 175).

An important hermeneutic context in which Abraham's *original homeland* in the east plays a significant role is the explanation of Babylonia as the land to which Israel was exiled. The reason this should be the country of the Exile is first transmitted in the Tosefta, in a statement attributed to Rabban Jochanan ben Zakkai:⁵³

Why were Israel exiled to Babylonia more than all other lands? Because the house of Abraham our patriarch is from there. To what might this be likened? To a woman who has misbehaved towards her husband. Where does he send her to? To her father's home! (tBQ 7:3)

The same question receives several answers in a parallel in the Bavli, in which Abraham's name is not mentioned, and Rabban Jochanan ben Zakkai's tradition is cited in the amora Jochanan's name:⁵⁴

Rabbi Chiyya taught: What is meant by the verse, *God understands the way to it, and he knows its place* (Job 28:23)? The Holy One, blessed be He, knows that Israel are unable to endure the cruel decrees of Edom, therefore He exiled them to Babylonia. And Rabbi Eleazar said: The Holy One, blessed be He, exiled Israel to Babylonia only because it is as deep as Sheol, for it is said, *I shall ransom them from the power of Sheol; I shall redeem them from death* (Hos 13:14). Rabbi Chanina said: Because *their* language is similar to the language of the Torah. Rabbi Jochanan said: Because He sent them back to their mother's house.⁵⁵ It is like a man who becomes angry with his wife: Therefore he dispatches her to her mother's house. And this is [in line with] the words of Rabbi Alexandri who said: Three returned to their original home (lit. 'plantation'): Israel, Egypt's wealth, and the writing of the Tables. (bPes 87b)

The Babylonian Talmud lets second- and third-generation Palestinian amoraim construe Babylonia (and its community), without resorting to explicitly mentioning Abraham, as Israel's 'first' ancestral homeland: a land whose geography, though comparable to Sheol, is salvific for Israel; a land where the lan-

53 Gafni, *Land*, 63, suggests this statement might even embrace the Hellenistic idea that Israel has a dual homeland. However, his main argument is that statements attributed to early tannaitic sages address neither the centrality of the land of Israel nor the Jews' required commitment to it.

54 See Yuval, 'Myth of the Jewish Exile,' 25–26n25.

55 MS Munich reads 'to her father's home'. See Gafni, *Land*, 34n24.

guage spoken is only apparently different; a land that can be identified with Israel's maternal house.⁵⁶ Rabbi Jochanan uses the image of a wife whose displeased husband sends her back to her mother's home.⁵⁷ The idea that Israel's roots are in Babylonia is even more explicit in Rabbi Alexandri's statement, the wording of which connotes origins by means of the botanical image of a 'plantation'.⁵⁸ Isaiah Gafni suggests that this text is evidence of a Babylonian discursive strategy intended to manifest a form of local Jewish Babylonian patriotism, pointing to the roots of the Jewish nation as 'uniquely Babylonian'.⁵⁹ Another remarkable aspect of this text is that it does not explicitly mention the temporary character of Israel's or the wife's stay in Babylonia at her mother's house.⁶⁰

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- 56 With no explicit relation to the patriarchs, a metaphor that evokes the concept of motherland is used in the Yerushalmi to refer to the land of Israel: whereas foreign countries are compared to a strange (or non-Jewish) woman, the Land is represented as a mother's bosom. See yMQ 3:1 (81c)—on a priest leaving his mother's bosom for a foreign one, discussed in chapter 4—and yKil 9:4 (32d)—on Ulla dying in a foreign bosom discussed in chapter 6.2. Tannaitic and amoraic corpora preserve traditions in which motherhood tropes are applied to Jerusalem, e.g., in tSot 15:15; PesR 26. On the land of Israel as a motherland, see Rosenberg, 'The Link to the Land,' 141–143, whereby he illustrates 'the perception of the land of Israel as an actual Mother' with biblical and rabbinic texts that mention Zion or Jerusalem, and modern texts that mention the land of Israel.
- 57 It is probably not a coincidence that, just as the Bavli emphasises the notion that the first patriarch's original homeland is not located in the promised land, so too, with respect to the land where the rabbinic movement originated, it argues that Hillel the Elder is said to have immigrated to the Land from Babylonia. There he was appointed patriarch over the children of Bathyra, who incidentally also hail from Babylonia. See yPes 6:1 (33a); bPes 66a. Herman, 'Babylonia,' 211, argues that, with reference to the biblical and rabbinic figures of Ezra, Hillel, and Chiyya, the Babylonian amoraim imagined Babylonia as 'an ancient repository of authentic rabbinic tradition'. See bSuk 20a.
- 58 On botanical imagery used to connote the land of Israel, albeit in an eschatological future, see chapter 7.4.
- 59 See Gafni, *Land*, 53–54, who also stresses the Bavli's apparent familiarity with the biblical geography as well as its tendency to identify biblical cities with cities known to the Babylonian Jews. We can interpret this as part of a discursive strategy that seeks to locate Israel's ancestral home in Babylonia.
- 60 While the Palestinian and the Babylonian texts both understand that God sent Israel back to Babylonia as a result of their behaviour, a text transmitted in the post-amoraic Palestinian corpus Shir ha-Shirim Rabbah (related to tBQ 7:3 though silent on Abraham) gives the imagery of the parental house new contours. In answer to the nations' question concerning God's reasons for destroying the Temple and sending Israel into exile, Israel themselves are said to respond that they 'are like the daughter of kings who went to celebrate the first festival (*regel redufim*) at her father's house. In the end, she returns home in peace' (ShirR 8:9:2). In this text, the father's house is the place to which the married princess returns temporarily and voluntarily, not as punishment for her misbehaviour. On the

2.1.7 *The Land of Jacob's Ancestors*

Compared to Abraham, matters are slightly different with Jacob, who like his father Isaac is born in the land of Canaan. In Gen 31:3 God addresses Jacob while he is living in Haran with his wives and children, telling him, 'Return to the land of your fathers and your kindred, and I will be with you.' The interpretations of this verse transmitted in BerR 74:1 identify Jacob's ancestral land as the land where his *immediate* ancestors dwell—that is, the land of Canaan, which the midrash does not mention at this point. This land is first interpreted in light of 'the land of the living' mentioned in Ps 142:6 and identified in a literal reading of the same verse as Tyre, a liveable city where nothing is scarce, but also metaphorically as the land where the resurrection will first take place.⁶¹ The text proceeds to state that God persuades Jacob to leave Haran and return on the grounds that this is the land where his family and God himself are waiting for him. The Palestinian amora Simeon ben Laqish then paraphrases God's argument with words that are illustrative of a Palestinian pro-land of Israel discourse: The wealth of a life abroad is not a source of blessing. In this text on Jacob's return to the Land, homeland and holy land are coterminous.⁶²

The wording of the promise to Jacob in 'the land on which you lie' (Gen 28:13) is the focus of a tradition in Bereshit Rabbah: Rabbi Simeon ben Laqish explains it as a symbolic action on God's part. When the Land is folded up 'as if into a pinax' and placed as a map of the Land under Jacob's head, this is a way of

meaning of the unusual expression *regel redufim*, see R. Kimelman, 'Rabbi Yohanan and Origen on the Song of Songs: A Third-Century Jewish-Christian Disputation,' *The Harvard Theological Review* 73 (1980): 590–591; R. Jospe, 'Hillel's Rule,' *The Jewish Quarterly Review* 81, nos. 1–2 (1990): 50–51. The text suggests that only sceptical non-Jews see Israel's exile from God's land and the destruction of the Temple as a form of punishment. There is no indication here that God's love has been withdrawn, no depiction of a divorce or a repudiation, of Babylonia as an ancestral homeland, or a paramount exilic location, or of exile as implying an actual, forced physical removal.

61 A parallel is transmitted in the Yerushalmi, yKil 9:4 (32c). For a discussion of this text, see chapter 6.2.

62 See above SifDev 8. PRE 36 interprets Gen 31:3 to mean that God wants Jacob to return to the land of his forefathers because God himself is not willing to have his Shekhinah, his divine presence, dwell abroad with Jacob. The second part of this midrash segment praises life in the land of Israel on account of the fact that both Jacob's father and his mother, as well as God himself await him there. God promises to be with him once he is in the Land. The same passage notes later on that in the case of King David, because he was concerned with a larger number of people, the Shekhinah made an exception and accompanied him wherever he went. A parallel is found in TanB Va-yetse' 23.

indicating that the entire land belongs to him, as attested with what seems to be a popular saying: ‘Whatever is under your head is yours’ (BerR 69:4).⁶³ When the same verse is read in the Bavli, the wording of Gen 28:13 is problematised:⁶⁴

The land on which you lie [I will give to you and to your offspring] (Gen 28:13). What is the greatness of this? Rabbi Isaac said: This teaches us that the Holy One, blessed be He, rolled up the whole of the land of Israel and put it under our father Jacob, [to indicate to him] that it would be very easily conquered by his descendants. (bHul 91b)

Even if Rabbi Isaac attributes the best of intentions to God in shrinking the Land to the surface covered by Jacob’s body, the question to which he replies—a question the anonymous voice of the Talmud asks—is challenging. It suggests that, apart from a metaphorical understanding of the verse, the literal meaning cannot simply be ignored.⁶⁵ In plain English: What are the qualities of a land described as being the size of a man’s body? With this hermeneutic step, the Bavli distances itself from a discourse that praises the land of the fathers.

2.2 The Cave of Machpelah: Purchased Property

Among the scriptural narratives which explicitly connect the patriarchs to the land of Israel, those related to the acquisition of the cave of Machpelah and Jacob’s burial there provide the rabbis with material upon which to elaborate. In this connection, they argue for a *physical*, more concrete ancestral link, one established by the first Jewish grave in the promised land. We can interpret this as an alternative and complementary version of the ancestral homeland myth.

63 Adam’s body is elsewhere said to have extended from one end of the world to the other, covering the whole universe. See bSan 38b.

64 Here there is no trace of the pinax motif, which hints at the Graeco-Roman context of the midrash. The same Rabbi Isaac compares the Land to a scroll in DevR 411. See chapter 7.4.

65 In a similar vein, previously in the same talmudic passage Rabbi Isaac responds to an anonymous voice asking whether the verse ‘The sun rose upon him’ (Gen 32:32) should be understood to mean that the sun rose only on Jacob, or rather on the entire world.

The first narrative, in Gen 23, is an account of how Abraham acquired the cave of Machpelah. With the approval of the Hittites, who are the residents in the region of the land of Canaan where Sarah dies, Abraham buys a burial plot from the Hittite Ephron. He pays four hundred shekels of silver and buries his wife in the cave of Machpelah.⁶⁶ Before he dies in Egypt, Jacob gives his sons instructions to bury him with his ancestors, in the cave in the field Abraham bought (Gen 49). There, he tells his sons, Sarah, Abraham, Rebekah, Isaac, and his own wife Leah are buried. Joseph is depicted as the one in charge of fulfilling his father's request. After the burial, he returns to Egypt (Gen 50). Apart from the piece of land Jacob purchased in the territory of Shechem (Gen 33:19; Jos 24:32), the only piece of real estate within the land of Canaan that the Israelites' ancestors purchase is the field where the cave of Machpelah is located. It is therefore not surprising that its special status drew the rabbis' attention.

2.2.1 *Buying Land in the Promised Land*

Abraham's contradictory situation as a resident alien and also God's prince in Canaan (Gen 23:4, 6)—as one who, at the time of his wife's death, needs to buy a small piece of land within a land he has been promised—is one which presents difficulties for the rabbis,⁶⁷ as the following midrash on the apparently contradictory expression *ger ve-toshav* illustrates:

I am a stranger (ger) and an alien residing (ve-toshav) among you etc. (Gen 23:4). Now ger is a tenant, whereas toshav is a landlord. [Abraham spoke in this way]: If I wish I am a tenant; but [if] I do not, I am a landlord, since the Holy One, blessed be He, spoke like this to me, To your descendants I have given this land (Gen 15:18). [Therefore,] Give me a possession of a burying-place with you that I may bury my dead out of my sight (Gen 23:4): for but one corpse. (BerR 58:6)

66 The fact that this chapter focuses on the patriarchs does not mean that the ancestral homeland myth does not attach importance to the matriarchs. After all, Sarah is the first person to be buried in what is ultimately, though at times referred to as the grave of the patriarchs, a family grave.

67 In bBB 15a–16 as J. Weinberg, 'Job versus Abraham: The Quest for the Perfect God-Fearer in Rabbinic Tradition,' in *The Book of Job*, ed. W.A.M. Beuken (Leuven: Peeters, 1994), 293, points out, Satan alludes 'to the indignity suffered by the one who by divine mandate was given the freedom of the land and yet encountered difficulties when attempting to find a plot in the land in order to bury his wife. Despite the unfairness of his situation, Abraham uttered no word of reproach.'

The midrash lets Abraham decide when to act as a *ger*.⁶⁸ Based on the promise in Gen 15:18, the rabbis argue that he is in the position of perceiving himself as *toshav* in the sense of 'landlord' and thus demanding from the Hittites a burial plot to buy.⁶⁹

2.2.2 *The (Re)Location of Machpelah*

A first question related to the acquisition of the cave concerning which we might search the texts for an answer could be: Why Machpelah, of all possible places? Abraham's choice of Ephron's field is barely explained in Scripture. Pirque de-Rabbi Elie'zer provides an answer in a tradition attributed to the tanna Rabbi Judah. When Abraham received the angels' visit, he regarded them as travellers and showed them hospitality. He went into the cave of Machpelah looking for the calf he wanted to offer, which had fled from him. Upon entering the cave, Abraham recognised the sweet-smelling, intact bodies of Adam and Eve. For this reason, he wished to acquire the place as a burial site for Sarah (PRE 36). Now here the cave does not belong to the Hittite Ephron, but to the Jebusites,⁷⁰ a people named after the city of Jebus—an alternative place name for Jerusalem.⁷¹ What motivates this change in the name of the original owner of the field, and what are its implications? The rabbinic narrative of Abraham's acquisition of Machpelah in Pirque de-Rabbi Elie'zer thus effects a sort of relocation of the patriarchs' grave to a place understood as part of the territory of Jerusalem.⁷² Such a relocation is in line with the broader exegetical agenda of the passage in which the tradition is found. This passage argues that the Jebusites were still the inhabitants of Jer-

68 In Scripture the stranger is contrasted with the citizen (of the land), i.e., the Israelite. See Exod 12:19, 49; Num 9:14.

69 The Hittites themselves address him as 'lord' (*adoni*) in Gen 23:6. On the difference between the scriptural *ger ve-toshav* and the rabbinic category *ger toshav*, see G.F. Moore, *The Age of the Tannaim*, vol. 1 of *Judaism in the First Centuries of the Christian Era* (Cambridge, MA: Harvard University Press, 1927), 338–340. On the connotation of the phrase *ger ve-toshav* in Scripture, see M. Zehnder, 'Fremder,' in *Das wissenschaftliche Bibelllexikon im Internet (WiBiLex)* (Stuttgart: Deutsche Bibelgesellschaft, 2009), <https://www.bibelwissenschaft.de/stichwort/18557/>.

70 There is no extrabiblical evidence attesting the existence of this Canaanite people.

71 See Judg 19:11. Originally Jerusalem was an enemy town; only after David conquered it, did it become the Israelites' political and religious centre. See 2 Sam 5:6.

72 Elsewhere in rabbinic literature it is evident that Hebron is located far away from Jerusalem. The choice of precisely this city in the expression 'as far as Hebron' (mYom 31) is explained based on the fact that the cave of Machpelah and the graves of the patriarchs are situated there (see yYom 31 [40b]).

usalem in David's time on account of a covenant between them and Abraham, and that this covenant had to be undone before David could conquer the city.⁷³

This relocated Machpelah, a motif of which no trace is found in earlier rabbinic texts,⁷⁴ is more explicit in another passage in *Pirque de-Rabbi Elie'zer*, in which Adam is said to have built a tomb for himself near Mount Moriah, the place whence he was taken (PRE 20).⁷⁵ This tomb is said to be located in the cave of Machpelah. Mount Moriah is identified in 2 Chr 3 and elsewhere in rabbinic literature with the Temple Mount, so this passage may be seen as evidence for an understanding of Machpelah as close to Jerusalem.

Probably in an effort to contest a Christian appropriation of Adam as the prefiguration of Christ⁷⁶ and to reclaim Adam as the ancestor of the Jewish nation, the earlier corpus *Bereshit Rabbah* had claimed Adam was buried in the cave of Machpelah, which was located somewhere other than in proximity to Jerusalem (BerR 58:4). The later *Pirque de-Rabbi Elie'zer*⁷⁷ reworks earlier traditions and merges the cave of Machpelah, Mount Moriah, and Jebus/Jerusalem into one mental landscape, while also moving Adam back to Jerusalem

73 Here *Pirque de-Rabbi Elie'zer* is expanding on 2 Sam 5, which is an account of how, after having reigned first in Hebron, David conquered Jerusalem, took it from the Jebusites, and ruled over the kingdoms of Judah and Israel from there.

74 According to Christian tradition, the patriarchal tomb was located in Shechem. See Acts 7:16.

75 This idea is also present in PRE 12. The tradition that Adam was buried at the place where he was created is known to earlier sources, such as 2 Enoch and the Apocalypse of Moses. See I. Gafni, 'Pre-histories' of Jerusalem in Hellenistic, Jewish and Christian Literature,' *Journal for the Study of the Pseudepigrapha* 1 (1987): 12.

76 Even in the third century, Origen claims to be familiar with a tradition according to which 'the body of Adam, the first human being, was buried where Christ was crucified' (*Comm. ser. Matt.* 27:32–33). See Wilken, *Land Called Holy*, 94–95. This tradition is also recorded by Athanasius, Cyril of Jerusalem, Epiphanius, and others. See Gafni, 'Pre-histories' of Jerusalem in Hellenistic, Jewish and Christian Literature,' 13.

77 This text is probably influenced by later Christian texts, such as the Cave of Treasures (sixth cent.), which identified Golgotha as the place where Christ died and also the place where Adam was buried. H. Spurling and E. Grypeou, 'Pirke de-Rabbi Eliezer and Eastern Christian Exegesis,' *Collectanea Christiana Orientalia* 4 (2007): 243, observe: 'The proximity both geographically and linguistically between centres of Judaism and the Christian East also facilitates the possibility of an interchange of ideas between these two groups. Indeed the examples discussed show a close association to the Syriac tradition. Furthermore, the motifs discussed from *Pirque de-Rabbi Elie'zer* are popular ideas in Christian sources, and so again the probability of awareness of these ideas in Jewish circles is increased.'

with the cave of Machpelah.⁷⁸ This move it not only corrects Christian claims both to Adam and to Jerusalem, but is probably also a subtle response to the contemporary historical context in which the work is assumed to have been composed—namely, in a land of Israel under Muslim rule,⁷⁹ when the site had become not only a Christian, but also a Muslim sanctuary.⁸⁰

2.2.3 *The Cave's Cost, Worth, and Character*

The character of the cave of Machpelah as a purchased property and the extraordinary price Abraham paid for it are addressed in the following passage of Bereshit Rabbah as a tradition among fourth-century sages:

My lord, listen to me; a piece of land worth four hundred shekels of silver (Gen 23:15). Rabbi Chanina said: The shekels mentioned in the Torah are sela'im; [those mentioned] in the Prophets, litrim; [those mentioned] in the Writings, centenaria. Rabbi Abba bar Judan said in the name of Rabbi Judah bar Simon: Except the shekels of Ephron, which were centenaria, for it is written, The miser is in a hurry to get rich [and does not know that loss is sure to come] etc. (Prov 28:22). The miser is in a hurry to get rich, that

78 This is an alternative way of interpreting these chapters of Pirque de-Rabbi Elie'zer, i.e., not simply as transmitting conflicting traditions, but conflating them.

79 In BerR 79:7 the cave of Machpelah is also associated with the Temple site, as well as with Joseph's grave in Shechem. According to Rabbi Judan bar Simon, these are the three places for which scriptural evidence is unambiguous concerning the fact that Israelites bought them (Gen 23:16 for the Machpelah, 1 Chr 21:25 for the Temple, Gen 33:19 for Joseph's grave). See M. Avi-Yonah, *The Jews under Roman and Byzantine Rule: A Political History of Palestine from the Bar Kochba War to the Arab Conquest* (Jerusalem: Magnes Press, 1984), 165, and Stemberger, *Jews and Christians*, 42–43, who read this passage as a Jewish response to the Christianisation of Palestine during Constantine's reign. See also R. Adelman, *The Return of the Repressed: Pirque de-Rabbi Eliezer and the Pseudepigrapha* (Leiden: Brill, 2009), 16, who observes that even though Pirque de-Rabbi Elie'zer was composed after the rise of Islam, several passages indicate an ongoing polemic attitude towards Christianity.

80 See O. Keel and M.M. Küchler, *Der Süden*, vol. 2 of *Orte und Landschaften der Bibel: Ein Handbuch und Studienreiseführer zum Heiligen Land* (Zürich: Benziger, 1982), 683. On relocation strategies in early Islamic literature, see O. Limor, 'Jerusalem in Early Islam: The Making of the Muslims' Holy City,' chap. 7 in *Routledge Handbook on Jerusalem*, ed. S.A. Mourad, N. Koltun-Fromm, and B. Der Matossian (London: Routledge, 2019), 86. On the connection between the cave of Machpelah and the cave in Jerusalem in a pilgrimage context, as attested in a Shir ha-Shirim Rabbah manuscript, see T. Kadari and G. Vachman, 'Rituals of Holy Places in the 11th Century: The Circling of the Gates of Jerusalem and Pilgrimage to the Cave of Machpelah,' chap. 10 in *Jerusalem and Other Holy Places as Foci of Multireligious and Ideological Confrontation*, ed. P.B. Hartog et al. (Leiden: Brill, 2021), 193–211.

is Ephron, who cast an evil eye upon the riches of Abraham; *and does not know that loss is sure to come*, for the Torah deprived him of a *waw*, for it is said, *Abraham agreed with Ephron; and Abraham weighed out for Ephron [the silver]* (Gen 23:16), the second [occurrence of] Ephron has a *waw* missing. (BerR 58:7 par. PesRK 10:1)

Usually, the midrash argues, one would understand that Abraham paid four hundred *sela'im*, but this is not true concerning the cave of Machpelah. Taking advantage of Abraham, Ephron demands and receives four hundred *centenaria*. The midrash sees the punishment of such greed in the fact that Scripture has Ephron's name spelt defectively the second time he is named: As his name is diminished, so Ephron himself is diminished.⁸¹ In the Bavli, we may interpret the Palestinian Rabbi Eleazar as relativising the exorbitant price Abraham paid when he claims that there are places where shekels 'are called *centenaria*' (bBM 87b). This tradition reappears in a late midrash, *Pesiqta Rabbati*, in a text in which the main thrust is the importance of burial in the Land. Here a new motif is introduced, namely, Jacob's purchase of the Machpelah:

Rabbi Abba bar Judan said in the name of Rabbi Judah bar Simon: There is one exception: The shekels that Abraham weighed out to Ephron for the burial place that he acquired from him; these were nothing else, but *centenarii*. Read with the aid of gematria, shekels are equivalent to *centenarii*, [for it is said:] *My lord, listen to me; the land is worth four hundred shekels [of silver. What is that between you and me? So bury your dead]* (Gen 23:15). | Come and see: [Abraham] gave four hundred *centenarii* of silver for a burial place. And so did Jacob. All the silver and gold he had saved during his life, he put in a pile in order to give it to Esau for a burial place so that Esau would not enter [Abraham's and Jacob's burial place]. (PesR 1:8–9 [Ulmer])

Thus, the cave of Machpelah is purchased not once, but twice in the time of the patriarchs. Abraham is willing to pay an enormous price for this small piece of land in the land he has been promised, and Jacob gives all of his riches to pay off his brother and exclude him from the family tomb.⁸² The enormous price

81 By contrast, adding a letter to a name, as several midrashim argue, adds value to a person, e.g., Abram.

82 According to TanB Va-yishlach 11, Jacob pays Esau with his own riches. According to other sources, e.g., PRE 38, they divide the inheritance Isaac leaves them into movables and landed property. More on this below.

both patriarchs are willing to pay for the cave of Machpelah is evidence of the importance of this primordial grave in the eyes of the sages.

Only on a few occasions do rabbinic authorities delve into the physical characteristics of the place. It is described as having two parts or chambers,⁸³ a double structure which is reflected in its very name.⁸⁴ The burial site is also referred to in Scripture as Kiriath-arba (Gen 23:2)—a name which, as the Palestinian Rabbi Isaac explains—means that it has room for four couples.⁸⁵ The chambers are either understood as placed next to each other or one on top of one another. Another question the rabbis appear to have posed about the cave is whether it was outwardly discernible in their own times. The Babylonian Talmud gives an answer: The tanna Rabbi Bana'ah is reported to have marked out the graves, including that of the patriarchs, so people could avoid stepping on them (bBB 58a).⁸⁶ From this anecdote it would follow that, at least from a Babylonian perspective, the cave over which Herod the Great had built a magnificent rectangular enclosure⁸⁷ was not distinguished by any outward sign.⁸⁸

83 See bBB 58a and bEr 53a.

84 The name Machpelah is otherwise explained as related to the verb *k-f-l* ('to double'). So according to BerR 58:8, the value of the cave doubled when Abraham came to possess it, and for whoever was buried in this cave, their reward was certainly doubled.

85 See bEr 53a and bSotah 13a, quoted below, as well as PRE 20.

86 In this aggadic anecdote, which has traits of the miracle stories found in Christian literature, Rabbi Bana'ah meets Abraham's servant Eliezer, who announces the sage's visit to Abraham. Abraham, who is depicted sleeping next to his wife, allows him to enter the cave, pointing out that it is a chaste place. Here the cave is not referred to as Machpelah, but as the 'cave of Abraham'. In the same passage, Rabbi Bana'ah also demarcates a 'cave of Adam', and it is this latter which is described as having a double structure.

87 See Keel and Küchler, *Orte und Landschaften der Bibel*, 680–681.

88 Were Palestinian sages not aware of a tradition of venerating this grave, or were they deliberately silent on this topic? Stemberger, *Jews and Christians*, 107, points out: 'The statement in a rabbinic text that a biblical figure is buried at such and such a place does not necessarily mean that a grave was known and venerated. We know this principally in the case of the graves of the patriarchs at the cave of Machpelah in Hebron, or Rachel's tomb near Bethlehem and of the tombs of the sons of Jacob in Samaria.' With respect to the second half of the fifth century, Avi-Yonah, *Jews under Roman and Byzantine Rule*, 241, observes: 'We know also that at this period Jews visited Hebron, and prayed at the Machpelah cave and at the Oaks of Mamre.' This knowledge is based not on rabbinic sources, but on the sixth-century travelogue of the pilgrim Antoninus Piacentinus; therefore the grave was a pilgrimage site for Christians. Egeria and the Pilgrim of Bordeaux (fourth century) also describe the building above the patriarchs' graves. See Keel and Küchler, *Orte und Landschaften der Bibel*, 682. In the Babylonian Talmud, Caleb is depicted in prayer at the patriarchs' burial site upon arriving in Hebron. He entreats them to intercede for him and to disentangle him from what he knows the spies will report. See bSotah 34b.

2.2.4 *Esau and the Cave of Machpelah*

Apart from the text in *Pesiqta Rabbati* quoted above, several other sources are concerned with explaining how it came to be that Jacob's twin brother, Esau, was excluded from his right to Machpelah. In some of these sources, it becomes clear that in this context he also renounces the land of Israel. According to *Bereshit Rabbah*, Esau gives up his right to the cave and opts for riches instead:

[*My father made me swear an oath; he said, I die.*] etc. [*In the grave*] that I dug (*kariti*) for myself [*in the land of Canaan, there you shall bury me*] (Gen 50:5). When Jacob stood together with Esau, he asked him, What do you prefer: money or burial? He replied, [Give] that man the burial! [As for me] give me money and take the burial for yourself. Heap up (*tikhreh*) much money for it. Thus it [Scripture] says, *In the grave which [I dug for myself]*. Not 'I acquired' is written here, but *which I dug for myself*, [that is] I gave a heap (*hikarti*) [of money] for it. (BerR 101:5)⁸⁹

The notion that Jacob prepared a grave for himself by digging it himself is interpreted as his having paid a significant amount of money to his brother in order to obtain the exclusive right to the burial site for himself and his descendants. Such an interpretation is based on the assumed polysemy of the verbal form *kariti*.⁹⁰

Later midrashim expanded on this motif of Jacob's second purchase in greater narrative detail. For example, a midrash on *Now Jacob came whole* (Gen 33:18) in *Tanchuma Buber* reads as follows:

Another interpretation: He had thought and said, Possessions from outside of the Land have no blessing in them. He was therefore squandering them. Rabbi Hosha'ya said: A certain old man said to me, I tell you something in the form of midrash; so, whenever you expound it, tell it in my name. Esau is going to restore to Jacob all that he received from Jacob,

89 This chapter number according is to ed. Theodor-Albeck, in which this chapter is an appendix, and for which they follow MS Vatican. In the Ma'garim transcription, this is chapter 100.

90 The meaning of the expression in Gen 50:5 is not clear insofar as Abraham had bought the cave of Machpelah. NRSV translates the verb as 'hewed out'; JPS as 'made ready'. The midrash reads the expression in the sense of 'to heap'. Three verbs of the root *k-r-h* can be distinguished in Scripture, one with the meaning 'to dig' and another 'to purchase'. See below, bSotah 13a. In rabbinic Hebrew the two verbs became semantically proximate: the *hiphil* form used in *Bereshit Rabbah*, meaning 'to pile, heap' is used as a synonym for 'to purchase'.

for it is said, *The kings of Tarshish and of the isles shall return tribute* (Ps 72:10). ‘Shall bring tribute’ is not written here, but *shall return tribute*. I told him, This is a good saying. I will expound it in your name. He said to me, And if what he [Jacob] had knowingly given him [Esau] and had pressed upon him, that which he [Esau] did not wish to receive—for it is said, *Then Esau said: I have enough* (Gen 33:9)—he [Esau] will return, how much more so will they [the children of Esau] do so in the case of things which they had taken from Israel by force. In that hour I thanked him. Esau said, How long will I trouble my brother? He arose and went away, for it is said, *Then Esau took his wives[, his sons, his daughters, and all the members of his household, his cattle, all his livestock, and all the property he had acquired in the land of Canaan; and he moved to a land some distance from his brother Jacob]* (Gen 36:6). What did Jacob do? When his children and his flocks had crossed over into the land of Israel, he arose and sold all that he had brought with him from outside of the Land. Then he made it into piles of gold. He said to Esau, You have a share with me in the cave of Machpelah. Now what do you want, to receive these piles of gold or to share [the cave] with me? Esau began by saying, What do I want [a share of] this cave for? This gold is what I want. (TanB Va-yishlach 11)

This narrative midrash challenges an idea insinuated in the lemma verse—‘Now Jacob came whole’ (Gen 33:18)—that Jacob could be seen as deficient at some point in time. For this purpose, the midrash expands upon the narrative of his return to the Land after his long stay in Haran. Jacob is depicted as especially keen to get rid of all the riches he has acquired abroad, and the forthcoming reconciliation with Esau (Gen 32–33) provides him with a timely opportunity. The first part of the passage quoted here provides the rationale for Jacob’s wish to do away with all that he had acquired while living abroad. A tradition from the third-century Palestinian amora Rabbi Hosha’ya explains that both what Esau was given (e.g., the gifts in Gen 33 and the gold in exchange for the right to the cave of Machpelah in the rabbinic elaboration) and what he (and his descendants) are said to have taken by force from Israel, all of this will be returned to Israel. In view of the fact that Esau is one of the names used in rabbinic literature to refer to Rome,⁹¹ this first part of the midrash could be read as a statement protesting Roman oppression and also as a message of comfort for the Jews, who after the Arab conquest in the seventh century were still under foreign rule in their ancestral homeland.

91 Along with Edom and Seir; see below PRE 38.

The second part of this midrash deals with the question of where in Scripture we learn that Jacob could have acquired the gold to pay Esau to exclude him from Machpelah:

Now where is it shown that Jacob sold all that he had brought from outside of the land and that Esau took it? Where Joseph said so, *My father made me swear an oath; he said, I am about to die. In the grave that I dug [for myself in the land of Canaan, there you shall bury me]* (Gen 50:5). Rabbi Huna ben Rabbi Abin the Priest said: When Jacob wanted to come to the land of Israel, what is written? *and he drove away all his livestock [all the property that he had gained, the livestock in his possession that he had acquired in Paddan-aram]* (Gen 31:18). Now, when he wanted to go down into Egypt, what is written? *They also took their livestock and the goods that they had acquired in the land of Canaan* (Gen 46:6). Now, in regard to what he had brought from the land of Aram Naharaim, where was that? You simply learn from this (lit. 'here') that Jacob had sold it and given it to Esau. Then would you say that something was lacking? The Holy One, blessed be He, simply filled his loss and restored everything to him immediately, for it is said, *Now Jacob came whole* (Gen 33:18). (TanB Va-yishlach 11)

The argument the midrash posits is that even if Jacob/Israel might appear to be incomplete when this message was originally given, in Scripture—that is, deprived of Land and of the cave of Machpelah, about which this narrative appears to be—in the future Esau, i.e., Israel's oppressors, will return everything and Israel will be *whole* again.

Another rich narrative account of how Jacob secured the cave for himself and his descendants is found in Pirke de-Rabbi Elie'zer, in a tradition attributed to the Palestinian amora Rabbi Levi, which depicts Jacob negotiating his exclusive right to the cave not only with his brother, but also indirectly with his uncle Ishmael:

Rabbi Levi said: In the hour of the ingathering [i.e., death] of Isaac he left his cattle and his possessions, and all that he had, to his two sons; therefore they both practiced loving-kindness [towards him], for it is said, *And his sons Esau and Jacob buried him* (Gen 35:29). Esau said to Jacob, We shall divide all that my father has left into two portions, and I will choose [my part first], because I am the firstborn. Jacob said, This wicked man has not satisfied his eye with wealth, for it is said, *neither his eye is ever satisfied with riches* (Eccl 4:8). (PRE 38)

In this passage of rabbinic rewritten Bible,⁹² which expands on Gen 35–36 after Isaac's death, Jacob follows Esau's suggestion and divides what their father has left them into two parts: movables on the one hand, and landed property on the other. Even though the negotiation of the right to Machpelah constitutes the narrative context, there is no mention of the cave initially, but rather of the land of Israel, where the cave is located. The narrative midrash continues:

What did Jacob do? He divided [what his father had left] in two parts: all that his father had left as the one part, and the land of Israel as the second part. What did Esau do? He went to Ishmael in the wilderness in order to take counsel with him, for it is said, *Esau went to Ishmael* (Gen 28:9). Ishmael said to Esau, The Amorite and the Canaanite are in the Land, and Jacob trusts [in God] that he will inherit the Land! [You should] rather take all that your father has left, and Jacob will have nothing. And Esau took all that his father had left, and he gave to Jacob the land of Israel, and the cave of Machpelah, and they wrote a perpetual deed between them. Jacob said to Esau, Go from the land of my possession, from the land of Canaan. Esau took his wives and all that he had, for it is said, [*Then Esau took his wives, his sons, his daughters, and all the members of his household, his cattle, all his livestock, and all the property he had acquired in the land of Canaan;*] and he moved to a land some distance from his brother Jacob (Gen 36:6). And as a reward because he removed all his belongings on account of Jacob his brother, He gave him one hundred provinces from Seir unto Magdiel, for it is said, *Magdiel, and Iram*; *these are the clans of Edom (that is, Esau, the father of Edom), according to their settlements in the land that they held*] (Gen 36:43), that is Rome. Then Jacob dwelt safely and in peace in the land of Canaan, and in the land of his birth, and in the land of the sojournings of his father, for it is said, *Jacob settled in the land where his father had lived* (Gen 37:1). (PRE 38)

Following the renegade Ishmael's advice, Esau, who as firstborn gets to make the first choice, chooses the movables, leaving Jacob with the Land, and consequently also the burial site. Whereas Bereshit Rabbah identifies Esau's motivation for choosing the money seemingly as pure greed, the later midrash explains it with reference to Ishmael's assumption that the Amorites and the Canaanites will not allow Jacob to inherit the land promised to Abraham. After

92 On the concept of rewritten Bible, see G.J. Brooke, 'Rewritten Bible,' in *Encyclopedia of the Dead Sea Scrolls*, ed. L.H. Schiffman and J.C. Vanderkam, vol. 2 (New York: Oxford University Press, 2000), 777–781.

sealing their agreement on the division of their inheritance contractually, with Esau having renounced his right to the Land and therefore to burial in the cave of Machpelah, the midrash claims that Jacob can legitimately expel him from what is already the land in his possession: the field, in which the cave is located, and indeed the entire land of Canaan. Esau leaves with his family for his *ersatz* homeland, one of the provinces of which is said to be Rome. Thus, Ishmael's lack of faith in the fulfilment of God's promise of the Land ultimately determines Esau's choice. Pirque de-Rabbi Elie'zer resorts to the scriptural alliance between the paradigmatic villains Ishmael and Esau in order to explain why these two, who are also symbols of Christian and Muslim rule, do not deserve a portion in the Land.⁹³ Even if Ishmael's and Esau's voluntary exile can only be regarded as rabbinic wishful thinking at the time when this midrash was presumably composed, the text nonetheless claims that Jacob's descendants are the sole legitimate heirs to the Land in the midst of which the cave is located—that is, Jacob's native land.

In an alternative ending to the story, Esau changes his mind. A passage in the Babylonian Talmud, in the larger context of a rare midrashic section in tractate Sotah, transmits an account of Jacob's remains being transported from Egypt to the land of Canaan. In this context, Esau appears to reclaim his right to a burial plot in the cave:

They held there a very great and sorrowful lamentation (Gen 50:10). It is taught: Even horses and asses [joined in the lamentation]. When they arrived at the cave of Machpelah, Esau came and wished to prevent [the interment there], saying to them, *Mamre, or Kiriath-arba, that is Hebron* (Gen 35:27). Rabbi Isaac said: Kiriath-arba [is so-called] because four couples [were buried there], Adam and Eve, Abraham and Sarah, Isaac and Rebekah, and Jacob and Leah. [Esau said, Jacob] buried Leah in his portion, and what remains belongs to me. They replied to him, You sold it. He said to them, Granted that I sold my birthright, but did I sell my plain heir's right? They said to him, Yes, for it is written, *In the grave that I dug (kariti) for myself* (Gen 50:5). And Rabbi Jochanan said in the name of Rabbi Simeon ben Jehozadak: The [word] *kirah* is nothing other than an expression for 'sale' (*mekirah*), and so in the coastal towns they call a sale *kira*. He said to them, Produce a document [of sale] for me. They said to him, The document is in the land of Egypt. Who will go for it? Let

93 On the rabbinic afterlife of the link between Ishmael and Esau, see C. Bakhos, *Ishmael on the Border: Rabbinic Portrayals of the First Arab* (Albany, NY: State University of New York Press, 2006), 54–63.

Naphtali go, because he is swift as a hind, for it is written, *Naphtali is a doe let loose that gives beautiful words* (Gen 49:21). Rabbi Abbahu said: Do not read ‘gives beautiful words’ (*imre shafer*), but ‘gives words of a book’ (*imre sefer*). (bSotah 13a)

According to the passage immediately preceding the one quoted here, Jacob’s funeral cortege is impressive. Apart from Joseph and his brothers, Abraham’s children by Keturah, his grandchildren by Ishmael, his great-grandchildren by Esau, and Esau himself bid the patriarch farewell. Esau wishes to prevent the burial, arguing that his brother Jacob has already used his own place by giving it to his wife Leah. The one remaining space, Esau argues, belongs to him. Upon being reminded that he has sold his right to the cave, this ‘rabbinic’ Esau claims that he has only sold his firstborn right, not his right to inheritance. Joseph and his brothers are willing to have Naphtali hurry down to Egypt to bring back the document containing the evidence that Esau sold his right to the grave.

Less patient than Jacob’s sons is one of his grandchildren, a son of Dan.

Among those present was Chushim, a son of Dan, who was hard of hearing; so he asked them, What is happening? They said to him, [Esau] is preventing [the burial] until Naphtali returns from the land of Egypt. He replied, Is my grandfather to lie there in contempt until Naphtali returns from the land of Egypt? He took a club and struck [Esau] on the head so that his eyes fell out and rolled to the feet of Jacob. Jacob opened his eyes and laughed; and that is what is written, *The righteous will rejoice when they see vengeance done; they will bathe their feet in the blood of the wicked* (Ps 58:11). At that time was the prophecy of Rebekah fulfilled, for it is written, *Why should I lose both of you in one day?* (Gen 27:45). Although the death of the two did not occur on the one day, still their burial took place on the same day. (bSotah 13a)

Once he is told the reason for the delay in the burial, he slays Esau. Jacob opens his eyes, returning briefly to life to rejoice at his twin brother’s end. The text is primarily concerned with the struggle between Esau and the deceased Jacob, i.e., his descendants, for a burial place in the family grave, from which Esau is ultimately excluded. Unlike the accounts in PRE 20 and 36, this passage in the Babylonian Talmud—in which only Palestinian authorities of the second, third, and fourth centuries speak—is not concerned with relocating Machpelah to the territory of Jerusalem. The place names Mamre, Kiriath-arba, and Hebron, mentioned in the verse quoted by Esau, are sufficient to indicate the grave’s approximate location in the Land.

Another version of the account of Esau's death at his brother's burial is transmitted in Pirqe de-Rabbi Elie'zer, as part of an exposition by the tanna Rabbi Eliezer.⁹⁴ Compared to the talmudic account, and probably on the grounds of the work's characteristic textual disposition as a narrative midrash, the encounter with Esau is contextualised in a different way. In the immediately preceding context, the midrash focuses on Jacob's last will and expands upon his wish not to be buried in Egypt, but to be taken up 'to the burial place of my fathers, to the cave of Machpelah' (PRE 39). Joseph promises to fulfil his father's wish, swearing by the covenant of circumcision, which the midrash explains was the usual practice before the Torah was given. A great company, including 'all the heroes of the kingdom',⁹⁵ goes up from Egypt to bury Jacob. The encounter with Esau is described as follows:

When they came to the cave of Machpelah, Esau came against them from Mount Seir to stir up strife, saying, The cave of Machpelah is mine. What did Joseph do? He sent Naphtali to subdue the constellations and to go down to Egypt to bring up the perpetual deed which was in their hand, therefore it is said, *Naphtali is a doe let loose* (Gen 49:21). Chushim, the son of Dan, had defective hearing and speech, and he said to them, Why are we sitting here? They pointed to him [Esau] with the finger. They said to him, Because this man will not let us bury our father Jacob. What did he do? He drew his sword and cut off his head, and took the head into the cave of Machpelah. And they sent his body to the land of his possession, to Mount Seir. What did Isaac do? He grasped the head of Esau and prayed before the Holy One, blessed be He, saying, Master of the universe! *If favour is shown to the wicked* (Isa 26:10), who has not learnt all the precepts of the Torah, for it is said, *they do not learn righteousness* (Isa 26:10) and who has spoken in iniquity (*be'ol*) concerning the land of Israel and the cave of Machpelah, for it is said, *in the land of uprightness they deal*

94 Further versions of this account of Esau's death are transmitted in BerR 97 (New version) on Gen 49:21 and Tg. Ps.-Jon. on Gen 50:13. For a summary and comparison of all these versions, see C.T.R. Hayward, 'Pirqe de Rabbi Eliezer and Targum Pseudo-Jonathan,' chap. 10 in *Targums and the Transmission of Scripture into Judaism and Christianity* (Leiden: Brill, 2010), 202–203. According to B. Beer, *Das Buch der Jubiläen und sein Verhältnis zu den Midraschim: Ein Beitrag zur orientalischen Sagen- und Alterthumskunde* (Leipzig: Verlag von Wolfgang Gerhard, 1856), 4–6, these texts attest to a deliberate modification of earlier traditions, in which either Jacob himself or Judah killed the Romans' ancestor (see Jub. 37; yKet 1:5 [25c]; SifDev 348; yGit 5:6 [47a]).

95 According to MS New York, JTS EMC 866, Joseph's camp numbers 45,000 people; according to the MS used by Friedlander, the number is 5,040.

perversely (*ye'avvel*) (Isa 26:10). The spirit of holiness answered him, saying, As I live! He will not see the majesty of the Lord, for it is said, *he shall not see the majesty of the Lord* (Isa 26:10). (PRE 39)

Compared with the Babylonian version, this one is reduced to those elements which the author of Pirqe de-Rabbi Elie'zer must have considered more relevant to his own agenda. The narrative is not interrupted with statements by different rabbinic authorities, but is delivered entirely by Rabbi Eliezer. Unlike Jacob and his children, Esau has not gone down to Egypt, which is why he makes his way to the burial site from his traditional place of residence, Mount Seir. The dialogue between Esau and the rest of the company is reduced to his brief claim, after which he is decapitated by the impatient Chushim. Whether Esau attempts to reclaim the entire site of the cave of Machpelah, or just the free place in which Jacob is supposed to be buried, is left unexplained. That he no longer has a right to the cave is implied by the fact that Naphtali is sent to fetch the document containing the evidence of the sale transaction. As in the Babylonian version, this document will not be necessary, because Esau is dead before Naphtali returns. As in the Bavli, his return is not included in the account. Chushim decapitates Esau with a sword, and the gruesome description of Esau's eyes flying to Jacob's feet and Jacob's *Schadenfreude* are left out. In this Palestinian text, it is important that Esau's remains are explicitly sent away from Machpelah. There is no doubt as to the possibility, which is left open in bSotah 13a, that Esau could have been buried somewhere in the vicinity of the patriarchs' grave. The passage closes with a prayer spoken by Isaac, who according to the scriptural narrative has been dead for some time at this point. Quoting Isa 26:10, he laments his executed son's life rather than his death. Esau's transgression, the ultimate reason for his execution, consists in his having spoken ill of the land of Israel and the cave of Machpelah.⁹⁶ This transgression, according to Isaac, is alluded to in the words of the prophet Isaiah: 'in the land of uprightness they deal perversely' (Isa 26:10).

2.3 The Rabbinic Land of the Fathers in the Land of Israel

The sources discussed in this chapter, which are transmitted in corpora redacted between the third and the ninth centuries, illustrate two of the approaches the rabbis took to shaping their version of an ancestral homeland myth. In the

⁹⁶ The two are also linked in PRE 38.

texts we have examined here in relation to these two approaches, we do not find that the rabbis are explicitly concerned with promoting the land of Israel, the land their ancestors had made their homeland, as a place of residence for Jews of their time.⁹⁷

In the Hebrew Scriptures, the land promised to Abraham is never referred to as 'promised land', and only once as 'holy land' (Zech 2:16 = [Engl. 12]).⁹⁸ Characteristic terms for the Land in rabbinic literature are either 'the Land' (*ha-arets*) or the genitive construction 'land of Israel' (*erets yisrael*), which is rarely used in Scripture.⁹⁹ Few of the rabbinic sources examined here actually use the expression *erets yisrael* as part of the rabbinic wording. The expression features in quotations from the book of Ezekiel,¹⁰⁰ in three texts from the Babylonian Talmud, and in late midrashim. The rest of the sources, including all the excerpts from tannaitic and amoraic midrashim, refer to the land of Israel with the expression 'the Land', either by quoting scriptural texts or as part of the rabbinic wording.

Rather than constituting a coherent narrative, the rabbinic ancestral homeland myth consists of plenty of statements, some of which have been discussed in this chapter in relation to the sages' elaboration on: 1) the promise of the Land and the fulfilment of this promise, either during the lives of the patriarchs or at a later point in time; and 2) the scriptural account of purchasing a plot of land in the promised land and establishing the grave of the patriarchs and matriarchs there. Due to the differences in character between the scriptural hypotexts for these two lines of rabbinic elaboration and the rabbinic sources themselves, the version of the ancestral myth that addresses the promise and its fulfilment strikes the reader as more clearly multivocal and fragmented than the elaborate narratives about the cave of Machpelah.

The texts discussed in the first part of this chapter addressed the question of how the rabbis perceived the land of Israel as the patriarchs' homeland. The examination of selected tannaitic and amoraic sources I discussed in the

97 BerR 74:1 and TanB Va-yishlach 11 are exceptions. These texts claim that there is no blessing in a life outside of the Land or in possessions from outside of the Land.

98 When we read 'native land' in English translations, the Hebrew wording is *erets moladeto* vel sim. and refers to the land of Canaan once. See Gen 31:13.

99 It is never used in the Torah. See 1 Sam 13:19; 2 Kgs 5:2,4; 6:23; Ezek 27:17; 40:2; 47:18; 1 Chr 13:2; 22:2; 2 Chr 2:16; 30:25; 34:7. See A. Ohler, *Israel, Volk und Land: Zur Geschichte der wechselseitigen Beziehungen zwischen Israel und seinem Land in alttestamentlicher Zeit* (Stuttgart: Katholisches Bibelwerk, 1979), 58.

100 The one book of the Hebrew Bible which repeatedly uses the phrase *ademat yisrael* is Ezekiel: Ezek 11:17; 12:19, 22; 18:2; 20:32; 21:7, 8; 25:6; 33:24; 38:18, 19.

first three sections indicated that a tension exists between two conceptions of the role the patriarchs played in beginning the story of the Land. According to roughly half the texts examined here, the Land was merely promised to the patriarchs,¹⁰¹ and their attachment to it is understood as a prologue to the main narrative: the Israelites' actual possession of the land. The remainder of the texts suggest that it was not simply promised to the patriarchs, but that they took possession of it as well,¹⁰² and thus their actions are viewed as foundational. In other words, the story of the land and the people actually begins with the patriarchs—they are the first settlers. Whereas in the first case the conquest narrative is not found to be problematic in such a way as to justify major adjustments to the scriptural account, in the second case the texts suggest that the conquest of the land promised to Abraham required rabbinic adaptation.

It is in connection with the view that the Land was in the patriarchs' possession that we may understand the few sources which go so far as to claim that the patriarchs observed the halakha in the Land—not just that they observed the commandments dependent on the land, but that they sanctified the Land more generally by living halakhically oriented lives there.¹⁰³ This notion is in conflict with the more generally accepted idea that the halakha was made known to Moses at Sinai, and that the commandments—and not only those dependent on the land—became effective when the conquest took place. The patriarchs' legal possession and sanctification of the Land is a discursive strategy intended to depict a stronger relation between the patriarchs and the Land than we see in the aggadic arguments that depict an affectional attachment.¹⁰⁴

Although most of the texts examined in this section are transmitted in Palestinian corpora,¹⁰⁵ some passages of the Babylonian Talmud also reveal a keen interest in discussing the ancestral character of the land of Israel,¹⁰⁶

101 E.g., MekhY Pisha 17, 18; SifDev 8, 357; BerR 41:5, 64:3.

102 E.g., SifDev 7; BerR 49:2; yQid 1:3 (59d); bBB 100a; SifDev 8; SifDev 31.

103 E.g., mOrlah 1:2; yHal 2:1 (58b); PesRK 8:4; PRE 27; BerR 45:3; bYev 64a.

104 Such as SifDev 8; BerR 84:4, 39:8; Tan Re'eh 8; WayR 36:5.

105 The exception to this is texts that explicitly elaborate on a lemma verse that is part of the patriarchal narrative which in Scripture. Most of the sources discussed expand on verses taken from contexts other than Genesis and use the rabbinic elaboration on the patriarchs' lives in the land of Canaan to explain them.

106 Apart from bHul 92a (discussed above), the verses in Genesis that are related to the promise are seldom quoted in the Babylonian Talmud. Gen 12:7 is not quoted at all. When these verses are adduced as prooftexts or commented upon, the rabbinic elaboration is not related to the promise itself, but rather to the patriarchs' behaviour; e.g., in bSan 111a, Gen 13:17; 26:3; 28:13 are quoted as evidence of how the patriarchs unquestioningly obeyed God's words. See also bBer 7b; bTaan 27b; bNed 32a.

most frequently with the aid of Palestinian voices.¹⁰⁷ In some cases we can also identify a Babylonian perspective, e.g., in connection with defining the land of Israel's borders, the question of the superiority of the Jewish ancestral homeland in the land of Israel, or the Land's primordial character as the land of the fathers. The latter topic was examined in sources dealing with Abraham's origins and the problem posed by the fact that Abraham already has a native land other than the land to which he is expected to go and of which he is expected to make a homeland for himself and his descendants. In one Babylonian text (bPes 87a), Babylonia is understood as the major setting for a narrative about the beginning of the Jewish people's history, as it is the first of the patriarchal homelands. Together with bShab 118b, this text stands out in that it hints at the opposition between the land of Israel and any location outside of the Land—an aspect that otherwise remains untouched in the rest of the sources examined here.

The land of the patriarchs as it is presented in the texts examined in the first part of this chapter—construed by anonymous voices, but also by tannaitic and amoraic authorities¹⁰⁸—is not imagined as a territory with precise boundaries. Unlike some of the sources on the cave of Machpelah, these texts on the patriarchs' attachment to the entire promised land do not address the characteristics of a concrete land in which the patriarchs were imagined to have established themselves, nor are they concerned with its real geography (e.g., the land's borders, its climate, or its other inhabitants). These are texts about an idealised historical space, a mythical text-scape, rather than a realistic space—in other words, a piece of imaginary geography.¹⁰⁹ This notion of vague territoriality is particularly evident in bShab 118a–b, in which Jacob's heritage is described as without borders.

The second part of this chapter focused on rabbinic elaborations on the narrative concerning the establishment of the patriarchal grave in the land of Canaan. Both the amoraic and especially the post-amoraic sources I have examined—sources that focus on Abraham's status as *ger ve-toshav* in the land he was promised; on the acquisition of the cave of Machpelah, first from the Jebusites and then from Esau; on the extraordinary price paid for this piece of land; and on the conflict between Esau's and Jacob's descendants at Jacob's

107 Only 4 of the 20 attributed statements in the Bavli sources examined in this part are attributed to Babylonians. In the next section, 2 of the 9 attributed statements in passages transmitted in the Babylonian Talmud are attributed to Babylonians.

108 Two generations stand out: Out of 50 attributed statements, 12 are attributed to tannaim of the second generation, and 12 to amoraim of the third generation.

109 See Z. Safrai, *Seeking out the Land, passim*.

burial—attest to the symbolic importance of this *purchased* space as Jewish patrimony in rabbinic thought, in both Palestinian and Babylonian literary contexts.

The more detailed narratives in the post-amoraic texts are particularly illustrative of an emphasis on the patriarchs' affectional attachment, not to a vague territory, but to a concrete piece of land—a land where they had lived and died, and where they sought to be buried at all costs. In their rewriting of this episode from the patriarchal narrative in Scripture, the rabbis thus claim a piece of land for the Jews as metonymy for the land promised to their ancestors, which nevertheless had to be conquered before it could be possessed.¹¹⁰ This version of the ancestral homeland myth therefore stands in contrast to some of the earlier sources examined in the first part of this chapter (which solved the problem of the conquest by stating that the patriarchs did in fact possess the Land). Relocating the cave of Machpelah to Mount Moriah; or Jebus/Jerusalem; asserting that Jacob was buried there with his ancestors, including Adam; and describing how Esau was killed there at Jacob's burial are strategies intended to reshape the scriptural account of Jacob's burial. While these instances of rewriting are not transmitted exclusively in Palestinian corpora or works, it is evident that the author of *Pirque de-Rabbi Elie'zer* took particular delight in embellishing this story. Such adjustments of the scriptural account were probably motivated by the fact that at the time when some of these traditions first emerged, Palestine had become a province in a Christianised Roman Empire and a Christian Holy Land, but by the time *Pirque de-Rabbi Elie'zer* was composed, Palestine had also been incorporated into the Abbasid Caliphate, and at least part of it had begun to play an important role as a Muslim holy landscape.

110 Modern exegetes also interpret the text in this way. Janzen, 'Land,' A.3.a, sees the purchase of the burial plot in Gen 23 as a 'proleptic sign of the fulfillment of God's promise'.

When You Come into the Land: Stories of a Land That Became Holy

3.1 Historical Praise of the Land's Ahistorical Holiness

One of the avenues the Land-discourse of the sages takes, especially in rabbinic statements transmitted in Palestinian corpora, addresses the meaning of the Land by praising its unchanging holiness. According to the Encyclopedia Talmudit, medieval authorities contrast the Land's 'intrinsic' holiness¹ with historical instances of sanctification of the Land.² Yet the late antique texts themselves do not use this terminology.³ How then do the texts themselves convey this idea of the Land's unchanging holiness, of an atemporal or mythical sanctity unaffected by the vicissitudes of Israel's history, a sanctity in which neither ordinary human beings nor even rabbis play an active role?⁴ This Land-holiness is related to the notion that the Land contains the holiest place on Earth, and this is not dependent on a particular time; the Land is the ur-place, the setting for the creation of the world; it was chosen as God's land prior to time itself.

3.1.1 *On Holinesses and the Direction to Face While Praying*

Rabbinic literature does not use the expression 'holy land' to identify the land of Israel as holy.⁵ The locus classicus on the Land's holiness in early rabbinic liter-

1 Zevin and Bar-Ilan, 'Erets Israel,' 213.

2 Of this intrinsic holiness, the English version of the article states: 'Just as this sanctity existed prior to the conquest, so it did not cease with the ending of the conquest through the destruction of the Temple and the exile of Israel. Any discussion of the Sages as to whether the first sanctification sanctifies for the future or does not sanctify [any longer], bears only on the obligation to perform those precepts dependent on the Land; but none of the sanctity of the whole Land within its Torah borders, its purity, its virtue for the living and the dead, and its status as the Divine heritage, was diminished either during the Babylonian exile or the present exile (E). Its sanctity is eternal as long as the world endures; it has not, nor will, it change (L)' ('Erez Israel,' 29).

3 Nowhere in the sources do we actually find the expression 'intrinsic holiness' (*qedushah atsmit*).

4 As H.K. Harrington, 'The Holy Land,' in *Holiness: Rabbinic Judaism and the Graeco-Roman World* (London: Routledge, 2001), 128, points out, rabbinic land-holiness is not *tout court* a holiness that necessarily 'acts within the human sphere' and 'requires human maintenance'.

5 See Oberhänsli-Widmer, 'Bindung ans Land Israel,' 149–150; A. Dubrau, 'Heiligkeitskonzepte

ature is the first of four consecutive anonymous mishnayot in Mishnah tractate Kelim, the first of which reads as follows:

There are ten degrees of holiness. The land of Israel is sanctified (*mequdeshet*) among all the lands. And what [is the nature of] its holiness? From there they bring the 'omer, the first fruits, and the two loaves of bread, which they do not bring from any other land. (mKel 1:6)

The reason for the Land's holiness, according to this mishnah, is the fact that it is the agricultural produce of this land exclusively which enables one to observe three of the so-called land-commandments related to the Festival of Weeks.⁶ It is not part of the Mishnah's agenda to pose the question of whether observing these commandments is actually possible at the time when the Mishnah was redacted. This special characteristic of the Land sets it apart from the rest and therefore makes it holy.⁷

Within the Land itself, ten (further) degrees of increasing holiness are described as spaces to which people with corresponding degrees of cultic purity have access. The centre of this hierarchy is the holy of holies in the Temple.⁸

von Eretz Israel in rabbinischen Texten der Spätantike,' in *Heilige, Heiliges und Heiligkeit in spätantiken Religionskulturen*, ed. P. Gemeinhardt (Berlin: De Gruyter, 2012), 149. In the Hebrew Scriptures, *qodesh qodashim* ('most holy') is used in the context of the vision of the future Temple, in the description of the reestablishment of the Land and the people, to refer specifically to the portion allotted to the priests, 'a special portion out of the portion of the Land' (Ezek 48:12). On *ademat ha-qodesh* ('holy land/soil', Zech 2:16), Wilken, *Land Called Holy*, 265n41, comments: 'When the Hebrew Bible was translated into other languages, Zechariah's 'holy ground' came out 'holy land', and any differentiation, however subtle, between 'land' and 'ground' was lost.'

6 For the scriptural wording of these laws, see Lev 23:9–16; Deut 26:1–11.

7 This is in contrast to 'holier', the wording found in H. Danby, trans., *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (London: Soncino, 1933) and Cohen, Goldenberg, and Lapin, *Oxford Annotated Mishnah*, for mKel 1:6, which suggests that the rest of the lands are also holy to a certain extent.

8 The notion of a sort of navel underlies the list of concentric degrees of holiness that begins with the least holy (the entire Land) and culminates with the holy of holies in the Temple. The Temple Scroll preserves a similar topography of concentric degrees of holiness, though as noted above the degrees are mentioned in the inverse order in comparison with the Mishna. Even though the introductory formula anticipates ten degrees of holiness, considering the Land itself as a first degree increases the number of degrees on the list to eleven: 1) the land of Israel, 2) the walled cities within it, 3) the wall of Jerusalem, 4) the Temple Mount, 5) the rampart, 6) the court of the women, 7) the court of the Israelites, 8) the court of the priests, 9) the area between the porch and the altar, 10) the sanctuary, and 11) the holy of holies. Mai-

Here and elsewhere in rabbinic literature, holiness is described with reference to the concepts of purity and impurity.⁹ The immersion pools (*miqva'ot*) in the Land are pure because the Land itself is pure (mMiq 8:1). Rather than being unholy, the lands with which the land of Israel is contrasted, which are referred to as 'land of the gentiles' (*erets ha-'amim*) or 'outside of the Land' (*chutsa la-arets*), are impure and convey uncleanness.¹⁰

However relevant to the question of the land of Israel's significance in rabbinic Judaism these anonymous mishnaic statements appear to be, they were in fact seldom expanded upon in later rabbinic corpora.¹¹ The tradition of a hierarchy of holiness is found in the halakhic midrash *Sifre Zuta*, which makes direct use of mKel 1:6 in the context of an interpretation of Num 5:2–4.¹² Here God gives Moses laws pertaining to the purity of the camp in the midst of which the Tabernacle sits. The threefold mention of the expression 'camp' in Num 5:2 is interpreted in *Sif Bem Zuta* as referring to three distinct, concentric areas within the Israelite camp, each with a different degree of purity. This scriptural precedent is said to be the reason why the sages divided space—in the sense of the territory of the Earth—into ten degrees of holiness, as formulated in mKel 1:6–9, a text which is then quoted, with the addition of a second degree of holiness: The land of Canaan is said to be holier than Transjordan—both of which constitute the land of Israel—in that only Canaan 'is worthy of the house of the Divine Presence'. A late parallel to this midrash is found in a homily on Num 5:2–4, transmitted in *Bemidbar Rabbah*, which suggests that the three areas in the camp are equivalent to three areas in Jerusalem: 'Just as in the wilder-

monides addressed the contradiction between the introductory formula and the subsequent list in the twelfth century, arguing in *Hilkhot Beit ha-Bechirah* 7:13–14 that the Land is not a degree of holiness in itself. According to Dubrau, 'Heiligkeitskonzepte,' 153, Maimonides could be opposing the land of Israel's claim to holiness here.

- 9 Dubrau, 147, argues that pure and impure are used as quasi-synonyms for holy and unholy.
- 10 In several contexts, these other lands are mentioned along with burial places as spaces where uncleanness is contracted. See mOhal 2:3; 17:5; 18:6; mToh 4:5. On the impurity of the land of the gentiles, see Z. Safrai, *Seeking out the Land*, 79–84.
- 11 Not only is there no commentary of these particular mishnayot in the Talmudim—with the exception of tractate *Niddah*, there is no Gemara on the rest of the tractates of the order *Tohorot*—but they are also scarcely quoted in other contexts: see mKel 1:6 in ySheq 4:1 (47d), which is more concerned with the nature of the *'omer* than with that of the Land whence it is to be brought; mMiq 8:1 is quoted in yAZ 5:4(3) (44d), a text that deals with interactions between Jews and Samaritans.
- 12 For a detailed commentary, see A. Dubrau, *Der Midrasch Sifre Zuta: Textgeschichte und Exegese eines spätantiken Kommentars zum Buch Numeri*, Tübinger Judaistische Studien 2 (Berlin: LIT Verlag, 2017), 254–292.

ness there were three camps, the camp of the Divine Presence, the camp of the Levites, and the camp of the Israelites, so there were in Jerusalem three camps' (BemR 7:8).¹³

The fact that this tradition of concentrically disposed spaces of holiness that diminish in holiness the farther one gets from the Temple is transmitted only in Palestinian texts is telling—even though, as Martin Goodman argues, it is likely (though not provable) that diaspora Jews in the Roman period also shared this notion.¹⁴

A shorter version of this hierarchical list of holy spaces is preserved in the Tosefta, in a tradition that describes the directions Jews are to face while praying (tBer 3:15–16).¹⁵ The list begins with those standing outside of the Land, who are to pray with their hearts directed towards the Land, and proceeds to those within the Land, who are to direct their hearts towards Jerusalem; those in Jerusalem, who are to direct their hearts towards the Temple; and those in the Temple, who are to direct their hearts towards the holy of holies.¹⁶ This

13 See also in tKel BQ 1:12. On this three-camp scheme in the Qumran literature, see Z. Safrai, *Seeking out the Land*, 76–78.

14 Goodman, 'Sacred Space in Diaspora Judaism,' 219. Here Goodman is concerned with the question of how synagogues in the Palestinian diaspora came to be perceived as holy, not necessarily contesting the holiness of the Temple, but conceiving of synagogues as parallel sacred spaces. A passage in the Babylonian Talmud identifies the small sanctuary in Ezek 11:16 with a synagogue in Babylonia. See bMeg 29a.

15 Parallels are transmitted in SifDev 29; yBer 4:5 (8c–d); bBer 30a; Tan Va-yishlach 33; TanB Va-yishlach 21; PesR 33:1. This is part of a broader system of worship the rabbis developed in response to the void after the destruction of the Temple, as Ruth Langer observes in 'Turning to Jerusalem from the Exile: Jewish Liturgy's Engagement with the Diaspora,' chap. 3 in *The Oxford Handbook of the Jewish Diaspora*, ed. H.R. Diner (New York: Oxford University Press, 2021), 56. On the orientation of ancient synagogues, see L.I. Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven, CT: Yale University Press, 2000), 326–330.

16 In some of the parallels the list is expanded upon with prooftexts or with more directions or degrees (e.g., the Yerushalmi text specifies that the Babylonians teach that one should pray facing the west; the Bavli adds the mercy seat). The order of the cardinal directions is different in the Palestinian and Babylonian texts. Appended to the list in the Yerushalmi, the Bavli, and the Pesiqta Rabbati texts is a statement by Rabbi Abin in which he argues exegetically, with the aid of Song 4:4, for the centre towards which all prayers should be directed. Langer, 'Turning to Jerusalem,' 56, points out that the Exile, as symbolised in this non-verbal element of the liturgy developed by the rabbis, is 'more ritual and psychological than physical, as it seems not to have precluded occasional opportunities to pray in Jerusalem, even in this [the early rabbinic] period.' Both the texts containing the lists of holy spaces and those containing the directions of prayer begin with the outermost space and culminate in the centre, i.e., they are oriented towards the centre. The inverse was true prior to the rabbinic period, as attested among the Qumran writings in the Temple Scroll. I thank Günter Stemberger for calling this to my attention. See H. Stege-

hierarchy of directions in which one must stand while praying is transmitted anonymously in the Tosefta and also in its parallel in the Bavli, but it is attributed to Rabbi Eliezer ben Jacob, a sage of the post-Bar Kokhba period, in some of the Palestinian parallels.¹⁷ Although this attribution is in line with Gafni's argument concerning the beginnings of a discourse promoting attachment to the Land in the aftermath of the Bar Kokhba revolt,¹⁸ it is also noteworthy that the two tannaitic texts containing the list of directions for prayer, as well as their Palestinian parallels—in contrast to a number of sources I will examine in chapter 4—depict the possibility of living somewhere other than the Land in a neutral light.

While the concept of the Land's holiness reflected in these lists may strike the reader as having no relation to time, such holiness is indeed temporal to the extent that it presupposes the existence of the cultic centre in the Land, which has its starting point in the history of Israel—after receiving the Torah at Sinai or establishing the sanctuary in Jerusalem. Another strategy used to emphasise the atemporality of the Land's holiness involves linking it to a cosmological myth—to the time before time.

3.1.2 *The Land's Temporal Priority*

A passage in the halakhic midrash Sifre Devarim describes the land of Israel as the very first space created:

The land of Israel, which is the most precious of all, was created before all else, for it is said, *when he had not yet made earth (arets) and fields[, or the world's (tevel) first bits of soil]* (Prov 8:26). Rabbi Simeon ben Yochai says: 'World' means the land of Israel, for it is said, *Rejoicing in His world, His land (be-tevel artso)* (Prov 8:31). Why is it called 'world'? Because it is improved (*metubelet*) by every thing. For every land has something lacking in other lands, whereas the land of Israel lacks nothing, for it is said, *where you will lack nothing* (Deut 8:9). Another interpretation: 'Earth' means all the other lands, 'fields' means wildernesses, 'world' means the land of Israel. Why is it called 'world' (*tevel*)? Because of the spice (*tevel*)

mann, 'Das "Land" in der Tempelrolle und in anderen Texten aus dem Qumranfunden,' in *Das Land Israel in biblischer Zeit: Jerusalem Symposium 1981 der Hebräischen Universität und der Georg-August-Universität Göttingen*, ed. G. Strecker (Göttingen: Vandenhoeck & Ruprecht, 1983), 154–171; L.H. Schiffman, 'Israel,' in *Encyclopedia of the Dead Sea Scrolls*, ed. J. Vanderkam and L.H. Schiffman, vol. 1 (New York: Oxford University Press, 2000), 390.

¹⁷ See SifDev 29; yBer 4:5 (8c–d); PesR 33:1.

¹⁸ See Gafni, *Land*, 69–70.

that is in it. And what spice does it contain? Torah, for it is said, *Among the nations is no Torah* (Lam 2:9). From this [we learn that] the Torah dwells in the land of Israel. (SifDev 37)

The hermeneutic context of this passage is the comparison between the Land and Egypt in Deut 11:10: 'For the land that you are about to enter to occupy is not like the land of Egypt.' The midrash claims that whatever is the most precious of its kind precedes the rest.¹⁹ This is said to be valid for the Torah, for the Temple, and for the Land. Apart from having existed prior to any other land, the land of Israel is read into the scriptural expression for 'world' (*tevel*) in two verses in the book of Proverbs, the polysemy of which the sages exploit: The word form is interpreted to mean not only 'world', but also 'spice', and the sages praise the Land as refined by a spice²⁰ which they in turn identify as the Torah.²¹

The idea that the Land is the centre of the world and that it also contains its own centre is no innovation of rabbinic literature. The book of Ezekiel (38:12) already conveys the notion that Jerusalem is the centre or navel of the world.²² The land around this centre is also a mythical chronotopos (rather than the backdrop of history)²³ in the book of Jubilees (8–10), the setting for a cosmo-

19 'And so you find regarding the ways of the Omnipresent, that what is precious [to Him] precedes [any other] of its kind.'

20 See Jastrow, *Dictionary*, s. v. תִּבְּל and תִּבְּלָה.

21 The image of the Torah as the spice of the Land is also stressed in a parallel tradition preserved in the late midrash Seder Eliyahu. The Land and the words that come from it are compared to the spice which gives the world its taste: 'Another interpretation: ... [yet their voice goes out through all the earth (*kol ha-arets*), and] to the end of the world (*tevel*) their words (Ps 19:5): This is the land of Israel, for it is the spice (*tevel*) of the world, for it is said, the first bits of soil of the world (*tevel*) (Prov 8:26)' (SER 11).

22 The earliest interpretation of the table of the nations (Gen 10), 'the basic "world map" of the Jews in the biblical and post-biblical periods' is found in Jubilees. See P. Alexander, 'Geography and the Bible: Early Jewish Geography,' in *Anchor Bible Dictionary*, ed. D.N. Freedman, vol. 2 (New York: Doubleday, 1992), C.4. In this context, the expression ομφαλός ('navel'), with which the Septuagint translates Ezekiel's description of Jerusalem as the 'navel of the earth' (*tabur ha-arets*) (Ezek 38:12), is used to describe Sem's portion as 'the middle of the earth', within which are three holy spaces: the Garden of Eden, Mount Sinai, and Mount Zion, the latter being 'the centre of the navel of the earth' (Jubilees 8:12, 19). The navel motif in early Jewish cosmology is related, as Alexander, C.1, points out, to the circularity of the earth. See also M. Tilly, *Jerusalem—Nabel der Welt: Überlieferung und Funktionen von Heiligtumstraditionen im antiken Judentum* (Stuttgart: Kohlhammer, 2002); P. Alexander, 'Jerusalem and the Omphalos of the World: On the History of a Geographical Concept,' in *Jerusalem: Its Sanctity and Centrality to Judaism, Christianity, and Islam*, ed. L.I. Levine (New York: Continuum, 1999), 104–119.

23 See Vos, *Heiliges Land*, 65.

logical myth whose protagonist is Israel's mythical ancestor. In later rabbinic literature the navel metaphor reappears in the company of another cosmological motif, that of the foundation stone:²⁴

When you come into the land and plant (Lev 19:23). This is what Scripture says, *I made myself gardens and parks*[, and planted in them all kinds of fruit trees] (Eccl 2:5). Do not all human beings plant what they need? Whatever a man plants in the earth, it brings forth either peppers or something [else]. If someone plants [plants] they produce, but no one knows the [appropriate] place of each and every plant, where it is to be planted. Solomon, however, because he was wise, he planted all sorts of trees[, for it is said, *I made myself gardens and parks, and planted in them all kinds of fruit trees*] (Eccl 2:5). Rabbi Yannai said: Solomon planted even peppers, and how did he plant them? Solomon was wise and knew the root of the foundation of the world. Whence [do we infer this]? *Out of Zion, the perfection of beauty, God shines forth* (Ps 50:2). *Out of Zion* has the entire world been perfected. Why is it called foundation stone (*even shet-iyah*)? Because the world was founded (*hushtat*) on it. (TanB Qedoshim 10)

This midrash interprets the reference to planting in the lemma verse²⁵ Lev 19:23 by connecting it to another verse, Eccl 2:5. This text is understood to refer to Solomon's role as a wise landscape architect. The wisdom of his gardening is explained as directly related to his familiarity with the point in space where the world was made perfect—namely, Zion or, more specifically, the foundation stone.

Another interpretation: *and planted in them ...* Just as a navel is set in the middle of a man, so the land of Israel is the navel of the world, for it is said, *Who live on the navel of the earth* (Ezek 38:12). The land of Israel sits at

24 As A.M. Sivertsev, *Judaism and Imperial Ideology in Late Antiquity* (Cambridge: Cambridge University Press, 2011), 65–66, argues, in rabbinic literature the foundation stone initially had a technical purpose (mYom 5:2): It played a role in the liturgical ceremony of Yom Kippur. Only from the Tosefta (tYom 2:14) onwards, do interpretations of the stone shift from the liturgical to the cosmological realm in the Talmudim (yYom 5:2 [42b]; bYom 54b), and to the religio-political in Tanchuma (TanB Qedoshim 10).

25 This is the verse the midrash seeks to explain. On the notion that a significant portion of rabbinic literature has a lemmatic arrangement, see Samely, *Forms*, ch. 1. The planting theme is especially salient in texts in which the Land is reflected upon in relation to the end time. Some of these texts are discussed in chapter 7.4.

the centre of the world, and Jerusalem is in the centre of the land of Israel, and the Temple building is in the centre of Jerusalem, and the sanctuary is in the centre of the Temple building, the ark is in the centre of the sanctuary, and the foundation stone, out of which the world was founded, is before the sanctuary. Solomon, who was wise, stood upon the roots that went out from [that stone] into the whole world and planted all sorts of trees in them. Therefore he said, *I made myself gardens and parks* (Eccl 2:5). (TanB Qedoshim 10)

In a second part the midrash links the motifs of the foundation stone and the navel of the world²⁶ in an interpretation of the lemma based on an analogy between the human body and the world. The human body's centre is its navel, and the world's is the land of Israel. In this late midrash, as in mKel 1:6–9, the land of Israel is the first item in a list of spaces arranged concentrically. With the exception of the Temple building, which contains both the sanctuary and the foundation stone,²⁷ each of the other items on the list has one centre. Unlike other rabbinic texts which feature the foundation stone,²⁸ this one explicitly situates it in the Land. The Land and the spaces it encompasses constitute the navel of the world, and for this reason they are central in both cosmological and protological perspectives.²⁹

3.1.3 *God's Choice of Permanent Possessions and Their Selection*

In several other midrashic contexts, the land of Israel's holiness is expressed less in terms of spaces related to degrees of holiness and levitical purity or to a mythical past, and more in the form of lists of God's personal possessions, as it were. The explicit connection to God means that the items in this type of list appear as unequivocally holy. With respect to the order of the items, it is

26 See also PRE 35.

27 The sages imagine the stone as placed in front of the ark. According to mYom 5:2 a stone called *shetiyah* is located where the ark used to rest, before it was removed. It marks the ark's former place.

28 e.g., mYom 5:2; yYom 5:2 (42c); bYom 54b; bSan 26b; Sem 11; PRE 10; PRE 35; MidTeh 91:7; Tan Pequde 3; BemR 12:4.

29 On the link between cosmology, geography, and politics in this text, see F. Böhl, 'Über das Verhältnis von Shetija-Stein und Nabel der Welt in der Kosmogonie der Rabbinen,' *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 124 (1974): 253–270; Alexander, 'Jerusalem and the Omphalos of the World: On the History of a Geographical Concept'; and Sivertsev, *Judaism and Imperial Ideology*, 67–74. Rather than a continuation of the Hellenistic *omphalos* motif, Sivertsev views its treatment in Tanchuma as internalisation of a Roman imperial discourse of the sixth and seventh centuries.

remarkable that the Land is seldom mentioned as the first item on these lists. There are exceptions, however, such as the following passage in the halakhic midrash Mekhilta deRabbi Yishmael, in which a second-generation tanna mentions the Land as the first of six rewards for Israel's observance of the Sabbath:

And Moses said, eat that today (Exod 16:25). Rabbi Joshua says: If you succeed in observing the Sabbath, the Holy One, blessed be He, will give you three festivals, Passover, Weeks, and Tabernacles. Therefore it is said, *And Moses said, eat that today, for today is a sabbath to the Lord; today you will not find it in the field*. Rabbi Eleazar of Modi'im says: If you succeed in keeping the Sabbath, the Holy One, blessed be He, will give you six good portions (lit. 'measures'): The land of Israel, the future world, the new world, the Kingdom of the house of David, the priesthood, and the Levites' offices. Therefore it is said, *eat that today* etc. (MekhY Va-yassa' 5³⁰)

The Land is also mentioned in the halakhic midrash Sifre Bemidbar, as part of a list of prooftexts adduced to interpret Num 11:6 as alluding to the *permanence* of anything which God describes using the inflected preposition *li*:

So the Lord said to Moses, Gather for me seventy of the elders (Num 11:16). Why is this said? Because it [Scripture] says: *I am not able [to carry all this people] alone* (Num 11:14). The Omnipresent said to him, What you demand I have given you. *Gather for me (li)*, so that there is a Sanhedrin in my name, for wherever it is said *li*, see this remains for ever and ever and ever. Regarding the priests it [Scripture] says, [*and consecrate them, so that they may serve] me (li) as priests* (Exod 28:41). Regarding the Levites it [Scripture] says, [*you shall separate the Levites from among the other Israelites,] and the Levites shall be mine (li)* (Num 8:14). Regarding Israel it [Scripture] says, *For to me (li) the people of Israel are servants[; they are my servants whom I brought out from the land of Egypt]* (Lev 25:55). [Regarding the Land it [Scripture] says, *The land shall not be sold in perpetuity,] for the land is mine (li)[; with me you are but aliens and tenants]* (Lev 25:23). Regarding the firstborns it [Scripture] says, *For all the firstborn among the Israelites are mine (li)[, On the day that I struck down all the firstborn in the land of Egypt I consecrated them for myself]* (Num 8:17). Regarding the sanctuary it [Scripture] says, *And have them make me (li) a sanctu-*

30 This translation follows MS Oxford 151.

ary], so that I may dwell among them] (Exod 25:8). Regarding the altar it [Scripture] says, [You need] make for me (*li*) an altar of earth [and sacrifice on it your burnt-offerings ...] (Exod 20:24). Regarding the anointing oil it [Scripture] says, This shall be my (*li*) holy anointing oil (Exod 30:31). Regarding the kingdom it [Scripture] says, for I have provided for myself (*li*) a king among his sons (1Sam 16:1). Regarding the sacrifice it [Scripture] says, [Command the Israelites, and say to them: My offering, the food for my offerings by fire, my pleasing odour, you shall take care] to offer to me (*li*) at its appointed time (Num 28:2). Wherever it is said *li*, see this exists for ever and ever and ever. (SifBem 92)

The exegetical occasion for this text, which is preserved here as an anonymous tradition, is the mention in Num 11:16 of seventy elders, who are identified as the Sanhedrin and with whom the midrash opens a list of eleven items. The fifth item, the Land, is actually not mentioned in the Sifre Bemidbar manuscript Horovitz used for his edition, but rather in MS Vat ebr. 32. Given that this list is transmitted in later midrashic compilations in a slightly modified form that includes the Land, it may in fact have been included in the original list.³¹

The fact that the items listed are considered permanent because God has selected them as God's particular possessions is emphasised in yet another text, which applies the same hermeneutic rationale we find in SifBem 92: whatever is mentioned in connection with the inflected preposition *li* must be permanent because God himself utters the expression self-referentially:

Tell the children of Israel [to take for me an offering] (Exod 25:2). It is not written here 'to take an offering' but to take for me (li) an offering (ibid.). Anything about which li is said, [belongs to God] in this world and in the world to come. The land shall not be sold in perpetuity, for the Land is mine (li) (Lev 25:23), in this world and in the world to come. [For all the firstborn among the Israelites are mine (Num 8:17), in this world and in the world to come. And the Levites shall be mine (Num 8:14), in this world and in the world to come], and also the priestly share, [belongs to the Holy One] in this world and in the world to come. (TanB Terumah 3)

31 In TanB Be-ha'alotekha 20, which is also a midrash on Num 11:16, Rabbi Zebida states that the elders of Num 11:16 are one of *thirteen* things 'written as belonging to the Holy One, blessed be He', the last but one of which is the land of Israel. WayR 2:2, a midrash on Jer 31:20, has a list of twelve items to which Jerusalem has been added, and from which the Israelites have been removed.

Like the offering, the firstborn, the Levites, and the priestly share, which is the focus of this passage,³² the land of Israel is said to belong to God in this world and in the world to come. Interestingly, of all the scriptural verses adduced here, the only one which is explicit about the unchanging character of God's possessions is the one pertaining to the Land, with its adverbial expression *litsemitut* ('in perpetuity').³³

In other exegetical contexts we find lists including the land of Israel that focus on the act of selection itself—that is, God's selection of what are said to be his permanent possessions. For example, as part of an interpretation of Deut 11:12, Pirque de-Rabbi Elie'zer transmits a list of seven choices God makes, each of which implies separating one item from a larger set of seven created things:³⁴ firmaments, lands, deserts, seas, ages, lamps, and days. The number seven is related to the chapter's general topical agenda, which is a discussion of the institution of the Sabbath—the one day chosen out of seven—and an interpretation of Exod 31:17 in particular, a verse which refers to the Sabbath as 'a sign forever between Me and the people of Israel.' For each choice, the text quotes one or more scriptural verses as confirmation of the selection. God is said to have chosen the land of Israel out of seven countries he created (the other six remain unnamed):

The Holy One, blessed be He, created seven lands, and He chose from all of them the land of Israel only, for it is said, *A land [that the Lord your God looks after.] The eyes of the Lord your God are always on it, from the beginning of the year to the end of the year* (Deut 11:12).³⁵
(PRE 18)

Also in the context of a list, the late midrash Seder Eliyahu explains the land of Israel's special, holy character. In a dialogue between an anonymous wander-

32 The exegetical context determines that the list culminates with the mention of the priestly share. As will be shown below in several other texts the priestly portion is used metaphorically for a number of *selections* God made.

33 On the rabbinic interpretation of Lev 25:23, see chapter 5. The implication of permanence in the preposition *li* is also addressed in TanB Tetsavveh 9, where the tradition is attributed to Rabbi Mani in the name of Rabbi Eliezer.

34 While not in the context of a list, the Land's chosenness is addressed at length in SifDev 40, which also interprets Deut 11:12.

35 At this point, the manuscript Friedlander uses adds another verse, which is not found in the other manuscripts and print editions, probably because it contests the praise of the Land suggested by the first one: 'Another verse says, *I said, I shall not see the Lord in the land of the living* (Isa 38:11).'

ing rabbi and a recurrent non-rabbinic other,³⁶ the rabbi explains that God not only rewards human beings according to their deeds, but that in doing so he himself also finds reward in his creation:

And whence [do we infer that] He [God] receives His reward from the world He created? From *The Lord's portion is His people* etc. (Deut 32:9), and [also where] it is said, *Delightful country has fallen to my lot[; lovely indeed is my estate]* etc. (Ps 16:6). They told a parable. What does the matter resemble? It is like a king of flesh and blood who built a palace and perfected it so that in the joy with which he rejoiced in it he finally decided [to have] in it his dwelling. Such is the reward [given] the land of Israel, in the midst of which the Holy One, blessed be He, stood and created all the lands, every one of them; He set apart (*hifrish*) Israel, the heave-offering (*terumah*) from out of all the peoples; and from Israel He set apart the Tribe of Levi [to serve in the Tabernacle]; and out of the Tribe of Levi He set apart Aaron the priest. He sanctified him, anointed him, and adorned him with the garments of priesthood, with the diadem on the mitre, with the Urim and Thummim—all this for Aaron who stands before God and year after year makes expiation for Israel. And He brought Israel, who are the heave-offering from among all the peoples [of the world], to the land of Israel, which is singled out (*perushah*) among all the lands. Then He brought the Tribe of Levi, which He set apart from Israel, to Jerusalem, which is the land of Israel's heave-offering. And He brought the children of Aaron, whom He set apart from among the Tribe of Levi, to the Temple, which He set apart from Jerusalem, to stand and do His will wholeheartedly, for it is said, *He stood, and measured the land, He looked and made the nations tremble* (Hab 3:6). (SEZ 173)

In answer to a rhetorical question concerning the scriptural evidence for the notion that God's world is a reward for him, the rabbi quotes two verses claiming that the people and land of Israel constitute this reward. The parable that follows, and particularly its application—which echoes traditions about the Land as the navel of the world—illustrate how the Land itself was rewarded.

36 On rabbinic others in general, see C. Hayes, 'The "Other" in Rabbinic Literature,' in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. C.E. Fonrobert and M.S. Jaffee (New York: Cambridge University Press, 2007), 243–269; specifically on this type of rabbinic other, see C. Cordoni, *Seder Eliyahu: A Narratological Reading* (Berlin: De Gruyter, 2018), ch. 5.

From this point on, the language of reward gives way to one of separating offerings, making heave-offerings of human resources (Israel, the Levites, the priests), and geographies (the Land, Jerusalem, the Temple).³⁷ Each of the human heave-offerings is assigned a separate space with its own degree of holiness: Israel-Land, Levites-Jerusalem, priests-Temple. Thus, we can read the entire passage as a midrashic elaboration on the first pair of verses quoted at the beginning. That all the items on the list are holy is evident not only from the fact that God chooses them, but also by virtue of the wording used for the act of selection.³⁸ It is not merely the peculiar phraseology which makes this text about the Land as a chosen space stand out. As the rabbi continues his speech, he problematises the apparently unchanging character of the selected spaces and human groups:

And it [Scripture] says, *his ways (halikhot) are everlasting (‘olam)* (Hab 3:6). From here they said: Whoever studies the laws (*halakhot*) can be confident that he is a son of the world to come (*ha-‘olam ha-ba*). Some say that in the place whence the earth for the first man was taken the altar was built, for it is said, *then the Lord God formed man from the dust of the ground* (Gen 2:7). And it [Scripture] says, *You need make for me only an altar of earth* (Exod 20:24). From here they said: As long as the Temple stood, the altar within was [what made] expiation for Israel wherever they dwelt. And outside of the Land the sages and the disciples of the sages are [the ones who make] expiation for Israel wherever they dwell. For it is said, *If you bring a grain-offering of the first fruits to the Lord* etc. (Lev 1:14). And it [Scripture] says, *A man came from Baal-shalishah, bringing food from the first fruits to the man of God* etc. (2 Kgs 4:42). But was Elishah a priest? There was neither Temple, nor altar, nor High Priesthood there. Elishah was rather a prophet and disciples of the wise would sit before him, either in Dotan or in Samaria. From here they said: Whoever is attached to the sages and to their disciples, Scripture credits it to him as if he were offering first fruits and doing the will of his Father who is in heaven. (SEZ 173)

37 For the rabbinic elaboration on the biblical command to give offerings to the priest (Lev 22:10–16; Num 18:8–30; Deut 18:3–5), see A. Oppenheimer, ‘Terumot,’ in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 19 (Detroit, MI: MacMillan Reference, 2007), 651–652.

38 Israel and Jerusalem are designated as priestly share or *terumah* and the rest of the selections are described with forms of *p-r-sh* (‘to choose, to select’).

This second passage adduces rabbinic theology in a commentary on the first passage: The one who pursues Torah study is rewarded; the group of people who deserve such a reward are the sages and their followers; after the destruction of the Temple, the connotations of ‘in the Land’ and ‘outside of the Land’ have changed. In both locales, the sages and their disciples assume the roles that were reserved for the priesthood in Temple times. The sages are in charge of making expiation in the wider world, where Jews live in the diaspora.

3.1.4 *The Land in Lists*

The passages discussed in this section, which are primarily of Palestinian provenance, are representative examples of how the sages treated the theme of the Land’s unchanging holiness, which the Encyclopedia Talmudit designates as ‘intrinsic’. The strategy of including the Land as one of a group of entities receiving praise due to their relation to God recurs in both early and late rabbinic corpora and works.³⁹

In mKel 1:6–9, the Land is the first space worthy of mention in a list of holy spaces that culminates in the holy of holies. Other lands are not explicitly valued as less holy or impure in this context—they are simply ignored. Not only this mishnaic passage, but also later rabbinic texts refrain from acknowledging the fact that the holiness they address is related to a defunct cultic system. They do not conceive of the Land’s sanctity as affected by the course of history. This is not surprising when the chronological setting is a mythical one, in which the exegetical narrative is concerned with the world before Israel’s salvation history began (e.g., SifDev 37; TanB Qedoshim 10), or when the Land is mentioned as an item on a list of God’s permanent possessions (SifBem 92; TanB Terumah 3) or as part of a selection thereof (PRE 18; SEZ 173). The one text that turns back on itself and introduces history—after describing God’s selection of spaces and their people—is the late midrash Seder Eliyahu, which exalts the rabbinic class as in charge of expiation in post-Temple times in *ersatz* terms, wherever Jews may live.⁴⁰ Rather than a polemic on Palestinian rabbinic authority, it seems

39 The Land appears in plenty of lists apart from those mentioned here. Even if God’s choice is not explicitly described, most list texts presuppose this. So for example, a passage transmitted in the midrash Shemot Rabbah, in which the Land is mentioned not as belonging to God, but as one of his gifts to Israel, argues with reference to Exod 12:2 that just as the month of Nisan belongs to Israel, so do judgement, righteousness, Seventh Years and Jubilees, the rest of the commandments, blessings, the Land and the surrounding lands, the Torah, and Passover. See ShemR 15:23.

40 M. Jaffee, *Early Judaism* (Upper Saddle River, NJ: Prentice Hall, 1997), 117–118, observes with respect to the change brought about by the destruction: ‘the Land retained a holiness in its soil, which distinguished it from any other spot on earth It is as if, with the destruction

this late midrash is an attempt to acknowledge the Land's ahistorical holiness while also affirming the sages' role in Jewish history.

The texts containing lists differ with respect to their exegetical occasion, the list's topical focus, the order and number of the listed items, and their use of scriptural prooftexts. The Land appears in various positions on these lists, and while it is seldom the first or last item on the list,⁴¹ the fact that it is repeatedly mentioned in these texts about choices⁴² in both early corpora and later works of the rabbinic period is evidence that its status as an object of praise among the sages was a constant. Several other passages in rabbinic literature represent historical praise of the Land as an ahistorically superior space without explicitly setting it in relation to God, as in the examples discussed above. In these texts, the Land is inherently superior⁴³ or provides a backdrop for the discussion of aggadic or halakhic subject matter, as is the case in other sources discussed elsewhere in this book.

3.2 Sanctifying the Land in History

Inasmuch as the land-holiness generates the land-commandments, the removal of the land-holiness as a result of the destruction and exile means, in effect, that God has declared that the land-commandments are no longer valid commandments. The nature of the relationship between God, the people and the Land has changed.⁴⁴

The idea of the promised land's holiness is expressed in different ways in the Hebrew Bible, even if the text itself seldom actually calls the land holy. As David Frankel points out, even though texts attributed to the Holiness School mention a sanctification of the sanctuary, the priests, and the Sabbath, 'God

of the physical Temple, the Land and the People of Israel had themselves absorbed the invisible essence that constituted its holiness. Laws that once protected the holiness and purity of the Temple and its personnel were now applied to the territory and the people that the Temple had sanctified. ... The rabbinic world embodied the Temple's sanctity in the surviving realities of the Land and the People of Israel.'

41 These positions appear to be determined by the exegetical or otherwise structured thematic agenda. See SifDev 37 on the meaning of what comes or is mentioned first.

42 One could claim that the shorter the list, the higher the standing of the objects praised.

43 See Z. Safrai, *Seeking out the Land*, 143–145.

44 C. Milikowsky, 'Notions of Exile, Subjugation and Return in Rabbinic Literature,' in *Exile: Old Testament, Jewish, and Christian Conceptions*, ed. J.M. Scott (Leiden: Brill, 1997), 284.

never sanctifies, or calls upon Israel to sanctify, the land.⁴⁵ As mentioned above, rabbinic literature also does not characteristically resort to calling the Land holy. However, several passages reveal that this literature is concerned with the notion of the land of Israel as holy land, with its sanctification, and with sanctifying it by addressing these topics by means of rabbinic discourse itself. While we saw in the previous section that one of these discursive strategies places the Land's holiness outside of time—the land is ahistorically holy—Israel's agency in conquering the Land where they were to be faithful to the covenant takes place within historical time. It is to texts concerned with how the sages reflect on the way in which Israel singled out the Land by observing the commandments that I now turn.

The scriptural basis for the notion of a historical sanctification of the Land, understood as enacted by human beings, is partly attested in the way Scripture repeatedly links the people of Israel's entry into or presence in the Land with the observance of the commandments *there*, using the formulas 'when you come into the land' and 'when the Lord has brought you into the land.'⁴⁶ Rabbinic tradition singles out some of these commandments as a category of 'commandments dependent on the Land' (*mitsvot ha-teluyot ba-arets*). These are precepts related to the Land's agricultural produce that regulate how the Land was subject to a sort of 'holy tax'.⁴⁷ The earliest treatment of these commandments in rabbinic literature is found in the first order of the Mishnah, *Zera'im* (lit. 'seeds').⁴⁸

45 D. Frankel, 'Toward a Constructive Jewish Biblical Theology of the Land,' in *Theology of the Hebrew Bible*, ed. M.A. Sweeney, vol. 1: Methodological Studies (Atlanta, GA: SBL Press, 2019), 174.

46 See, e.g., Exod 12:25; 13:5 (passover); 13:11 (first-born); Lev 14:34 (leprous disease in the house); 19:23 (fruit of young trees or *'orlah*); 23:10 (first sheaf of the harvest or *'omer*); 25:2 (sabbath); Num 15:2 (sacrifice); Deut 6:1 (all the laws); 6:10 (worship of the one God); 7:1 (destruction of the gentiles); 11:29 (blessing and curse at Mount Ebal).

47 Harrington, 'The Holy Land,' 128. It is important to note, however, as Z. Safrai, *Seeking out the Land*, 86, points out, that nowhere does Scripture restrict the observance of certain commandments to the land of Israel.

48 These commandments pertain to the first fruits or *bikkurim* (Exod 23:19; 34:26; Num 18:13; Deut 26:1–11), the dough-offering or *challah* (Num 15:17–21), the heave-offering or *terumah* (Num 18:8, 11–12, 25–32; Deut 18:4), the first tithe or *ma'aser rishon* (Num 18:21–32), the second tithe or *ma'aser sheni* (Deut 14:22–27; Lev 27:30–31), the prohibition against mixing species or *kil'ayim* (Lev 19:19; Deut 22:9–11), eating *'orlah* (Lev 19:23–25), and partaking of new grain or *chadash* (Lev 23:9–14). Whereas the listed precepts are related to the Temple's cultic system, the *raison d'être* for other land-commandments is more evidently related to social justice. This is especially the case with the corner of the field or *pe'ah*, gleanings or *leket*, and forgotten sheaves or *shikhehah* (Lev 19:9–10; 23:22; Deut 24:19–22), the Seventh Year or *shevi'it* (Exod 23:10–11; Lev 25:1–7; Deut 15:1–3), and poor man's tithe or *ma'aser 'ani*

As Alexander Dubrau points out, and as we will see in the texts discussed in what follows, unlike ahistorical sanctity, this historical sanctity is largely dependent on the decisions taken by the rabbis and transmitted in rabbinic discourse, in which the rabbis themselves are agents.⁴⁹

This is a sanctity that depends on the Land's existence as a Jewish polity, and it becomes an idea (and at times an ideal) upon which the sages reflect after the revolts of the first and second centuries CE and the ensuing diasporisation of the Jews, both in their ancestral homeland and abroad.⁵⁰ By maintaining their

(Deut 26:12–15). As charges on the soil of the land of Israel, they are generally assumed to have come into force after the Israelites entered the Land. However, as discussed in chapter 2, according to several rabbinic traditions the commandments dependent on the Land—like the rest of the commandments—were effective prior to the entry, conquest, and division of the Land, namely, with its possession by the patriarchs.

49 Dubrau, 'Heiligkeitskonzepte', designates the two conceptions of land-sanctity with which early rabbinic literature operates as realistic (or essentialist, represented among other texts by mKel 1:6–9) and nominalistic (represented by mishnaic passages such as mHal 2:1–2 and tPar 3:5). While the first is associated with an almost ahistorical timeframe, the second is related to the observance of commandments in time, and therefore the sages themselves are more evidently involved in giving shape to it. He describes the contrast between these holiness models as follows: 'Während erstere Konzeption einen nahezu ahistorischen Zustand voraussetzt, welcher nach rabbinischer Vorstellung mit der Offenbarung der Tora übermittelt wurde und in der Sammlung des Volkes Israel im heiligen Land in messianischer Zeit kulminiert, obliegt beispielsweise die Bindung der Heiligkeit an die Ausübung der mit dem Land verbundenen religiösen Gebote menschlichem Wirken und ist damit—im Gegensatz zur ersteren Konzeption—in weit größeren Maße von Entscheidungsprozessen der Rabbinen abhängig, welche in der rabbinischen Literatur im für die Rabbinen charakteristischen diskursiven Modus tradiert werden' (147–148). It is in the context of discussions on the nominalistic concept of land-sanctity that a sort of rabbinic response to the changed historical situation after the revolts of the first and second centuries is palpable. The Babylonian Amoraic sages resort to such a historicising of the Land's sanctity when they seek to minimize the Land's character as the indisputable holy centre. See Dubrau, 163.

50 Some rabbinic traditions explicitly link the notion of land-sanctity to the land-commandments as an expression of the existence of the Temple and to the presence of the people of Israel in their land. Others argue otherwise: Thus, mBik 2:3 states that the laws of heave-offering and tithes are valid whether the Temple stands or not. As Stemberger, 'Bedeutung,' 179, points out, the maintenance of priests and Levites with priestly shares and tithes was difficult to justify once they were no longer in office. According to A. Oppenheimer, 'Terumot and Ma'aserot,' in *Encyclopaedia Judaica*, 2nd edition, vol. 19 (Detroit, MI: Macmillan Reference, 2007), 653, SifBem 116 can be read as evidence that after the destruction, tithing became one of the substitutes for the Temple's sanctity, so that tithes went on to be separated for priests and Levites, even though their functions could no longer be exercised. On how the sages—who held the Land, Jerusalem, and its Temple as holy—reacted to the sanctification of other spaces by other groups within the boundaries of the Land, see E. Ben-Eliyahu, 'The Rabbinic Polemic against Sanctification

reflection on these historically changed commandments for several centuries, Palestinian tannaim, Palestinian and Babylonian amoraim, and the anonymous redactors of the rabbinic corpora acknowledge with their very discourse the relevance of the commandments and the notion that their observance distinguishes the Land where they were once fully observed.⁵¹

In the context of their discussion of these commandments, the sages develop ideas about the Land's sanctity as subject to change. This sanctity has a beginning, it evolves over the course of time, and it is dependent on human agency. These are the main questions the sages address when they discuss the land-commandments:

1. What are the land-commandments, and how are they different from the rest of the commandments? What commandments are understood as constituting exceptions to the general distinction?
2. Are the land-commandments valid in the rabbinic present? Where? What determines that certain areas that were once obligated to adhere to these commandments cease to be obligated? Are such areas perceived as part of the land of Israel once the land-commandments are no longer valid there?
3. What is the status of countries other than the land of Israel with respect to these commandments?⁵² What different 'diaspora' regions 'outside of the Land' (*chutsah la-arets*) do these sources distinguish?
4. What difference does it make whether the obligation to observe a land-commandment originates in Scripture or is part of rabbinic law?

3.2.1 *Introducing the Land-Commandments to the Land*

According to mKel 1:6, the land of Israel's holiness derives from the fact that three commandments may be observed only with agricultural produce from the Land. As we have seen above, the mention of the land of Israel in this mishnah stands at the beginning of a list of holy things, and nowhere in this list does the Mishnah hint at the fact that the 'omer, the first fruits, or the two loaves may not be offered because there is no place to which to bring them. It appears that the various levels of holiness that the Land encompasses are still intact at

of Sites,' *Journal for the Study of Judaism* 40 (2009): 260–281; E. Ben-Eliyahu, 'Rabbinic Literature's Hidden Polemic: Sacred Space in the World of the Sages,' in *Jerusalem and Other Holy Places as Foci of Multireligious and Ideological Confrontation*, ed. P.B. Hartog et al. (Leiden: Brill, 2021), 25–49.

51 See Z. Safrai, *Seeking out the Land*, 76–128, who notes that the land-dependent commandments constitute a 'subject that seems simple, but is composed of an endless series of disputes' (79).

52 See Z. Safrai, 96–112, for a detailed overview of all the positions with respect to this question, especially regarding tithes and heave-offerings. I focus on only a few texts.

the moment the document was redacted, in the early third century. Similarly, in another mishnah, in the text which probably comes closest to a definition of the land-dependent commandments, we read:

Any commandment that does not depend on the land may be observed in the Land or outside of it; and any commandment that depends on the land may be observed in the Land. Except for the laws pertaining to the fruit of young trees (*ʿorlah*) and to mixing species (*kilʿayim*). Rabbi Eliezer says: Also the law of new produce (*chadash*). (mQid 1:9, MS Kaufmann A 50)⁵³

This mishnah divides the commandments into two categories⁵⁴—non-agricultural (valid both in the Land and abroad) and agricultural (valid only in the Land). It also divides the Jewish world into two regions⁵⁵—one whose Jewish inhabitants are obligated to observe only the first type of commandments, and one where they are to observe both these and the land-commandments.⁵⁶ Seen from a practical perspective, such a distinction was a dubious honour with which Jews residing in the land of Israel had to come to terms;⁵⁷ yet from an ideological perspective, the opportunity to observe these commandments could be perceived as a privilege not granted to Jews living elsewhere. A question related to Jewish identity that arises from the Land-dependency of these commandments, and which rabbinic literature addresses for the first time after the destruction of the Temple, can be paraphrased as follows: If it is only pos-

53 The two statements at the beginning of the mishnah appear in the inverse order in Albeck's edition: 'Any religious duty that depends on the Land ...; and any religious duty that does not depend on the Land ...'. The MS Kaufmann version is followed in SifDev 44; 59; yQid 1:9 (61c). The order of the Albeck version is followed in the Babylonian Talmud; see below.

54 This is one of several taxonomies that the sages proposed for the commandments.

55 The world is also divided into two regions in the context of the laws of purity, whereby the sages contrast the purity of the land of Israel with the impurity of the land of the gentiles. See Z. Safrai, 79–84, 108. A tripartite division conceives of the Jewish world as consisting of the Land, Syria, and areas outside of the Land. See, e.g., mOrl 3:9.

56 While some of the texts to be discussed in what follows deal with the land-commandments in general, others focus on a specific one, whereby some commandments feature more prominently than others.

57 Thus, according to yShevi 6:1 (36b), the scriptural 'good land' (*erets tov*) to which Jephthah fled, and which is identified as Hippos (aram. Susita), derives its goodness from the fact that it is exempt from tithes. See also BerR 37:10. With respect to Hippos, Scythopolis (Beit Shean), and Eleutheropolis (Beit Guvrin), Z. Safrai, 119, 121, points out that they 'were enclaves not regarded as part of the Land', even though they are within the territory 'resettled by those who went up from Babylonia'.

sible to observe all the commandments of the Torah in the Land, does it then follow that as long as the land-commandments are valid, it is only possible to live a halakhically perfect Jewish life within the territory of the Land?⁵⁸ For ancient Jews living outside of the Land, it might have been challenging to know that some of the commandments could not be observed unless one was in the Land and was part of an agricultural society.⁵⁹ Evidence of this is the fact that even though the Babylonian Talmud does not have a Gemara on the agricultural tractates of the order Zera'im which deal with these precepts in the Palestinian corpora, i.e., in the Mishnah, the Tosefta, and the Yerushalmi, it does find ways to engage in their discussion.⁶⁰

What does later rabbinic literature have to say about the broad classification of mQid 1:9 and the commandments singled out therein, either anonymously (*'orlah* and *kil'ayim*) or by Rabbi Eliezer (*chadash*)?⁶¹ Three texts are closely related to this mishnah, either using it as part of a midrashic argument (Sif-Dev 59) or expanding upon it in the Palestinian and Babylonian Gemara (yQid 1:9 [61c], bQid 37a). All three of these texts link the meaning of the mishnah with Deut 12:1: 'These are the statutes and ordinances that you must diligently observe in the land (*ba-arets*) that the Lord, the God of your ancestors, has given you to occupy all the days that you live on the earth (*ha-adamah*)'—the verse that opens the legal corpus in the book of Deuteronomy. The first of these texts, transmitted in the halakhic midrash Sifre Devarim, reads as follows:

These are the statutes (Deut 12:1): these are the interpretations; *and ordinances* (ibid.): these are the regulations; *that you must observe* (ibid.): this refers to study; *to do* (ibid.): this refers to performance; *in the land* (ibid.): one could think that all the commandments are observed outside of the Land—Scripture [however] says: *to do in the land* (ibid.); one could think that all of the commandments are observed only in the Land—Scripture says: *all the days that you live upon the earth*. Once it has extended, Scripture limits. This we learn from what is said on the subject. What is said

58 See Stemberger, 'Bedeutung,' 179.

59 See R.S. Sarason, 'The Significance of the Land of Israel in the Mishnah,' in *The Land of Israel: Jewish Perspectives*, ed. L.A. Hoffman (Notre Dame, IN: University of Notre Dame Press, 1986), 126.

60 After the talmudic period, these commandments continued to raise questions on their significance for diaspora Jews and Jews living in urban centres, who were not involved in agriculture, whether in the Land or abroad. See J.E. David, 'Nachmanides on Law'.

61 Z. Safrai, *Seeking out the Land*, 116, interprets this mishnah as a rule summarising several precedents and concedes that not all of the precedents suited this rule as presented by the editor of the mishna.

on the subject? *You must demolish completely all the places [where the nations whom you are about to dispossess served their gods]* (Deut 12:2). Just as it is special about [the prohibition of] idolatry that it is a personal commandment (*mitsvat ha-guf*, lit. ‘commandment of the body’) and not dependent on the land,⁶² observed both in the Land and outside of the Land, thus any personal commandment and not dependent on the land is observed in the Land and outside of the Land, and the one dependent on the land is observed only in the Land, with the exception of the laws pertaining to the fruit of young trees (*’orlah*) and to mixing species (*kil’ayim*). Rabbi Eliezer says: Also the law of new produce (*chadash*). (SifDev 59)

In an atomising interpretation of Deut 12:1,⁶³ the anonymous voice of the halakhic midrash interprets the last segment of the verse, ‘in the land’, as a corrective to the notion that all the commandments may be observed outside of the Land. It claims that it is precisely because the verse states ‘in the land’ that some of the commandments are to be observed exclusively there. The midrash then introduces mQid 1:9, contextualising the quotation of the mishnah by referring to the commandments that are not dependent on the land with terminology that is not found in the mishnah: *mitsvat ha-guf*, a law binding on the individual—sometimes paraphrased as a ‘personal commandment’.⁶⁴ The midrash asserts that a handful of these special commandments were expected to be observed outside of the Land as well, but it does not delve into the reasons for such a distinction.⁶⁵

62 In SifDev 61 combating idolatry is imagined as a land-commandment.

63 Scholars refer to the exegetical technique of midrash that consists in ‘parsing the verse up into its component phrases and then interpreting each one separately but according to a single consecutive logic,’ as D. Stern, ‘Anthology and Polysemy in Classical Midrash,’ chap. 6 in *The Anthology in Jewish Literature*, ed. D. Stern (Oxford: Oxford University Press, 2004), 131, describes it, as ‘atomisation’. Such a reading, as Samely, *Forms*, 65, writes, coordinates fragments or segments of Scripture with interpretive statements: ‘Scripture separates the rabbinic statements, and rabbinic statements separate the contiguous biblical sentences. The two texts subject each other to a mutual fragmentation or segmentation.’

64 The same distinction is made in SifDev 44, which also quotes mQid 1:9. Here Deut 11:18 is interpreted, and Torah study and the commandment to wear phylacteries are explained as personal commandments. See also MidTan 12:1 and yQid 1:9 (61c) par. yShevi 6:1 (36b) below.

65 Similarly, another passage of Sifre Devarim interprets ‘a land which the Lord your God looks after (*doresh*)’ (Deut 11:12) to mean that it is the exclusive ‘requirement’ (*derishah*) of this land that dough-offerings, heave-offerings, and tithes be separated therein. See SifDev 40.

An amoraic text that preserves a parallel on the distinction between commandments dependent on the land and commandments that are not dependent on the land is transmitted in the Yerushalmi. Whereas SifDev 59 is related to mQid 1:9 in its interpretation of Deut 12:1, the Yerushalmi makes use of the midrash in order to comment on that mishnah (and mShevi 6:1). It takes up the question of whether the commandments not dependent on the land may also only be observed in the Land:

It is written, *These are the statutes and the rules of law which you will be required to follow in the Land* (Deut 12:1). In the Land you are required to follow them but not outside of the Land. Still we say obligations dependent on the land apply only in the Land. One could think that commandments that are not dependent on the land should be observed only in the Land. Scripture says, *Take care, or you will be seduced [into turning away, serving other gods and worshipping them,] for then the anger of the Lord [will be kindled against you and he will shut up the heavens, so that there will be no rain and the land will yield no fruit; then you will perish quickly from the good land that the Lord is giving you.] etc. You shall put these words of mine in your heart and soul* (Deut 11:16–18). Even if you are exiled, *You shall put these words of mine in your heart and soul* (Deut 11:18). You must say, for example, [in connection with the obligation to wear] phylacteries and the study of Torah: just as phylacteries and the study of Torah do not depend on the land and apply both in the Land and outside of the Land, so everything not dependent on the land applies both in the Land and outside of the Land. (yQid 1:9 [61c] par. yShevi 6:1 [36b])⁶⁶

In this case, the Palestinian sages' argument appears to be as follows: Because we say that land-commandments apply only in the Land, we may be tempted to think that this reasoning also applies to the rest of the commandments. As an example of the latter, broader category, this text mentions the obligation to wear phylacteries and to study Torah rather than the prohibition of idolatry. Interestingly, neither SifDev 59, nor SifDev 44, nor the Yerushalmi in the quoted passage are concerned with the three 'exceptional' commandments mentioned at the end of the mishna.

The Babylonian Talmud's commentary on mQid 1:9 also presents us with an understanding of the commandments that are not related to the land as having to do with the person rather than with the soil of specific locations:

66 See also SifDev 44.

What is [the meaning of] ‘dependent’ and ‘not dependent’? Shall we say that dependent refers to [those precepts] where ‘coming’ is written, and ‘not dependent’ [refers] to those where ‘coming’ is not written? But [the obligation to wear] phylacteries and the [redemption of *the*] *firstling of an ass* (Exod 34:20) are practised both in the Land and outside of the Land, even though ‘coming’ is written in connection with [both of] them? Rav Yehuda said: This is the meaning: Every precept which is a personal obligation (*chovat ha-guf*) is practised both in the Land and outside of the Land; but what is an obligation of the soil (*chovat qarqa*) is practised only within the Land. Whence do we know these things? (bQid 37a)

The anonymous voice of the Talmud hypothesises that one explanation for the existence of the two types of commandments mentioned in mQid 1:9 may be connected with the use of the verb ‘to come’ in scriptural verses concerning certain precepts. However, the subsequent discussion reveals this voice’s awareness that the clause ‘when you come into the land’ introduces commandments that are not obviously related to the produce of the soil.⁶⁷ The subsequent explanation, provided by the Babylonian amora Rav Yehuda, echoes the argument in SifDev 59: While some commandments are binding exclusively on the person, and therefore valid wherever a person may reside or temporarily happen to be, others are binding on the soil of the Land’s territory. The rhetorical question in Aramaic, which follows Rav Yehuda’s distinction in Hebrew, introduces yet another Hebrew text as a baraita, a close parallel to the passage in SifDev 59:

These are the statutes (Deut 12:1): these are the interpretations; *and ordinances* (ibid.): these are the regulations; *that you must observe* (ibid.): this refers to study; *to do* (ibid.): this refers to performance; *in the land* (ibid.): one could think that all the commandments are observed in the Land only. Scripture says: *all the days that you live upon the earth* (ibid.). If ‘all the days’, one could think that they are [all] observed both in the Land and outside of the Land. Scripture says: *in the land*. Once it has extended, Scripture limits. (bQid 37a)

The order of some of the midrashic units in the halakhic midrash is reversed in this version, and this modification goes hand in hand with a different interpretation of Deut 12:1: while the Talmud agrees with the halakhic midrash in

67 See n. 46.

that two of the phrases in Deut 12:1 signal two movements—Scripture extends and limits—the two rabbinic passages appear to disagree on the question of the wording with which Scripture extends and limits, as well as the sense in which this is done. In the halakhic midrash, Scripture is read as extending (or being inclusive) when it states that *all* the commandments are practised in the Land, and as limiting when it states that this is valid *only* as long as the people of Israel reside on the territory of the Land. In the Talmud, Scripture extends when it states that the observance of all the commandments is binding *always and therefore also everywhere*, and it limits when it claims that they are all binding *only in the Land*.

The commentary on this part of the mishnah comes to a close with the example of the prohibition of idolatry as an obligation independent of geography. The three exceptional commandments mentioned at the end of the passage in SifDev 59—*orlah*, *kil'ayim*, and *chadash*—are not treated as part of the baraita in the Gemara, but the mishnaic segment on the three exceptions is commented upon separately.

3.2.2 *Three Exceptions?*

When the Babylonian rabbis interpret the meaning of the last part of the mishnah, they spell out the disagreement between the anonymous tannaitic voice, which singles out *orlah* and *kil'ayim* as special precepts, and Rabbi Eliezer, who adds a precept to an existing list. What does this disagreement tell us about how the voices of both the anonymous tannaim and Rabbi Eliezer decided with respect to these exceptional land-commandments? According to a first hermeneutic scenario, the anonymous tannaim meant that although the precepts of *orlah* and *kil'ayim* are 'charges of the soil', they are observed both in the Land and abroad, following a halakha based on tradition. The reason why the tannaim do not mention *chadash*, while Rabbi Eliezer adds it and rules stringently, may be related to their different readings of the expression 'dwelling' in the verse with which the section on the prohibition against partaking of new grain (Lev 23:9–14) ends: While the former hold it to be obligatory only in the Land, Rabbi Eliezer regards it as obligatory wherever Jews live.⁶⁸ On the other hand, it may also have been the case that the anonymous tannaim did not mention *chadash* because they thought it was self-evident that it had the same status as the other two, i.e., that all three are obligatory in the Land and abroad, following a law given to Moses at Sinai.⁶⁹ Had this been their reasoning, Rabbi

68 Lev 23:14 refers to 'your dwellings'.

69 On the 'laws given to Moses at Sinai', see L. Jacobs, 'Halakhah le-Moseh mi-Sinai,' in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 8 (Detroit, MI: Macmillan Reference, 2007), 258.

Eliezer would then have ruled leniently, stating that *chadash* is only obligatory in the Land, like the majority of the land-dependent commandments which the first clause in the mishnah describes.⁷⁰ Both ways of understanding the meaning of the mention of *chadash* reveal how the Talmud spells out what the Mishnah merely suggests—namely, that the Land-dependency of the land-commandments could be questioned, for example, by extending the valid territorial area for at least some of these commandments.⁷¹ In the discussion that follows, the Talmud's anonymous voice endorses the first interpretation, according to which Rabbi Eliezer would have ruled that *chadash* is obligatory wherever Jews live. Thus, with the aid of a Palestinian voice, the Babylonians appropriate for their land an obligation originally reserved for the soil of the land of Israel.⁷²

Further down in the sugya, a tradition attributed to the Palestinian Rabbi Simeon ben Yochai again takes up the exceptional character of the three commandments in question (bQid 38a): They are commandments given upon entry into the Land but are logically valid everywhere.⁷³ Historically the three commandments may have been dependent on the soil of the Land, but in the rabbinic present they are agricultural commandments in force both in the Land and abroad. Furthermore, as an anonymous tradition goes on to explain, mQid 1:9 presents their shared exceptional character as land-commandments, even though each of the prohibitions is understood as valid based on different types of authority (bQid 38b).⁷⁴ Despite this distinction, it becomes

70 The first clause of the mishnah, as quoted in the Talmud, deals with the land-dependent commandments. The first clause of the mishnah in MS Kaufmann deals with the commandments that are *not* land-dependent.

71 Following the typographical and conceptual distinction made by J.E. David, 'Nachmanides on Law,' 186, this amounts to transforming a subset of Land-dependent commandments ('[l]aws whose practice is restricted to a designated territory') into land-commandments ('[l]aws which apply to a land with no concrete territorial limits').

72 Unlike the attitude that references to the land-commandments in the writings of Philo and Josephus reveal—both fail to emphasise the exclusive link between these commandments and the Land—the Babylonian strategy may be described as an active one. See Z. Safrai, *Seeking out the Land*, 86–90. As Safrai also points out, it is telling that this rabbinic strategy concerns the symbolic observance of some of the land-commandments, but never involves the more expensive land-commandments, such as Seventh Year or tithes (109). These remain prerogatives of the Land, again as far as rabbinic discourse rather than actual practice is concerned.

73 Other texts in the Babylonian Talmud take the observance of these commandments for granted, focusing instead on their implementation. See, e.g., bBer 36a–b.

74 For this distinction, the Talmud resorts to mOrlah 3:9: *chadash* is here the only prohibition for which there is a scriptural law; *orlah* is based on a rabbinic ordinance, and *kil'ayim*

apparent that all three exceptional commandments are considered part of a life lived halakhically outside of the Land.

While the first part of the sugya was concerned with *chadash*, the final section focuses on *’orlah* and *kil’ayim*, and it brings more Babylonian voices into a literary and diasporic dialogue with Palestinian ones (bQid 39a). When so-called keen scholars of the academy of Pumbedita⁷⁵ claim, based on a chain of tradition said to date back to the Palestinian tanna Rabbi Eliezer, that the prohibition of *’orlah* is not observed at all outside of the Land, and their ruling reaches the land of Israel, the amora Rabbi Jochanan himself condemns those who believe that this precept is invalid outside of the Land. Thus, by allowing a Palestinian authority to explain the mishnah to Rav Yehuda, the Babylonian Talmud reclaims a land-commandment for Babylonia, if only to discard it in a subsequent step, acknowledging only *chadash* of the three exceptional land-commandments as valid abroad.⁷⁶

Rabbinic narratives set in Babylonia and about Babylonian sages illustrate the validity of the second precept, *kil’ayim*, at the close of this sugya:

Rav Chanan and Rav Anan were walking along a path, when they saw a man sowing [diverse] seeds together. Said [one] to [the other], Come, Master, let us ban him. He said, [These laws] are not clear [to you]. Again they saw another man sowing wheat and barley among vines. Said [one] to [the other], Come, Master, let us ban him. He replied, [These laws] are not understood [by you]. Do we not hold in accordance with Rabbi Josiah that [he is not guilty] unless he sows wheat, barley, and seeds in

on a ruling of the nameless scribes (*soferim*), whom the rabbis believed issued rulings in Second Temple times. This mishnah is also quoted in Sifra Emor parashah 10, pereq 11, which interprets Lev 23:14.

75 According to bSan 17b, this is a reference to Rachava of Pumbedita’s sons, Eifa and Avimi.

76 For Palestinian and Babylonian rabbis arguing over the prerogative of the land-commandments, see Herman, ‘Babylonia,’ 209–210. He adduces a passage in the Yerushalmi, which polemicalises against Babylonia with a midrash on a scriptural name for Babylonia, ‘*Shinear*’ (Gen 11:2), because they are stripped of commandments, without heave-offering and without tithes’ (yBer 4:1 [7b]), and a passage in Avot deRabbi Nathan, which claims that the observance of land-commandments in Babylonia goes back to the time of the prophets: ‘Another interpretation: *they made me keeper of the vineyards, but my own vineyard I have not kept!*’ (Song 1:6). These are to Israel who [at the time they] were exiled to Babylon the prophets in their midst arose and said to them, Set aside heave-offerings and tithes! They said to them, We were all exiled from our land only because we did not set aside heave-offerings and tithes. And now you tell us to set aside heave-offerings and tithes! Hence it is said, *They made me keeper of the vineyards, but mine own vineyard have I not kept!*’ (ARN A 20).

the [same] hand-throw? | Rav Joseph mixed seeds and sowed [them]. Thereupon Abaye protested: But we learnt, *Kil'ayim* is forbidden [outside of the Land] by the words of the scribes' (mOrlah 3:9). He replied, There is no difficulty. That [the quoted mishna] refers to *kil'ayim* of the vineyard; this [my action] is with *kil'ayim* of seeds. *Kil'ayim* of the vineyard, of which in the Land all benefit is forbidden, is also prohibited by the Rabbis outside of the Land; *kil'ayim* of seeds, however, of which [even] in Palestine benefit is not forbidden, is not prohibited by the Rabbis outside of the Land. (bQid 39a)

Both narratives argue that only one type of mixture—*kil'ayim* of the vineyard—is prohibited, and that this prohibition is valid both in the Land and abroad. The mixture of seeds is permitted everywhere. Like personal obligations, the precepts mQid 1:9 introduces as having a special status are precepts that Jews observe wherever they live,⁷⁷ according to the rabbinic voices of this sugya. They are not precepts that distinguish Jewish geographies, but precepts that stress the similarities between life in the Land and outside of the Land, and so unite Jews in both regions.⁷⁸

Instead of reflecting on the location of real geographical borders, which would demarcate where certain precepts are in force and where this is not the case, this text enables Babylonian minds to imagine a dialogue with Palestinian and Babylonian authorities, and to conclude that, even with respect to commandments perceived as related to the original conquered and sanctified Land, Babylonia is not as far 'outside of the Land' as one might think, or as some Palestinian sages might argue. Thus we can see the discussion of these commandments and their appropriation as part of the Babylonians' broader strategy for shaping their own land on the model of the land of Israel.⁷⁹

77 This is more evident with respect to *chadash* and *kil'ayim* than to *'orlah*.

78 In a similar vein, an anonymous statement on the precept of liberating slaves, a precept apparently valid exclusively in the Land, reads: 'When liberation is in force in the Land, it is in force without; when it is not in force in the Land, it is not in force without' (bQid 38b).

79 See Z. Safrai, *Seeking out the Land*, 117. Elsewhere, in a discussion that touches on the land-commandments, the Bavli does not insist on the similarities, but rather on the differences between the Land and Babylonia. Thus we read in bShab 19a that the rich in the Land are deserving because they tithe, whereas the rich in Babylonia are deserving because they observe the Sabbath. See Z. Safrai, 97–98. The problem of the land of Israel as the exclusive location where all the commandments can be observed is also addressed in the Babylonian Talmud, in a context unrelated to the land-commandments, e.g., in the following exposition by Rabbi Simlai: 'Why did Moses our teacher desire to enter the land of Israel? Did he need to eat of its fruit or did he need to satisfy himself from its goodness?'

3.2.3 *Three Lands of Israel?*

The texts discussed thus far make a point of classifying commandments into two categories and commenting on the three exceptions within the group of commandments dependent on the land. The exact territory where the land-commandments were to be observed is not a matter of concern. In the context of discussions on the weightier land-commandment of the Seventh Year (*shevi't*), however, matters are different. The question of the actual territory where one is under the obligation to adhere to the commandments is more significant in this context. Thus we read in a mishnah:

Three lands (*aratsot*) are to be distinguished in what concerns the Seventh Year: throughout that part of the land of Israel which they occupied that went up from Babylon, as far as Kezib, [Seventh Year produce] may not be eaten nor [may the soil be] cultivated; throughout that part which they occupied that went up from Egypt, from Kezib to the River and Amanah, [Seventh Year produce] may be eaten but [the soil] may not be cultivated; while [in the land] from the River and Amanah and inwards, [Seventh Year produce] may be eaten and [the soil] cultivated. (mShevi 6:1)

The text describes three possible ways to observe the Seventh Year,⁸⁰ which range from the most to the least stringent. These three degrees of observance correspond to three areas which are scarcely described.⁸¹ The first is said to be

Rather, thus Moses said, Israel were commanded many precepts which can only be fulfilled in the land of Israel. So shall I enter the land so they can all be fulfilled by me. The Holy One, blessed be He, said to him, Do you desire only the reward? I will consider as if you had performed them, for it is said, *Therefore I will allot him a portion with the great, and he shall divide the spoil with the strong; because he poured out himself to death, and was numbered with the transgressors; yet he bore the sin of many, and made intercession for the transgressors* (Isa 53:12) (bSotah 14a).

80 This commandment is explained in Lev 25:1–7.

81 The same areas are distinguished by Rabban Gamaliel in mHal 4:8 with respect to another land-commandment, *challah*. This seems to suggest that the borders of the Land, as it was resettled by the Judean returnees were understood as valid for the rest of the land-commandments. In mChal 4:8, the historical rationale for the distinction between the first two areas is not spelt out. A description of the Land as comprising three countries (Judea, Transjordan, and Galilee) in the rabbinic present is found elsewhere, in Mishnah tractate Shevi't, i.e., in connection with the Seventh Year (mShevi 9:2), but also with marriage laws (mKet 13:10) and usucaption laws (mBB 3:2). Parallels are found in SifDev 51; tChal 2:11; tTer 2:12; bGit 8a. See also SifDev 180. In certain bipartite divisions of the Jewish world, which contrast the Land with the space outside of the Land, Transjordan is at times

the part of the land of Israel resettled by those who returned from the Babylonian exile. This area is described as extending to one point in the north, Kezib, while the other points on the implied textual map are left unsaid. Here the full observance of the Seventh Year is required.⁸² The second area—a second version of the Land—is the territory conquered by Joshua, where the commandment is only partly valid. This land is described as reaching from Kezib to two specific points, the Amanah and the River.⁸³ The description of this area suggests that it encompasses the first one, so that the territory repossessed by those who returned from the exile in Babylonia was smaller than the territory Joshua conquered.⁸⁴ No conquest or settlement of the third area—the largest

regarded as outside of the Land. Thus, according to Rabbi Jose the Galilean, no first fruits are brought from Transjordanian produce because it is not a land flowing with milk and honey. See mBik 1:10 par. SifDev 301. See also SifDev 299; Sifra Metsora' parashah 5:1–2. A further division of the world inhabited by Jews distinguishes the Land, Syria, and outside of the Land, whereby Syria has a sort of intermediate status. See Stemberger, 'Bedeutung,' 182–183; Z. Safrai, *Seeking out the Land*, 113–115; and below, chapter 5.2.

- 82 Kezib corresponds to Akhzib of Judg 1:31 and is assumed to have been located a little to the south of the present northern border of the State of Israel. See Stemberger, 'Bedeutung,' 181. For other texts in which Kezib is mentioned as a border city, see Reeg, *Ortsnamen*, 174–176. Z. Safrai, *Seeking out the Land*, 118–121, points out that the identification of the area occupied by those who went up from Babylon with the territory resettled after the Exile is problematic when the testimony of the books of Ezra and Nehemiah is adduced. Here the resettled territory is even smaller than that described in the Mishna. Safrai argues that the rabbis did not consider the area reconquered by those who went up from Babylonia in historical terms, but saw therein a reference to the area settled by Jews in their own time.
- 83 It is not clear from the mishnaic wording whether 'the River' is a border in the south, e.g., the river of Egypt, or in the north—such as the Amanah, which tends to be identified with the Taurus Amanus mountain range—, or whether it is a reference to the Euphrates in the north-east. See Dauphin, 'Interdits Alimentaires et Territorialité en Palestine Byzantine,' 153. On the possible identifications of Amanah, see Zevin and Bar-Ilan, 'Erets Israel,' 207; O. Keel, M. Küchler, and C. Uehlinger, *Geographisch-geschichtliche Landeskunde*, vol. 1 of *Orte und Landschaften der Bibel: Ein Handbuch und Studienreiseführer zum Heiligen Land* (Zürich: Benziger, 1984), 263; Reeg, *Ortsnamen*, 511–512, 580–581; Ben-Eliyahu, *Identity and Territory*, 94–95.
- 84 There are two comprehensive maps of the land of Canaan in Scripture: Num 34:1–12 (with a description of the land given to Moses) and Deut 11:24 (with broader boundaries). The other scriptural boundary texts follow one of these two models. The first is reflected in Jos 13:4 and Ezek 47, the second in Gen 15:18 and other texts. On the different descriptions of the territory of the land promised to Abraham and conquered by the Israelites after the Exodus, see M. Saebø, 'Grenzbeschreibung und Landideal im Alten Testament: Mit besonderer Berücksichtigung der min-'ad-Formel,' *Zeitschrift des Deutschen Palästina-Vereins* 90 (1974): 14–37; Weinfeld, *Promise of the Land*, ch. 3; Keel, Küchler, and Uehlinger, *Orte und Landschaften der Bibel*, 206–288; Z. Kallai, *Historical Geography of the Bible: The Tribal Territories of Israel* (Jerusalem: Magnes Press, 1986); E.A. Knauf, *Josua*, Zürcher Bibelkom-

version of the land of Israel—is mentioned. The text does not reveal the geographical perspective from which the anonymous voice in the mishnah speaks. The mishnah does not tell us whether this voice is located within one of the three versions of the land of Israel. Yet our background knowledge of the later Roman period lets us surmise that the speaker behind this mishnah should be imagined as located somewhere in Galilee.

The demarcation of the first two areas where *shevi'it* must be observed is thus linked to two biblical entry-narratives (in reverse order with respect to the scriptural account) and may be seen as 'historically based':⁸⁵ The first area is related to the narrative in which the Babylonian returnees reoccupy only part of the land that was conquered in Joshua's time, a narrative transmitted in the books of Ezra and Nehemiah. The second area is linked to the narrative of Joshua's conquest and the division of the land among the tribes after the exodus from Egypt. The third land, described as entirely free from the obligation to observe the commandment, is not explicitly connected to any scriptural narrative, though we can assume that the area alluded to is part of the utopian territory of the land promised to Abraham in Gen 15:18–21, a territory which was never under Israel's control.⁸⁶

What could have been the reasons for such elastic geographical ideas of the Land as those that emerge from these peculiar descriptions of the territory of the land of Israel?⁸⁷ Reconsidering and shrinking the territory in which the

mentar AT 6 (Zürich: Theologischer Verlag, 2008), 10–12. One might expect that exegetical midrashim on the book of Numbers would address the boundaries passage in Num 34, but this is the case neither in Sifre Bemidbar nor in Bemidbar Rabbah.

85 See T. Arieli and A. Israel-Vleeschhouwer, 'Borders and Bordering in Jewish Geopolitical Space,' *Geopolitics* 24, no. 4 (2019): 974, who observe: 'both these borders are simplifications of multiple borders, which existed over time. Each legal border was chosen or devised from multiple relevant borders from each era.'

86 See also Deut 1:7; 11:24–25; Josh 1:4. See Stemberger, 'Bedeutung,' 181. This idea of the Land is also referred to as 'Euphratic Israel'. See Vos, 'Land'.

87 Sivan, *Palestine in Late Antiquity*, 247, speaks of an 'elastic concept'; for a geopolitical perspective on the elasticity of borders in Jewish thought, see Arieli and Israel-Vleeschhouwer, 'Borders and Bordering'. They point out that the adaptability which Jewish rabbinic perceptions of borders and bordering processes reveal 'stands in contrast to common perceptions of religion as a rigid system of regulations, closed borders and socially homogeneous spaces ignoring contemporary realities.' See also S. Safrai, 'The Land of Israel in Tannaitic Halacha,' in *Das Land Israel in biblischer Zeit: Jerusalem Symposium 1981*, ed. G. Strecker (Göttingen: Vandenhoeck & Ruprecht, 1983), 201–215; M. Bar-Ilan, 'Why did the Tannaim discuss the Border of Eretz Israel?' [In Hebrew], *Teuda* 7 (1991): 95–110. The rabbis also discuss the need to adjust the land-commandments in the context of the obligation to keep the land in Jewish hands; see chapter 5. On the introduction of the very

land-commandments, especially the weightier among them, such as *shevi'it*, were expected to be fully observed could have been a strategy by which the Mishnah ruled in favour of a more liveable Land-halakha in response to the political and economic situation facing the Jews living in the Roman province of Palestine in the later Roman period.⁸⁸

Apart from the priority given to the first area described, in terms of both its position in the text and the fact that it is the sole area where the commandment must be fully observed, none of the three lands or regions is explicitly valued as a space that is particularly relevant to Jewish identity. In this anonymous (and disembodied) statement, the Mishnah appears to relate to all three versions of the Land on equal terms. Neither does mShevi 6:1 claim that any of the three degrees of observance makes manifest the Land's particular character in any specific way.⁸⁹ The connection between a changing territory and the observance of commandments that underlies this mishnah would be elaborated upon subsequently. Later texts would spell out the idea that the Land's holiness is, to a certain extent, dependent on what the people of Israel do. As Chaim Milikowsky explains, these texts introduce the notion that 'the destruction of the Temple and the exile of the people may affect the holiness of the Land and the abrogation of its land-sanctity may render the land-commandments non-obligatory.'⁹⁰

name Eretz Israel as a territorial strategy, a way of setting borders in the aftermath of the Bar Kokhba revolt, Yuval, 'Myth of the Jewish Exile,' 24, observes: 'In the Bible, the 'land of Israel' refers to the Kingdom of Israel, as distinct from the 'Land of Judaea' which refers to the Kingdom of Judaea. Calling the two kingdoms by the same name, Eretz-Yisrael, brought with it a change in territorial extent, for the country now comprised not only Judaea but also the coastal plain, the central mountains, the Galilee, and perhaps even part of Transjordan. In this way, the refugees from Judaea made the Galilee their country—a part of Eretz-Yisrael—and thus sought to overcome the feeling that they were refugees in their own land. This move may also have been a Jewish answer to a parallel move in the opposite direction by the Romans, who used the name 'Syria Palaestina' after the Bar-Kokhba rebellion with the intention of obscuring the Jewish character of the country.'

88 See Stemberger, 'Bedeutung,' 179, who points out that while the Temple still stood, the Roman administration would concede Jews a remission on their tax in the Seventh Years, when the land lay fallow, but this was no longer the case after the Bar Kokhba revolt.

89 See Milikowsky, 'Notions of Exile,' 282. By the same token, neither does mQid 1:9 explicitly characterise the land-commandments as establishing the borders of a holy land.

90 Milikowsky, 282.

3.2.4 *Establishing (Some of) the Land's Borders*

Let them bring me to your holy hill and to your dwelling (Ps 43:3): these are the borders of the land of Israel which are as holy as the land of Israel. (PesR 15:11[Ulmer])

The reasons behind distinguishing these three lands with respect to the Seventh Year are merely hinted at in the mishna. The place names most likely denote some of the boundaries (Kezib, Amanah, the River) that would have been clear enough to the original intended audience of this mishnaic statement and also still clear at the time when the Mishnah was redacted.⁹¹ The rest of the borders were simply left unmentioned, probably because they were initially perceived as unproblematic and therefore did not merit a detailed definition, or because they did not really matter from the perspective of the sages behind this tradition.⁹²

A number of later rabbinic texts seem to suggest that the borders of the smallest version of the land of Israel—as these are described in the mishnah—were at some point no longer sufficiently accurate, and therefore more precision became necessary. After all, the Mishnah speaks of the Land as if its territory had remained unchanged since the sixth century BCE.

Among the texts that have a more contemporary agenda, the most prominent is the so-called baraita on the borders of the land of Israel (*techume erets yisrael*), which is transmitted in three different rabbinic literary contexts, in texts that take the form of a direct commentary on the mishnah (tShevi 4:11; yShevi 6:1 [36b]), a midrashic elaboration that refers to mishnaic material (SifDev 51),⁹³ and a unique mosaic inscription added to the narthex of the Synagogue of Rechov, south of Scythopolis, in the sixth or seventh century. On the phenomenon by which a text from the realm of the rabbinic academy was transferred to the stones of a synagogue, Hagith Sivan observes that the inscrip-

91 Not only in this mishnah, but also in other texts related to it, these place names are mentioned as indicative of boundaries. For example, in bGit 8a we read that the area of the sea within a line stretching from the Amanus (*turei ammon*) to the Brook of Egypt (*nachal mitsrayim*) belongs to the land of Israel.

92 However, the idea that Kezib itself marks the northern border of the land of Israel is relativised in mGit 1:2, tOhal 18:14; yShevi 6:1 (36c); bGit 7b.

93 The redactor of Sifre Devarim seems to have sought to simplify the geographical information in this mishnah: 'every place of the land of Israel seized those who came up from Babylonia up to Keziv [produce] is not eaten and [the land] is not worked; [by] those who came up from Egypt [produce] is eaten, but [land] is not worked. Elsewhere (lit. 'hither and thither') [produce] is eaten [land] worked' (SifDev 51).

tion 'lifted rabbinic debates out of their school context, removing ascription of specific opinions to specific rabbis, and inscribing in stone and in public an updated version of the rules regarding the duties incumbent on observant Jews along the borders of the "Land of Israel."'94 Due to its focus on the area around Rechov, the inscription has been interpreted as an expression of 'regional patriotism.'95

Some scholars have dated the baraita to pre-rabbinic times.⁹⁶ However, as Günter Stemberger points out, even if this early date were correct, the baraita's transmission in rabbinic corpora suggests that the sages approved of this textual map and thought it worthy of being transmitted as indicative of the territ-

94 Sivan, *Palestine in Late Antiquity*, 259.

95 Y. Sussman, 'The Inscription in the Synagogue at Rehov,' in *Ancient Synagogues Revealed*, ed. L.I. Levine (Jerusalem: Israel Exploration Society, 1982), 151. There is plenty of literature on the baraita, and especially on this version of the Rechov inscription, because it is the earliest textual witness of rabbinic literature that we have. See A. Neubauer, *La Géographie du Talmud* (Paris: Michel Lévy frères, 1868); S. Klein, 'Das tannaitische Grenzverzeichnis Palästinas,' *Hebrew Union College Annual* 5 (1928): 197–259; Y. Sussman, 'A Halakhic Inscription from the Beth Shean Valley' [in Hebrew], *Tarbiz* 43 (1973–1974): 88–158; S. Lieberman, 'The Halakhic Inscription from the Beth Shean Valley' [in Hebrew], *Tarbiz* 45 (1975–1976): 54–63; Y. Sussman, 'The Boundaries of Eretz Israel' [in Hebrew], *Tarbiz* 45 (1975–1976): 213–257, E. Stern and M. Avi-Yonah, eds., *Encyclopaedia of Archaeological Excavations in the Holy Land*, 4 vols. (London: Oxford University Press, 1975–1978), vol. 3: 1273–1274; Z. Safrai, 'Israel's Borders as Regards Halakhic Issues' [in Hebrew], in *Jubilee Volume in Honor of Moreinu Hagaon Rabbi Joseph B. Soloveitchik*, ed. S. Israel, N. Lamm, and Y. Raphael (Jerusalem: Mossad ha-Rav Kuk, 1984), 1097–119; C. Dauphin, *Catalogue*, vol. 3 of *La Palestine Byzantine: Peuplement et Populations* (Oxford: Archaeopress, 1998), 785–786; A. Demsky, 'Holy City and Holy Land as Viewed by Jews and Christians in the Byzantine Period: A Conceptual Approach to Sacred Space,' in *Sanctity of Time and Space in Tradition and Modernity*, ed. A. Houtman, M. Poorthuis, and J. Schwartz (Leiden: Brill, 1998), 285–296; C.B. David, 'The Rehov Inscription: A Galilean Halakhic Text Formula?,' in *Halakhah in Light of Epigraphy*, ed. A.I. Baumgarten (Göttingen: Vandenhoeck & Ruprecht, 2011), 231–240; Z. Safrai, *Seeking out the Land*, 122–127. For an examination of the linguistic implications of the inscription, see S.D. Fraade, 'Language Mix and Multilingualism in Ancient Palestine: Literary and Inscriptional Evidence,' *Jewish Studies* 48 (2012): 34–35, who sees the inscription as an expression not only of a regional, but also of a 'linguistic patriotism'; see also S.D. Fraade, 'The Rehov Inscriptions and Rabbinic Literature: Matters of Language,' in *Talmuda De-Eretz Israel: Archaeology and the Rabbis in Late Antique Palestine*, ed. S. Fine and A. Koller (Berlin: De Gruyter, 2014), 225–238; J. Price, 'Jewish Multilingualism in the Galilee: The Evidence of Inscriptions,' in *On Jewish Multilingualism in Late Antiquity*, ed. L.V. Rutgers and C. Cordoni (forthcoming).

96 Klein, 'Grenzverzeichnis,' 238–241, suggested a time around 20 BCE; R. Frankel and I. Finkelstein, 'The Northeastern Corner or Eretz Israel in the Baraita "Boundaries of Eretz Israel"' [in Hebrew], *Cathedra* 27 (1983): 39–46, suggested the time of Alexander Jannaeus' rule.

ory where the halakha is to be observed in the land of Israel.⁹⁷ A more probable date for the baraita is the second half of the second century.⁹⁸

The text of the baraita has been described as a verbal map.⁹⁹ It is a list of localities—the number ranges from 35 to 41 toponyms, depending on the version—that encompass the territory allegedly repossessed by those who returned from Babylonia.¹⁰⁰ In these Palestinian sources, therefore, the land of Israel as it is envisioned in the rabbinic present(s) is identified with the first area described in the mishnah, the smallest version of the Land, where the Seventh Year (and, by implication, the rest of the land-commandments) are (or should be) observed in full. The baraita is characteristically interested in the north-west.¹⁰¹ This focalisation of the textual map suggests that in this area a precise ruling concerning whether and how to observe the land-commandments

97 See Stemberger, 'Bedeutung,' 182, as well as Sussman, 'Inscription'. Shorter ways of referring to the extension of the Land as a space where the halakh is observed are found in mGit 1:2 (Rabbi Judah bar Ilai defines what constitutes the East, the South, and the North); SifBem 116 (eating holy things 'within the borders [*bigevulim*]' is said to be equivalent to service in the sanctuary); tOhal 18:14–15 (addressing the question of which side is the land of Israel and which is the land of the gentiles when one walks from Akko to Keziv).

98 See Keel, Küchler, and Uehlinger, *Orte und Landschaften der Bibel*, 275; Z. Safrai, *Seeking out the Land*, 125–126, in whose view the baraita's 'definition of the details of the boundaries is from the Usha generation, or at the earliest from the late Yavne generation, and there is no evidence of preoccupation with this topic in earlier periods.' One strategy with which the Babylonian Talmud imagines Babylonia as an alternative land of Israel is the demarcation of the territory in Babylonia where Jews are of 'pure descent'. See A. Oppenheimer and M. Lecker, 'The Genealogical Boundaries of Jewish Babylonia,' in *Between Rome and Babylon: Studies in Jewish Leadership and Society*, ed. N. Oppenheimer (Tübingen: Mohr Siebeck, 2005), 330–355. For further such strategies, see Herman, 'Babylonia,' 209–210.

99 Sivan, *Palestine in Late Antiquity*, 255.

100 Although text follows the tradition in Num 34 and the Targum on Num 34, as Sivan, 248, observes, the map the baraita describes corresponds neither to the biblical map of Num 34, nor the promised land of the Exodus, nor the Persian province Yehud, 'but rather reflected the extent of contiguous Jewish settlements in late antiquity'. See B.-Z. Rosenfeld, *Torah Centers and Rabbinic Activity in Palestine, 70–400 CE: History and Geographic Distribution*, Supplements to the Journal for the Study of Judaism 138 (Leiden: Brill, 2010), 39–40, who interprets the baraita's borders as a delineation of 'the geographic region in which Jews lived and in which the sages were active during the mishnaic and talmudic periods.' Topographical lists are also one of the characteristic biblical genres which provide detailed information on the geography of the land of Israel. Alexander, 'Geography and the Bible: Early Jewish Geography,' D.5, notes an evolution in rabbinic literature from simple formulae that define wide borders following the biblical Euphratic Israel or Nile-to-Euphrates boundary text Gen 15:18–21, to more precise definitions that established a more realistic territory for the land of Israel. For the rabbinic elaboration on the biblical borders, see Zevin and Bar-Ilan, 'Erets Israel,' 205–209.

101 With Z. Safrai, *Seeking out the Land*, 126–127, this focus may also be described as one of sev-

made a difference.¹⁰² Still, this text makes no explicit claim that the land where the land-commandments are observed is holy or holier than the other areas described in mShevi 6:1.

3.2.5 *Two Possessions*

An important passage in the same commentary on mShevi 6:1 in the Yerushalmi, which transmits the baraita on the borders of the Land, is dedicated to comparing the two different times when the people of Israel entered into their land: the first in Joshua's time and the second in Ezra's time. With these actions, the people of Israel established the beginning of their obligations, thereby drawing borders between the land of Israel and the territories beyond their land. The Yerushalmi passage reads:

Then once they were exiled they should be exempt [from the commandments dependent on the land]. It is written, *And all the assembly of those who had returned from the captivity made booths and lived in them; for from the days of Jeshua son of Nun [to that day the people of Israel] had not done so* (Neh 8:17). Why Jeshua [and not Jehoshua]? Rabbi Hillel, the son of Samuel bar Nachman [said]: The honour of the just person in his grave Scripture reduces [by removing a letter] out of respect for the [living] just in his time. It compares their coming in the days of Ezra with their coming in the days of Joshua. Just as when they came in the days of Joshua they had been exempt [from the commandments dependent on the land] and became obligated, so also when they came in the days of Ezra they had been exempt and became obligated. | How did they become obligated? Rabbi Jose bar Chanina said: They became obligated by the words of Torah, for it is written, *The Lord your God will bring you into the land that your ancestors possessed, and you will possess it* (Deut 30:5). It compares your possession [under Ezra] with the possession by your fathers [under Joshua]: Just as the possession by your fathers [obligated them] by the words of Torah, so also your possession [obligates you] by the words of Torah. *He will make you more prosperous and numerous than your ancestors* (Deut 30:5): Your fathers had been free and became obligated, and

eral roughly contemporary discursive strategies to expand of the Land's borders beyond the administrative borders of the Roman province.

102 As Gafni, *Land*, 115, points out, commenting on bQid 71b, the imperative of knowing the borders of the Land, as represented by these Palestinian texts, has a counterpart in the Babylonian engagement in similar descriptions of Jewish Babylonia's geographical borders.

you had been free and became obligated. Your fathers did not bear the yoke of a monarchy, and you although you bear the yoke of a monarchy [became obligated]. Your fathers became obligated only after fourteen years, seven [years] they conquered and seven [years] they divided; but you the moment you entered [the Land] you became obligated. Your fathers became obligated only after they had acquired all [the Land], but as for you each of you the moment he acquires [his portion] he becomes obligated. (yShevi 6:1 [36b] par. yQid 1:9 [61c-d])

The distinction made between land-commandments and commandments that do not depend on the land in the immediately preceding co-text in the Gemara¹⁰³ leads the anonymous voice to state that during the Exile, the Israelites were free from the first type of obligation. In order to demonstrate the validity of this notion, Neh 8:17 is quoted and interpreted in the context of a tradition by the Palestinian amora Rabbi Hillel ben Samuel as evidence of a similarity between the immigration under Joshua and the exiles' return under Ezra: During the Babylonian exile, the Israelites could not observe the commandments dependent on the land, in the same way they could not have observed them prior to their entry into the Land after the exodus from Egypt. Moreover, the second 'coming'¹⁰⁴ is assessed as superior with respect to the first. This is implied in the defective spelling of Joshua's name in the Nehemiah verse.

The claim that both immigrations entailed the establishment of the obligation to observe land-commandments is then problematised in the anonymous voice of the Gemara, which asks about the nature of the obligation. While in the first part this voice argues with the aid of a verse from the book of Nehemiah, the third-century amora Jose bar Chanina resorts to a verse from the Torah. According to this sage's reading of Deut 30:5, the verse alludes both to the Israelites coming from Egypt and to the Babylonian returnees; he argues that both became obligated through the force of the Torah. The second person in the verse is taken to mean the Judeans returning from exile, while the ancestors—in the scriptural context, these are the patriarchs—are identified here as the Israelites coming from Egypt. From here on, in a series of steps, the text argues

103 The following difference between the two mishnayot commented upon in the text quoted above should be noted: Unlike mQid 1:9, mShevi 6:1 explicitly links the observance of the land-commandments to events in the biblical history of Israel.

104 Unlike the mishnah upon which this text expands, in which the immigrants are referred to with 'those who went up from Babylonia' and 'those who went up from Egypt'—from outside of the Land, as it were—the deixis of the wording chosen by the Yerushalmi's redactors, 'their coming', suggests the speaker's identification with the place towards which the immigrants moved.

more explicitly that the second immigration, referred to as ‘possession’, superseded that of the Egyptian immigrants. Corresponding to the wording of the stronger scriptural proof-text used for his argument, Rabbi Jose emphasises the moment the second group possessed the Land, rather than the moment they came into the Land, and insists that his audience—whom he addresses with second-person nominal and verbal forms¹⁰⁵—identify with these immigrants as their ancestors. Thus the past return under Ezra is retold by Rabbi Jose as relevant for the Palestinian rabbinic present. The Yerushalmi’s redactors understood Rabbi Jose’s statement as still pertinent to their own existence in the Land.

The comparison between these two moments of immigration tacitly persists in statements made by Rabbi Eleazar and Rabbi Jose bar Chanina concerning the nature of the people’s obligation to observe the land-commandments after their return from the Babylonian exile:

Rabbi Eleazar said: They accepted the tithes voluntarily. What is the [scriptural] reason? *Because of all this we make a firm agreement in writing, and on that sealed document are inscribed the names of our officials, our Levites, and our priests* (Neh 10:1). How does Rabbi Eleazar explain, *the firstborns of our herds and of our flocks* (Neh 10:37)? Since they accepted precepts (lit. ‘words, things’) to which they were not obligated, even precepts to which they were obligated were credited to them as if they had accepted them voluntarily. How does Rabbi Jose bar Chanina explain *Because of all this* (Neh 10:1)? Since they accepted [precepts] with good grace, Scripture credits it to them as if they had accepted them voluntarily. (yShevi 6:1 [36b] par. yQid 1:9 [61d])

Rabbi Eleazar counters Rabbi Jose’s opinion that in both instances of immigration, the Israelites and the returning Judeans became obligated by means of pentateuchal authority. Rabbi Eleazar claims that the obligation to observe the commandments in the days of Ezra was self-imposed, evidence of which is found in Scripture: In Neh 10:1 a contract between God and the people is signed, whereby the latter accept the obligations related to the Land and the Temple. The anonymous voice in the Gemara understands Rabbi Eleazar’s argument as follows: As a reward for their voluntary acceptance of the land-commandments, all the other commandments—including those not dependent on the land, mentioned in Neh 10:37—are credited to them as similarly

105 e.g., ‘your possession’, ‘on you is the yoke of a kingdom’.

self-imposed. The implication of such a notion is that the transgression of self-imposed commandments is less grave than it would be if these commandments had the force of the Torah. An alternative interpretation of Neh 10:1 is then quoted and attributed to the amora Rabbi Jose bar Chanina. He takes the inclusive particle 'all'¹⁰⁶ to mean that all the commandments have the force of the Torah since the return from exile. Due to the positive attitude with which the returnees accepted the requirement to observe all the commandments, Scripture depicts them as having imposed these commandments on themselves.

A final segment on the similarities and differences between the two entries into the Land once again focuses on the scriptural comparison in Deut 30:5—between the Israelites, who were to conquer the Land, and their ancestors the patriarchs, to whom the Land was promised:

How does Rabbi Eleazar explain, [*he will make you*] *more* [*prosperous and numerous*] *than your ancestors* (Deut 30:5)? He interprets it [as a reference] to the future. For Rabbi Chelbo, Simeon bar Ba said in the name of Rabbi Jochanan: Your forefathers inherited the land of seven nations, but you will inherit the land of ten nations. The three others are *the land of the Kenites, the Kenizzites, the Kadmonites* (Gen 15:19). Rabbi Judah said: Arabia, Salmaia, and Nabatea. Rabbi Simeon says: Asia, Aspamaea, and Damascus. Rabbi Eliezer ben Jacob said: Essa, Carthage, and Thrace. Rabbi says: Edom, Moab, and the best of the children of Ammon. (yShevi 6:1 [36b] par. yQid 1:9 [61d])

In view of the fact that a previous passage in the Yerushalmi commentary suggests that the territory recovered by the Babylonian returnees was smaller than the territory the people possessed under Joshua, Deut 30:5 calls for an explanation. In what sense will the present generation that the texts addresses be more prosperous than their ancestors? How can Scripture claim that the people of Israel are more prosperous after the Exile than they were before the Exile? The prosperity alluded to in Deut 30:5 does not refer to the present, but rather to the Land's enlarged territory at the end of time. Several rabbinic authorities agree on this, even if they have different opinions about the identity of the three lands which will also be inherited at that time.¹⁰⁷

As far as this Yerushalmi text is concerned, Israel 'came' to the Land twice and, either of their own accord or by means of the Torah's authority, they thus

¹⁰⁶ On the rabbinic interpretation of the biblical 'all', see A. Samely, *Rabbinic Interpretation of Scripture in the Mishnah* (Oxford: Oxford University Press, 2002), 243–247.

¹⁰⁷ On this idea of a more perfect territorial fulfilment at the end of time, see chapter 7.4.

‘became obligated’ to observe commandments, some of which are related to the land’s agricultural produce. There is no mention of Israel ‘sanctifying’ the Land with their entry, possession, or observance of the commandments, or of the Land’s character being affected in terms of its sacredness, either in Joshua’s time or in Ezra’s time. Yet this is not the case when we look at Palestinian traditions on the impact of Israel’s entries into the Land, which are found in the Babylonian Talmud.

3.2.6 *The First Sanctification and Its Nullification*

In Mishnah Tractate Eduyot, Rabbi Joshua is quoted as having heard ‘a tradition that they [may] offer sacrifices although there is no Temple, and eat the Most Holy [Things] although there are no curtains, and the Lesser Holy [Things] and the Second Tithe although there is no wall; since its first sanctification sanctified it both for its own time and for the time to come’ (mEd 8:6). The last clause of this statement, which alludes to Solomon’s dedication of the Temple, is found in three passages in the Tosefta¹⁰⁸ as well as in several other contexts in the Babylonian Talmud.¹⁰⁹ In the latter, the dictum is modified as follows: ‘the first sanctification was for its time but not for the future’. While several of the talmudic passages that contain this statement are, like the tannaitic texts on the ‘first sanctification’, concerned with the question of whether the sanctity of the Temple or of Jerusalem is in force even when there is no Temple,¹¹⁰ a few passages make innovations by relating this ‘first sanctification’ either to the entire Land¹¹¹ or to areas of the Land other than Jerusalem,¹¹² thereby suggesting that the Land’s sanctity is directly related to the Temple’s existence.¹¹³

To explain why the Mishnah mentions certain cities as examples of walled cities in Joshua’s time (mAr 9:6),¹¹⁴ the Gemara in the Bavli quotes the following baraita:

108 See tEd 3:3; tSotah 13:1; tMen 11:10.

109 There is no Gemara on this anomalous Mishnah tractate in the Yerushalmi or the Bavli.

110 See bShevu 16a; bMeg 10a; bZev 60b; bZev 107b; bMak 19a; bTem 21a.

111 E.g., bAr 32b. As Milikowsky, ‘Notions of Exile,’ 285, observes, it appears that a semantic shift concerning ‘first sanctity’ occurred in the Babylonian Talmud, probably in the later stages of the Talmud’s composition and redaction. This may be inferred from the fact that most of the passages addressing the first holiness are found in the Talmud’s anonymous later layer.

112 E.g., bHag 3b. par. bYev 16a; bHul 6b–7a.

113 See Milikowsky, 283.

114 The cities mentioned are: ‘the old castle of Sepphoris; the fortress of Gush-Chalab, old Yodpat, Gamala, Gadwad, Chadid, Ono, Jerusalem, and the like.’

It is taught [in a baraita:] Rabbi Ishmael, the son of Rabbi Jose, [said]: Why did the sages enumerate these? Because when the exiles went up they found these and consecrated them. But the first [consecrated cities] lost [their sanctity] the moment the sanctity of the Land was nullified (*mishebatelah qedushat ha-arets*). He [Rabbi Ishmael] holds that the first sanctification sanctified it [the Land] for its time and did not sanctify it for the future. (bAr 32b)

According to Rabbi Ishmael's view in the baraita, the cities mentioned in the mishnah are those which were reconsecrated by the Babylonian returnees.¹¹⁵ It follows that the rest of the walled cities which had once been sanctified did not recover the sanctity they lost when the sanctity of the entire Land was nullified. As the Gemara goes on to argue in a subsequent passage, another position is also attributed to the same Rabbi Ishmael, according to which the walled cities of Joshua's time never lost their sanctity, so that the returnees did not need to reconsecrate any city that had had a wall in Joshua's days.¹¹⁶ According to this second view, the returnees are understood to have simply identified and catalogued the cities they found, which is why the mishnah enumerates only some cities. In order to account for these two conflicting notions, the Gemara suggests they may be traced back either a) to two unnamed tannaim who had different ideas about what Rabbi Ishmael's opinion had been, or b) to Rabbi Ishmael and his brother, Rabbi Eleazar bar Jose—for reasons that remain unexplained, the latter's name would eventually cease to be mentioned in connection with his opinion.

The Gemara proceeds to discuss the notion of the Land's temporary sanctity, and for this purpose it employs the comparison of the two immigration narratives from Joshua's time and Ezra's time, respectively, a topos addressed in yShevi 6:1 (36b), as seen above:

What is the reason for the one [sage] to say that the first sanctification sanctified for its time and did not sanctify for the future? It is written, *And all the assembly of those who had returned from the captivity made booths and lived in them; for from the days of Jeshua son of Nun [to that day] the people of Israel had not done so. And there was very great rejoicing*

115 On this discussion as evidence for the sages' theoretical interest in the ancient geography of the Land for halakhic purposes, but with no background in reality, see Z. Safrai, *Seeking out the Land*, 153–157.

116 This second position attributed to Rabbi Ishmael ben Jose is transmitted in a tannaitic text, tAr 5:16, which does not use the expression 'first sanctification'.

(Neh 8:17). Is it possible that David came and they did not make booths until Ezra came? Rather, it [Scripture] compares their coming in the days of Ezra with their coming in the days of Joshua. Just as upon their coming in the days of Joshua they started the counting of the years of release [Seventh Year] and the Jubilees and they sanctified walled cities, so also upon their coming in the days of Ezra they started counting the years of release and the Jubilees and they sanctified walled cities. And it [Scripture] says, *The Lord your God will bring you into the land that your ancestors possessed, and you will possess it* (Deut 30:5). It compares your possession with the possession by your fathers. Just as the possession by your ancestors [brought about] a renewal of all these things, so also your possession [brings about] a renewal of all these things. (bAr 32b)

On the basis of Neh 8:17, both the Palestinian and the Babylonian texts claim that Israel twice became obligated upon entering the Land. However, we should note some differences in the midrashic use of this verse in the Yerushalmi and the Bavli. While the Yerushalmi was initially concerned with the peculiar spelling of *Jeshua*, the Bavli stresses the moment when the booths were built. Moreover, even though both the Yerushalmi and the Bavli reckon that the land-commandments in general came into force with Israel's entries into the Land, the Yerushalmi values these entries differently. In its turn, the Bavli adds the notion of a first sanctification, which no longer connotes Solomon's dedication of the Temple, as in the Mishnah, but rather the conquest of the land under Joshua, specifying that the second possession under Ezra reestablished two land-commandments (Seventh Year and Jubilees) and the consecration of walled cities.¹¹⁷

117 The walled cities are mentioned as the last item on the list in order to draw attention to them, given that the mishnah the Gemara expands upon is about walled cities. The choice of the other two commandments may be traced back to the Palestinian text with which this passage appears to be closely intertextually related, *SOR 30* (see below). Here three land-commandments (tithes, Seventh Year, and Jubilees) are mentioned as having been reestablished with the resettlement in Ezra's times. Milikowsky, 'Notions of Exile,' 289, proposes the following answer to the question of the specific selection of land-commandments: If only the three land-commandments mentioned here became obligatory when Israel returned under Ezra, then this must mean that the rest of the land-commandments 'never became non-obligatory. In other words, the destruction of the First Temple and the exile of the people of Israel to Babylon only caused the abrogation of these three commandments, tithes, sabbatical years and jubilee years—and therefore they had to be renewed at the time of the second entry.'

The second verse both sources employ in their arguments is also treated differently in the two talmudic commentaries. Whereas in the Yerushalmi Deut 30:5 is interpreted to mean that in both instances the obligation (to observe the land-commandments) had the authority of the Torah, and that this obligation came into force at a different tempo in the context of the first and second entries, in the Bavli the question of the obligation's character is not even posed. The analogy in Deut 30:5 is understood in terms of a renewal of the Land with respect to its chronology and also to the status of walled cities, as previously mentioned.

Before it turns to the counting of the Jubilees and the observance of the Seventh Year, the Gemara briefly delves into the probable logic of the baraita according to which the sanctity of the Land was never interrupted. The tannaitic voice in this statement is thought to have interpreted the booths mentioned in Neh 8:17 as symbols of the protection Ezra could count on because he had prayed for mercy in the face of idolatry, and to have read Deut 30:5 as a reference to the continuation of the first, ancestral possession.

To return to the question of whether Ezra could have reestablished the counting of Jubilees, the Gemara employs the motif of the exile of the two and a half Transjordanian tribes. It claims that ever since the Reubenites, the Gadites, and the half-tribe of Manasseh settled in Transjordan, an event which it refers to with the phrase 'went into exile', the Jubilees have not been in force. The ruling in Lev 25:10, 'you shall proclaim liberty throughout the land to all its inhabitants', is read to mean that as long as only part of the people of Israel resides in the Land, some of the rulings concerning holy time are not in force, and therefore Jubilees should not be counted. Two rabbinic authorities are then quoted to bring the sugya to a close: The Babylonian Rav Nachman bar Isaac argues that in Ezra's time, Jubilees were simply counted to enable the observance of the Seventh Year; the Palestinian Rabbi Jochanan then explains that, even as early as in Jeremiah's time, the Jubilees and the Seventh Years had been reestablished when the prophet brought the tribes back into the Land. Rav Nachman confirms the words of the Palestinian sage, and so together—again in the diasporic dialogue of rabbinic texts—they decide that the concept of the Land's temporary sanctity is the one supported by Israel's history.

In contrast to cities, a lengthy mishnah in tractate Yadaim is concerned with entire regions which the sages imagine are obligated to observe the land-commandments, even though they are outside of the Land.¹¹⁸ Three tannaim from the second, Yavnean generation are adduced for their involvement in a

118 See mYad 4:3. This mishnah is part of a chapter in the tractate that includes digressions that expand upon previous mishnayot with similar wording. The mishnayot in mYad 4:1–

discussion that revolves around the question of which of two specific land-commandments is observed in Ammon and Moab during the Seventh Year (itself another land-commandment, but one which is not observed there): poor man's tithe or second tithe. While Rabbi Eleazar ben Azariah represents the more stringent position, claiming that the second tithe is observed in Ammon and Moab during the Seventh Year, his colleagues Rabbi Tarfon and Rabbi Joshua argue that poor man's tithe is observed in these regions during the Seventh Year. While the mishnah clearly allots more textual space to Rabbi Tarfon and to those who support his position, we must also note that neither the mishnah's anonymous governing voice nor any of the voices of the tannaim problematizes the notion that some of the land-commandments are observed not only in Ammon and Moab, i.e., Transjordan,¹¹⁹ but also in other regions outside of the Land, such as Egypt (poor man's tithe) and Babylonia (second tithe).¹²⁰ Thus, according to this mishnah, it is not necessary to view all the land-commandments as *Land*-commandments. Some transcend the borders of the Land in the historical present of the third century, when the Mishnah was redacted; of the second century, when the sages involved are presumed to have lived; and of the later Second Temple period, upon which the sages reflect.¹²¹ Since the time when this ruling applies appears to be an important question, the second half of the mishnah seeks to answer it: Proceeding from the most recent to the most ancient events, it claims here that while Jews in Egypt have observed poor man's tithe since the elders' time, those in Babylonia have observed second tithe since the time of the prophets; Ammon and Moab is a region where the people of Israel have been obligated to observe poor man's tithe ever since this law was given to Moses at Sinai. With this chronological

4 all contain the phrase 'on that day' from mYad 3:5 and preserve traditions passed on on the day when Rabbi Eleazar ben Azariah was appointed head of the rabbinic academy in Yavneh. See Cohen, Goldenberg, and Lapin, *Oxford Annotated Mishnah*, 938.

119 H.W. Guggenheimer, ed. and trans., *The Jerusalem Talmud: First Order; Zera'im; Tractates Ma'aser Seni, Hallah, Orlah and Bikkurim* (Berlin: De Gruyter, 2003), 656n92, points out that in rabbinic literature "Ammon and Moab" stands for all of Transjordan, including the earlier territories of the tribes Reuben and Gad but excluding the Golan heights which were settled in the times of the return from Babylon.'

120 For the concept of 'governing voice', see A. Samely, *Profiling Jewish Literature in Antiquity: An Inventory, from Second Temple Texts to the Talmuds* (Oxford: Oxford University Press, 2013), ch. 2.

121 Z. Safrai, *Seeking out the Land*, 90–92, discusses this mishnah and mChal 4:10–11 as evidence for the practice of land-commandments outside of the Land in the first century, though he concludes that 'in the late Second Temple period the Land-commandments were already recognized as a distinct category, but there was no uniform opinion as to whether they applied outside of the Land.'

argument, the sages depict Transjordan as not just geographically but theologically closer to the land of Israel than the other two major locations where, according to Scripture, the people of Israel resided.

The closing segment of the mishnah is an account of how Rabbi Jose ben Durmaskit visits his master, Rabbi Eliezer, at Lod and reports on what he regards as news from the house of study, only for Rabbi Eliezer to correct him in this assumption. This anecdote is transmitted as part of a sugya in the Babylonian Talmud commenting on the story of two sages who visit Rabbi Joshua ben Chananiah in Peki'in, and on this occasion behave rather peculiarly. Rabbi Jochanan ben Beroka and Rabbi Eleazar ben Chisma, disciples of Rabbi Joshua, visit their master and are at first reluctant to report on what has been taught in the house of study.¹²² They excuse themselves politely, claiming that as Rabbi Joshua's students, they are to learn from him, not he from them.¹²³ Upon Rabbi Joshua's insistence, they give in and summarise Rabbi Eleazar ben Azariah's teachings at the house of study. Once he has heard this answer, Rabbi Joshua sees his assumption confirmed: It is impossible for a house of study to avoid generating new teachings. However, the Talmud explains, it is not merely out of politeness towards their master that the two rabbis initially refrained from reporting the news from the house of study:

But they could have told him directly. [They did not on account of the following:] Once Rabbi Jose ben Durmaskit went to pay his respects to Rabbi Eliezer¹²⁴ at Lod. He [Rabbi Eliezer] said to him, What new thing was taught at the study house today? He replied, They voted and decided that in Ammon and Moab the tithe of the poor should be given in the Seventh Year. He [Rabbi Eliezer] said to him, Jose, stretch forth your hands and lose your sight. He stretched forth his hands and lost his sight. Rabbi Eliezer [then] wept and said, *The friendship of the Lord is for those who fear him* [, and he makes his covenant known to them] (Ps 25:14). He said to him, Go, say to them, Be not concerned about your voting, thus have I received a tradition from Rabban Jochanan ben Zakkai, who heard [it] from his teacher, and his teacher from his teacher: It is a halakha of Moses from Sinai that in Ammon and Moab the tithe of the poor is to be given in

122 This narrative has a parallel in tSot 7:9–12, which makes reference to the location of the Yavnean house of study. See Lapin, *Rabbis as Romans*, 77–78.

123 It is due to the figurative wording of their answer, 'from your waters we drink', that the passage is transmitted here as part of an elaboration on Gen 37:24, 'the pit was empty; there was no water in it'.

124 The reading follows many of the textual witnesses.

the Seventh Year. What is the reason?¹²⁵ Many cities were conquered by those who came up from Egypt, which were not conquered by those who came up from Babylon. [This is so] because the first consecration sanctified for its time and did not sanctify for the future. And they left them [unconsecrated] in order that the poor might have sustenance therefrom in the Seventh Year. It is taught: When his mind was calmed, he said, May it be granted that Jose's sight be restored. And it was restored. (bHag 3b)

The Gemara explains the cautious behaviour of the two disciples with reference to the experience of their contemporary, Rabbi Jose ben Durmaskit, as this is narrated in mYad 4:3.¹²⁶ There is a clear parallel in the anecdotes about tannaim who visit their masters and are asked about what has happened at the house of study. Rabbi Eliezer is depicted as upset upon hearing that the sages at the house of study perceive the poor man's tithe in the Seventh Year in Ammon and Moab as their own halakhic innovation.¹²⁷ Before proceeding to explain the grounds on which Rabbi Jose and the sages whose words he reports are wrong, he punishes his disciple with temporary blindness, a motif that adds momentum to this version of the rabbinic story. Rabbi Eliezer then explains to Rabbi Jose that separating the tithe for the poor in the Transjordanian regions during the Seventh Year was a law given to Moses on Mount Sinai but not recorded in the Torah.

What is special about this use of the tannaitic anecdote in the Babylonian Talmud is that it is linked to the talmudic variation on the tradition of mEd 8:6 and the notion that the first sanctification of the Land was temporally limited. The dictum here is the second of three juxtaposed statements the Bavli appends to the tannaitic anecdote about Rabbi Jose ben Durmaskit, which are presented as the rationale for a ruling given to Moses at Sinai: The Gemara first suggests that, like many of the cities which were conquered by the people who came up from Egypt, certain cities (presumably located in Ammon and Moab) were conquered at that time, but not reconquered by the Judean returnees. Second, it seems to draw an analogy between conquest and a temporary sanctification of the Land, and to suggest that the people's exile entailed the interruption of the Land's sanctity. The third statement specifies why certain cities in the first statement were not reconquered. Even though these cities were not

125 In the parallel in bYev 16a, instead of this rhetorical question, we have the introductory formula 'for the master said'.

126 For a parallel, see tYad 2:16.

127 In yShevi 6:1 (36c), we read that the rulings pertaining to 'Ammon and Moab are not from Rabbi Eleazar ben Azariah'.

reconsecrated, Jews who lived there remained connected to the Land's holy space and time even after the second entry into the Land, due to the fact that they continued to observe one land-commandment—the commandment of poor man's tithe—during the Seventh Year, a land-commandment observed exclusively in the Land.

The same three juxtaposed statements in bHag 3b which explain why the regions of Ammon and Moab were left (unconsecrated) during the Judean returnees' resettlement are found in another passage in the Babylonian Talmud, which is concerned with the status of certain cities located within the land of Israel (bHul 6b–7a). After the tanna Joshua ben Zeruz reports that Rabbi Meir once ate a leaf from an untithed vegetable while in Beth Shean, Rabbi Judah the Prince declares the city free from the obligation to tithe, and by implication from the rest of the land-commandments as well.¹²⁸ When questioned by close relatives, who were shocked at such a ruling that would entail a change in status for the land of their ancestors, Rabbi justifies his decision by arguing that the exemption of Beth Shean is an act whereby he seeks to distinguish himself positively from his (rabbinic) ancestors, just as his biblical ancestors (Hezekiah) distinguished themselves from their own (Moses). While the Gemara proceeds to claim that sages are not to be questioned about their decisions, it nevertheless then quotes a sage who very clearly challenges Beth Shean's exemption:

Judah, the son of Rabbi Simeon ben Pazzi, raised an objection: Is there anyone who holds that Beth Shean is not part of the land of Israel? Is it not written, *Manasseh did not drive out the inhabitants of Beth Shean and its villages (lit. 'daughters'), nor of Taanach and its villages* (Judg 1:27)?—It must have escaped him [Judah] what Rabbi Simeon ben Eliakim said in the name of Rabbi Eleazar ben Pedat who said in the name of Rabbi Eleazar ben Shammu'a: Many cities were conquered by those who went up from Egypt, which were not conquered by those who went up from

128 As Milikowsky, 'Notions of Exile,' 282, points out that, while there is no explicit mention of tithing in this passage, tithing can be inferred both from the context in the Babylonian Talmud, and from a parallel in the Yerushalmi. In yDem 2:1 (22c), Rabbi Meir buys vegetables in Beth Shean during the Seventh Year, whereupon Rabbi declares Beth Shean exempt from the land-commandments. He also exempts Caesarea, Beit Guvrin, and Kefar Zemach, areas which thus become enclaves within the Land where the land-commandments are not observed. On the exemption from tithe as transforming a region into one 'outside of the Land,' see Z. Safrai, *Seeking out the Land*, 112–114. On these cities as hybrid spaces that required nuanced treatment, see Arieli and Israel-Vleeschouwer, 'Borders and Bordering,' 975–978.

Babylon. He [Eleazar ben Shammu'a] holds that the first consecration sanctified for its time and did not sanctify for the future. And they left them [unconsecrated] in order that the poor might have sustenance therefrom in the Seventh Year. (bHul 7a)

The fourth-century Palestinian amora Rabbi Judah questions Rabbi's innovation, adducing a scriptural verse which hints at the fact that after the conquest of Beth Shean, its population remained mixed.¹²⁹ The Gemara acknowledges that this verse proves the conquest of Beth Shean, but also highlights Rabbi Judah's ignorance of the conquest-sanctification tradition. This time it is presented as preserved by a rabbinic chain of transmission linking the second-century tanna Eleazar ben Shammu'a to sages of the third or fourth amoraic generation (third–fourth century). Just as the sages' innovation in mYad 4:3 and bHag 3b was relativised by Rabbi Eliezer, who claimed that the ruling goes back to Moses at Sinai, so also Rabbi's exemption of Beth Shean is itself a confirmation of the status quo that had been in force since the Babylonian returnees' resettlement, if not in fact since the conquest of Canaan.

With three different interpretive agendas guiding the talmudic discourse—Why are only certain walled cities mentioned in a particular mishnah (bAr 32b)? On what grounds do Ammon and Moab separate tithe for the poor in the Seventh Year (bHag 3b)? Since when and why is Beth Shean exempt from tithing obligations (bHul 6b–7a)?—the Babylonian texts discussed in this section nevertheless all elaborate upon Palestinian materials which do not address the sanctity of the Land explicitly, and they all employ a statement which, in its original context (mEd 8:6), referred to the Temple's everlasting sanctity—a sanctity that is unaffected by historical vicissitudes. The redactors of the Babylonian Talmud modified this statement so that it came to express the idea that the Land's sanctity was interrupted. Furthermore, in two cases they juxtaposed this statement with two further statements not transmitted in tannaitic corpora; these dicta concerned the conquests by two different groups, whereby the second is said to have deliberately declined to reconquer part of the territory conquered by the first.¹³⁰ While these texts thus appear to refer to Joshua's conquest in terms of a first sanctification of the Land, none of them describes the returnees' resettlement in Ezra's time in similar terms, i.e., as a *second sanctification*. We find an explicit reference to the Land losing its sanctity and to

129 This is a peculiar verse, given his apparent argument. The entire first chapter in the book of Judges addresses the fact that the conquest of Canaan remains unfinished.

130 The first and second statements are actually linked with the following wording: 'because' (bHag 3b), 'and he holds that' (bHul 7a), 'and' (bYev 16a).

walled cities recovering theirs in just one of these passages, namely, bAr 32b. Even though its point of departure in the Mishnah is a list of place names, the talmudic elaboration is not concerned with singling out particular regions or cities in the Land. This is the case in bHag 3b, which deals with the neighbouring regions of Ammon and Moab, and even more so in bHul 7a, with its focus on an important urban settlement with a mixed Jewish–Christian population in the rabbinic present, Beth Shean.

3.2.7 *No Third Inheritance*

The texts discussed so far place side by side the events around entering the Land in the time of Joshua and in the time of Ezra, the conquest and possession following the Exodus and following the Exile, and the impact on the Land of both instances of entering, conquering, and possessing the Land with respect to the commandments that are to be observed there. While the Babylonian texts discussed above introduce the notion of a first sanctification of the Land, they do not refer to the second entry explicitly in terms of a second sanctification, nor do they ask whether the implications of the Babylonian returnees' resettlement of the Land were permanent or temporary in nature.

It is precisely this question which the last chapter of the Palestinian chronography Seder 'Olam Rabbah hints at:

So the priests, the Levites, the gatekeepers, the singers, some of the people, the Temple servants, and all Israel etc. all the people gathered together etc. (Neh 7:73–78:1). And it says, And all the assembly of those who had returned from the captivity made booths and lived in them; for from the days of Jeshua etc. (Neh 8:17). Is it possible to say so? Rather it [Scripture] compares their coming in the days of Ezra with their coming in the days of Joshua. Just as in the days of Joshua they became obligated for tithes, years of release and Jubilees, and they sanctified walled cities, so also at their coming in the days of Ezra they became obligated for tithes, years of release and Jubilees, and they sanctified walled cities and were happy before the Omnipresent, blessed be He, for it is said, And there was very great rejoicing (Neh 8:17). And so it [Scripture] says, the Lord your God will bring you into the land that your ancestors inherited, and you will inherit it etc. (Deut 30:5). It compares your possession with that of your fathers. Just as the possession of your fathers [implies] the renewal of all these things, so also your possession [implies] the renewal of all these things.¹³¹ You could think that you

131 MS Parma, Biblioteca Palatina, 2298 [1544] reads *beqidush* instead of *bechidush*: 'Just as

will have a third possession (*yerushah shelishi*), [however,] the verse says, *you shall inherit it*: a first and second you have, you do not have a third [possession]. (SOR 30)

Seder 'Olam Rabbah is usually considered a tannaitic text,¹³² in which case the parallels in yShevi 6:1 and bAr 32b may be considered later versions of the tradition. These three texts interpret Neh 8:17 as suggesting a comparison of Israel's entries into the Land under Joshua and Ezra, and all three texts interpret Deut 30:5 as referring to the possession or inheritance of the Land on these two occasions. The version in Seder 'Olam Rabbah appears to be closer to that of the Babylonian Talmud regarding the commandments it lists as having been established and reestablished with each of the two possessions.¹³³ Even if the argument in SOR appears to be the same as in its two parallels—the observance of the land-commandments depends on the presence of the people in the Land—this Palestinian text stands out in that it spells out the fact that the Deuteronomy verse speaks of two possessions, and it interprets this to mean that Scripture excludes the possibility of a third possession.¹³⁴ SOR 30 thus constitutes a variation on the praise for the second settlement that we found in yShevi 6:1. The second coming and possession supersedes the first in that it is definitive, even if neither is explicitly referred to as a sanctification.¹³⁵

the possession of your fathers implies the sanctification of all these things, so also your possession implies the sanctification of all these things.'

132 See C. Milikowsky, ed., *Seder Olam: Critical Edition with Introduction and Commentary* [in Hebrew], 2 vols. (Jerusalem: Yad Izhak Ben-Zvi, 2013). Compared to the tannaitic corpora (Mishnah, Tosefta, and the halakhic midrashim), Seder 'Olam Rabbah is anomalous, especially with respect to its arrangement.

133 In yShevi 6:1, which expands on a mishnah on the Seventh Year, no specific land-commandment is explicitly mentioned as established with the two possessions. In SOR 30 it is tithes, years of release, and Jubilees; in bAr 32b it is years of release and Jubilees. Milikowsky, 'Notions of Exile,' 289–290, argues that the specific land-commandments mentioned in SOR 30 do not function as a synecdoche for all the land-commandments, but instead that these are the only ones which needed to be reestablished or renewed because they depend on a communal counting of the years, which is not possible when the people are not in the Land. In Milikowsky's view, SOR 30 implies that the rest of the land-commandments remained in force during the time of the Exile, and that they are not related to a contingent land-sanctity—a notion that is stressed in the Bavli passages discussed above.

134 One exegetical tradition related to these texts, which makes use of different terminology and also alludes to a third instance of possession, is the following midrash transmitted in TanB Shofetim 10: '*and one-third shall be left alive* (Zech 13:8): they shall only settle in their land in a third deliverance. The first deliverance was the deliverance from Egypt. The second was the deliverance of Ezra. The third has no interruption.'

135 With the exception of the reading in MS Parma. See above, n. 131.

Unlike *yShevi* 6:1 (36b)—a passage in which Rabbi Jose bar Chanina, an amora, argues that the obligation to observe the land-commandments after both possessions is based on the Pentateuch—neither *SOR* 30 nor *bAr* 32b is explicitly concerned with the question of the kind of authority according to which the land-commandments are observed in the present (the time when the texts were redacted). This question is taken up in a discussion in the Babylonian Talmud, in a passage that deals with the nature rather than the geography of the obligation to observe two land-commandments: heave-offering (*terumah*) and dough-offering (*challah*) (*bNid* 46b). We should note that the Land is not mentioned once in the sugya, and yet the scriptural material, the quotation of *SOR* 30, and the fact that it deals with two land-commandments suggest that the Land constitutes at least one of the geographical settings the sugya presupposes. In an elaboration on Rabbi Jose's opinion in *mTer* 1:3, the Gemara posits:

Rabbi Jose held that heave-offering in the present is valid on rabbinic authority (*de-rabanan*). But did Rabbi Jose [actually] hold that heave-offering in the present is valid on rabbinic authority? Is it not taught in Seder 'Olam, [*the Lord your God will bring you into the land*] *that your ancestors inherited, and you will inherit it* etc. (Deut 30:5): a first and second [possession/inheritance] you have, you do not have a third? (*bNid* 46b)

Rabbi Jose's apparently contradictory positions appear to go back to two dicta attributed to him and transmitted in different corpora, one of which—Seder 'Olam Rabbah—is traditionally attributed to him.¹³⁶ Ever since the return from the Babylonian exile, and on the assumption that the land-sanctity of the land of Israel was not annulled after the second possession under Ezra, the precept in question, and for that matter the rest of the land-commandments, can be valid either on rabbinic authority or, as he suggests with his interpretation of Deut 30:5 in *SOR* 30, on Torah authority (*de-oraita*). Can one and the same sage have held these two positions? While the Gemara supports the attribution of a Seder 'Olam to Rabbi Jose, it also makes a distinction between ideas that Rabbi Jose may have transmitted in his historiographical compilation and ideas he himself may have held and expressed, which were eventually quoted and transmitted in the rabbinic corpora. In other words, according to the Gemara, the notion that the second possession of the Land referred to in Deut 30:5 implies

136 See Milikowsky, *Seder Olam*.

that the observance of the land-commandments is a pentateuchal obligation need not have been Rabbi Jose's opinion. He may have held that the precept is only valid on rabbinic authority. When the Gemara turns to the character of the obligation to observe the dough-offering commandment, it depicts the fourth-century Babylonian Rav Huna, the son of Rav Yehoshua, deciding as follows: while heave-offering is based on rabbinic authority, dough-offering is pentateuchal not in the present, but only when all of Israel will dwell in the Land. The argument that the observance of the land-commandments depends on the presence of the entire people in the Land deprives both commandments of pentateuchal authority, both for the post-exilic past and for the rabbinic present.

The conclusions at which the Gemara arrives, making use of Palestinian and Babylonian voices—namely, that the observance of these precepts is based on rabbinic authority—implies not only that transgressing them is less grave than it would be if they were based on pentateuchal authority, but also that the land-sanctity of the land of Israel has been suspended a second time.

3.2.8 *The Land's Sanctity in the Rabbinic History of Israel*

The historicisation of the land of Israel's sanctity—the idea that its territory became holy once or twice—is characterised in the texts discussed in this chapter by the role human beings play in the history of the Land, especially in relation to a subset of commandments concerning the Land's agricultural produce. The human component of this historicised land-sanctity is evident not only in the way the observance of the land-commandments is projected back onto narratives about biblical Israel,¹³⁷ but particularly in the prominent role accorded to the sages in the rabbinic elaboration on these commandments and in their seemingly overt decision-making pertaining to questions such as where these commandments are observed, which regions or cities are exempted and on what grounds, and whether the areas under this obligation in the land of Israel are obligated by pentateuchal or by rabbinic law. The notion that some of the commandments were the prerogative of certain Jews depending on whether they lived in the ancestral homeland may have evoked responses from both the privileged and the unprivileged, if indeed this idea reached beyond rabbinic circles, for which we have no evidence.

The texts discussed in this chapter address various issues related to the question of how the rabbis thought the land of Israel was singled out and

137 At times the observance of the land-commandments is even predicated on the patriarchs. See chapter 2.1.5.

sanctified in time, as a result of the people of Israel's deeds. The first section focused on the distinction between two types of commandments according to their land-dependency, a distinction made initially in mQid 1:9 and further elaborated upon in later texts that either reinforce the distinction and give new names to the two categories of commandments (SifDev 59, yQid 1:9[61c] par. yShevi 6:1 [36b]; bQid 37a) or problematise the notion that the land-commandments must (and can) be observed exclusively in the Land (bQid 38a–39a). The Mishna's mention of three exceptional land-commandments appears to have encouraged the Babylonian sages to reclaim for the Jews living outside of the Land some of the commandments which, according to mQid 1:9, are the prerogatives of those living in the Land.

Israel's agency as this emerges from the scriptural narratives of the Exodus and the exiles' return under Ezra is also interpreted as having a direct impact on the size, shape, and status of the land of Israel's territory in mShevi 6:1, and in the Palestinian texts that elaborate upon it (SifDev 51, tShevi 4:11, and yShevi 6:1 [36b]), as well as in a number of passages in the Babylonian Talmud (bAr 32b; bHag 3b; bHul 6b–7a). The agency of Israel's oppressors is only tacitly presented as affecting the Land's status.

The amoraic and post-amoraic texts that expand on this mishnah (yShevi 6:1 par. bAr 32b)¹³⁸ bring scriptural material and exegesis into play to illustrate the similarities between the people of Israel's two entries into the Land (e.g., pertaining to the establishment of the Seventh Year or other land-commandments), but also to emphasise the link between the contemporary rabbinic audience and the second entry into and possession of the Land by the Judean returnees. Three Babylonian texts (bAr 32b; bHag 3b; bHul 6b–7a) stand out in that they identify Israel's entry into the Land under Joshua with a 'first sanctification', which would not endure forever (bAr 32b), or which would not be renewed strategically in certain places, for the sake of social justice (bHag 3b; bHul 6b–7a). These texts characteristically use a dictum implying that the entire Land was singled out or sanctified and not that the Temple or certain walled cities were consecrated—as is the case in the statement's original context in the Mishnah, or in other contexts in the Babylonian Talmud. The discussion came to a close with an analysis of texts addressing the problem of a complete analogy between the two entries into the Land (SOR 30) and the related question of the nature of the obligation to observe land-commandments in the

¹³⁸ SOR could be added to these texts. While according to scholarly consensus this is a tannaitic text, the question when Seder 'Olam was redacted may still be open to debate.

rabbinic present (bNid 46b). While the tanna to whom Seder 'Olam Rabbah is attributed may have once held that the land-commandments are observed in the present on the basis of the authority of the Torah, the Talmud argues that only once all of Israel are in the Land is the observance of these commandments obligatory according to the Torah. For the time being, the Bavli argues, the land-sanctity is on hold.

PART 2

Present



The Land—A Commandment I: Dwelling in the Land

Although praising the land promised to the patriarchs is a leitmotiv in Scripture, the Hebrew Bible never explicitly states that Jews are supposed to live exclusively in this land.* Nor does the Mishnah, in which much of the law is devoted to the Land and its institutions, spell out that Jews are supposed to live only in the Land. No scriptural or mishnaic law prescribes that Jews must reside in the Land. As to the writings of the Second Temple period, while they do address questions such as where Jews are at home or how they should relate to the ancestral homeland, and while the answers provided in texts composed in the diaspora may differ from those composed in Judea, scholars have not identified a full-fledged debate on these issues during this period.¹

When the sages of the rabbinic period address these questions, the answers they provide in tannaitic sources other than the Mishnah, as well as in amoraic and post-amoraic corpora, reveal a changed perspective. During this period we can identify antagonistic discourses within rabbinic Judaism on what the ‘Encyclopedia Talmudit’ designates as the ‘law of residence’:² Residing in the Land has become a precept among the sages, and this precept is part of a broader discourse on the required attachment to the Land, on an idealised sense of place. The purpose of the present chapter is to examine how a set of statements in the rabbinic corpora articulate and problematise a rabbinic Jewish sense of place as valid for the large-scale place known as the land of Israel.³

* An earlier version of chapter 4 was published in a volume of conference proceedings, as ‘Identity and Sense of Place in Rabbinic Literature: The Case of the Land of Israel,’ in *“Written for Our Discipline and Use”: The Construction of Christian and Jewish Identities in Late Ancient Bible Interpretation*, ed. A. Siquans (Göttingen: Vandenhoeck & Ruprecht, 2021), 123–142.

1 See Gafni, *Land*, 77.

2 See Zevin and Bar-Ilan, ‘Erets Israel,’ 223–225. On the post-Bar Kokhba period as a timeframe for the emergence of this new discourse, see Gafni, *Land*, ch. 3. As Rosenberg, ‘The Link to the Land,’ 156, points out, in his commentary on the Torah the medieval commentator Nachmanides (1194–1270) regards the precept concerning dwelling in the Land as a ‘positive commandment to the generations’ according to which Jews are obligated ‘even in the time of the dispersion.’ See also A. Newman, ‘The Centrality of Eretz Yisrael in Nachmanides,’ *Tradition: A Journal of Orthodox Jewish Thought* 10, no. 1 (1968): 21–30.

3 As Malpas, *Place and Experience*, 184, notes, the expression is frequently used in treatments of place and human relation to place, but it is also ambiguous in that it ‘can refer to both the

4.1 The Precept in Tannaitic Texts

The earliest rabbinic passages that explicitly express the idea that Jews should dwell in the Land constitute a small corpus. This comprises a mishnah, four consecutive halakhot in the Tosefta, and two passages in the halakhic midrash Sifre Devarim. These texts—mKet 13:11 par. tKet 12:5; tAZ 5(4):3–6; SifDev 80, 333—preserved in tannaitic corpora, form a sort of ‘mishna’ or base text for the amoraic and post-amoraic discourse on the precept concerning dwelling in the land of Israel. Before we turn to how the arguments presented in these passages are shaped and expanded upon in different contexts, and to the several shifts in focus that can be identified within them, I will first consider the tannaitic traditions themselves.

The last mishnah in tractate Ketubbot reads: ‘All may be compelled to go up to the land of Israel, but none may be compelled to leave it’ (mKet 13:11). The situation this mishnah is concerned with is that of a husband or a wife who does not wish to immigrate to or remain in the Land. The lengthiest rabbinic text on the significance of the land of Israel is precisely an exposition of this mishnaic ruling—that is, the closing sugya of tractate Ketubbot in the Babylonian Talmud (bKet 110b–112a).⁴

The parallel in the Tosefta presents the reader with a rare case in rabbinic literature—one in which the wife’s will may override her husband’s:

[If] he wants to come to the land of Israel, and she does not want to come, they force her to come. [If] she wants to come, and he does not want to come, they force him⁵ to come.⁶ [If] he wants to leave the land of Israel, and she does not want to leave, they do not force her to leave. [If] she wants [to leave], and he does not want to leave, they force her not to leave. (tKet 12:5)

If husband and wife cannot come to an agreement, and if the husband either does not immigrate or emigrates, then he is to divorce his wife and pay her the

felt qualities of a place that give it a distinctive character (to ‘sense’ as in ‘sensed’) and to the idea of a place as the distinctive place it is and, so, as encompassing its identity as a place (to ‘sense’ as it connotes ‘meaning’). See also J.E. Malpas, ‘Place and Singularity,’ in *The Intelligence of Place: Topographies and Poetics*, ed. J.E. Malpas (New York: Bloomsbury Academic, 2015), 65–92.

4 More on this below.

5 MS Vienna reads: ‘her’.

6 MS Erfurt reads: ‘they do not force him to come’.

sum stated in the marriage contract. Thus, the observance of this commandment overrides gender hierarchies that are otherwise standard. In order to promote the observance of this precept, the Tosefta resorts to financial incentives or penalties.⁷

When we turn to the toseftan passage in tractate Avodah Zarah (tAZ 5[4]:3–6), we notice a sharper impetus. In the first halakhah, an unattributed apodictic statement claims that living in the Land and being buried in the Land constitute the *summum bonum* for Jews as far as their place on Earth is concerned:

A person should live in the land of Israel, even in a town in which the majority [of the residents] are gentiles, and not abroad, even in a town in which all [of the residents] are Israelites. This teaches that dwelling in the land of Israel is weighed against all the other commandments of the Torah and that he who is buried in the land of Israel, it is as if he were buried under the altar [of the Temple in Jerusalem]. (tAZ 5[4]:3)

If living in the Land may be compared to the rest of the commandments, it is because this is the most fundamental of all commandments, according to the Tosefta's argument.⁸ Equally relevant to Jewish identity, ideally the natural consequence of a life lived in the Land is death and burial there. Irrespective of the precise location of one's grave within the Land, the latter is comparable to a spot viewed as the most desirable among the imaginable burial locations in the

7 J. Rubenstein, 'Coping with the Virtues of the Land of Israel: An Analysis of Bavli Ketubot 110b–112a' [in Hebrew], in *Center and Diaspora: The Land of Israel and the Diaspora in the Second Temple, Mishnah and Talmud Periods*, ed. I. Gafni (Jerusalem: Zalman Shazar Center for Jewish History, 2004), 164–167, argues that precisely because this specific halakhic context (rather than one related to the land-commandments) poses delicate questions related to the precept concerning dwelling in the Land, questions that may have occupied a minority who opposed this ruling—because the decision to live there could lead to otherwise unnecessary divorces and the payment or loss of marriage settlements—it was nevertheless ideal for a detailed examination of the religious value itself in the Bavli.

8 On the hyperbole implied in representing living in the Land as equal to all the commandments in the Torah, Gafni, *Land*, 77, comments: 'The question, of course, is one of mathematical logic, or if you prefer, of weights and measures: If mitzva A weighs the equivalent of all other mitzvot, B, C and D included, how is it that elsewhere mitzva B suddenly assumes the same overwhelming position? It would appear that the phrase was a means of proclaiming that at any given period, a particular commandment might be in danger and thus warrants—for the moment—a disproportionate amount of devotion'. The same hyperbole is used in tPeah 4:19 concerning charity and benevolence (*tsedaqah u-gemilut chasadim*), and in bNed 25a concerning fringes (*tsitsit*). Alternative wording for this hyperbole uses the verb 'to fulfil', i.e., he who fulfils commandment x, fulfils all the commandments of the Torah. See MidMish 15:30.

Land: the place where the Temple altar once stood.⁹ What concerns us now is not what the rabbis thought and said about the location of human remains,¹⁰ but rather about the rabbinically approved geographical settings of rabbinic lives. According to this toseftan statement, the Land is the only appropriate place for a Jew to live. However, the Tosefta concedes that there are cities in the Land which are predominantly inhabited by non-Jews and claims¹¹ that there are cities abroad which are exclusively inhabited by Jews. This Palestinian statement does not convey an either–or option; it is not a matter of either living or being buried in the Land, as is the case in Babylonian interpretations of this dictum.¹² As far as this halakhah is concerned, there is no viable alternative to a life in the Land. The corresponding rhetorical strategy with which this notion is conveyed is the use of hyperbole to claim that dwelling in the Land has the same significance as all the commandments in the Torah, which is why dwelling in the Land is said to be the most important of all precepts.

In the apodictic statement that follows this first halakhah, emigration from the Land is presented as permissible only in exceptional cases of food shortage:

A person should not leave [to settle] abroad unless wheat goes at the price of two seah for [the price of] a sela. Said Rabbi Simeon: Under what circumstances? Only in a case in which he does not find any [wheat] to buy even at that price. But if he finds some to buy at that price, even [if] a seah of grain [goes] for a sela, he should not go abroad. And so Rabbi Simeon used to say: Elimelech was one of the great men of his time and one of those who sustained [one of the leaders of] the community. And because he went abroad, he and his sons died in famine. But all the Israelites were able to survive on their own land, for it is said, [*And when they came to Bethlehem,*] *the whole town was stirred because of them* (Ruth 1:19). This teaches that all of the town had survived, but he and his sons had died in the famine. (tAZ 5[4]:4)

Only extreme scarcity justifies emigration. As the example given by the second-century Rabbi Simeon supposedly illustrates, not even in the case of Ruth's

9 Depicting the altar as the best imaginable burial location may be seen as a provocative rabbinic means of acknowledging the Temple's past centrality. The image appears to resonate in the following New Testament verse: 'When he opened the fifth seal, I saw under the altar the souls of those who had been slaughtered for the word of God and for the testimony they had given' (Rev 6:9).

10 On burial in the Land, see chapter 6.2.

11 Hyperbolically and perhaps also polemically.

12 See bKet 11a.

husband Elimelech¹³ was emigration the right decision, especially in view of the fact that he was a person in charge of others.¹⁴ Elimelech's and his sons' early deaths are considered evidence for the fact that his choice was morally wrong. He and his sons purportedly left the Land, more specifically Bethlehem (lit. 'house of bread') for Moab because of a famine, and yet they died of famine in Moab, while the rest of Bethlehem's population lived.¹⁵

In the third halakhah in this toseftan passage, the anonymous governing voice utters a midrashic statement that uses scriptural exegesis to exalt life in the Land:

See, it [Scripture] says, *So that I come again to my father's house in peace* (Gen 28:21). For does Scripture not say, *then the Lord will be my God* (Gen 28:21)? And it [Scripture] says, *I am the Lord your God, who brought you forth out of the land of Egypt to give you the land of Canaan, and to be your God* (Lev 25:38). So long as you are in the land of Canaan, I am your God. [If] you are not in the land of Canaan, it is as if I were not God for you. | And so it [Scripture] says, *About forty thousand ready armed for war passed over before the Lord for battle to the plains of Jericho* (Jos 4:13). And would it ever enter your mind that the Israelites would conquer the Land before the Omnipresent? But the meaning is this: So long as they are located upon it, it is as if it were conquered. If they are not located upon it, it is as if it were not conquered. | And so David says, *For they have driven me out this day, that I should have no share in the heritage of the Lord, saying, 'Go, serve other gods'* (1Sam 26:19). Now would it ever enter your mind that David would go and worship idols? But David made the following exegesis: Whoever leaves the Land in a time of peace and goes abroad, it is as if he engaged in idol worship. | And so it [Scripture] says, *I will plant them in this land in faithfulness, with all my heart and all my soul* (Jer 32:41). So long as they are located upon it, it is as if they were planted before me in faithfulness with all my heart and all my soul. If they are not located upon it, it is as if they were not planted before me in faithfulness with all my heart and all my soul. (tAZ 5[4]:5)¹⁶

13 A biblical character mentioned exclusively in the book of Ruth—only six times.

14 In his modern midrashic narrative on the book of Ruth, Ginzberg, *The Legends of the Jews*, 4:30–31, describes Elimelech and his sons as belonging 'to the aristocracy of the land'.

15 I will return to the rabbinic afterlife of Elimelech as the archetypal émigré; see section 4.2.

16 For a parallel to the midrashic units on Lev 25:38 and 1Sam 26:19, see Sifra Be-har parashah 5, pereq 6 and ARN A 26.

This passage concatenates four midrashic units, each of which combines a scriptural quotation and a commentary on the text. The first unit, which links two verses and identifies ‘my father’s house’ (Gen 28:21) with ‘the land of Canaan’ (Lev 25:38), suggests in two parallel conditional clauses that God is unquestionably Israel’s God whenever they are in the Land he gave to them. Elsewhere the relationship between Israel and God is different, as the midrash cautiously suggests by letting God speak these words: It is ‘as if’ God were not Israel’s God. In the next midrashic unit, the anonymous voice of the Tosefta takes over to interpret Jos 4:13, according to which Israel rather than God conquered the Land, to mean that only when they are in the Land is it ‘as if’ the Land had been conquered by them. In the next two midrashic units, the rabbinic voice resorts to interpretations that it attributes to King David and to God. The midrash suggests that in speaking 1Sam 26:19—a verse which suggests a causal relation between losing one’s part of God’s inheritance and worshipping other gods—David equated leaving the Land in times of peace with idolatry. In other words, renouncing the Land is comparable to giving up on its God. In the fourth and final midrashic unit, God interprets Jer 32:41 along similar lines as the first unit: Again, only in the Land can the relationship between Israel and God be characterised as one of plenitude. Elsewhere it is ‘as if’ this were not the case.

Despite the repeated use of ‘as if’, this toseftan halakhah makes clear claims: as long as Israel reside in the Land, God is their God; they may perceive the Land as unproblematically acquired by conquest and remain faithful to their one God. Being in the Land constitutes a substantial part of Israel’s identity, as the midrashic interpretations of these verses suggest. Living anywhere else is in conflict with a Jewish identity. In order to depict the ideological implications of living somewhere other than in the Land, this midrashic halakhah describes such an existence as almost godless, lacking an essential part of the people’s history, and characterised by an unfaithful relationship to God.

In the last halakhah in this toseftan passage, Rabbi Simeon ben Eleazar compares living outside of the Land to idolatry, but he goes a step further and dispenses with the ‘as if’:

Rabbi Simeon ben Eleazar says: Israelites who live abroad are idolaters in innocence: How so? A non-Jew who made a banquet for his son and went and invited all the Jews who live in his town—even though they eat and drink their own [food and wine], and their own waiter stands over them and serves them, they nonetheless serve idolatry, for it is said, [*You shall not make a covenant with the inhabitants of the land, for when they*

prostitute themselves to their gods and sacrifice to their gods,] someone among them will invite you, and you will eat of the sacrifice (Exod 34:15). (tAZ 5[4]:6)

The tanna relates what we may call a hypothetical story of halakhic subject matter.¹⁷ No matter how strictly the Jewish guests observe their dietary laws, Jewish participation in a banquet given by non-Jews, Jewish–non-Jewish commensality is viewed not merely as potential, but as actual idolatry, even if this idolatry is softened by the qualification ‘in innocence’.¹⁸ Living abroad is compared to partaking of a non-Jewish banquet, yet what exactly constitutes ‘abroad’ is left unsaid: Does the Tosefta mean Transjordan and Syria? Or does it refer to enclave regions within the land of Israel—such as the urban centres with mixed populations, including Beth Shean, Beth Guvrin, and Caesarea—as places where Jews are not in the Land? Does this passage convey rabbinic criticism of close interaction between Jews and gentiles in Palestine?

The four halakhot in this toseftan passage constitute the most clearly prescriptive formulation of where Jews are supposed to live that we have preserved in tannaitic literature. In a less apodictic and more narrative style—but more importantly, with rabbis as characters—a two-episode narrative transmitted in the halakhic midrash Sifre Devarim provides further evidence of the emergence of the precept concerning dwelling in the Land, which was associated with tannaitic sages, by the time these texts were redacted. Both stories close with the same statement, which is found in the first halakhah in the toseftan passage:

When you have dispossessed them and live [in their land] (Deut 12:29): It once happened that Rabbi Judah ben Bathyra, Rabbi Mattiah ben Cheresh, Rabbi Chananiah ben Achi, Rabbi Joshua, and Rabbi Jonathan were going abroad. When they reached Platana and remembered the land of Israel, they raised their eyes [heavenward] letting their tears flow, rent their garments, and recited this verse, and when you occupy it and live in it, you must diligently observe all these statutes (Deut 11:31–32). They

17 Whereas the first part of this brief narrative makes use of verbs in the past tense, the second uses only participles which suggest a hypothetical or typifying situation. On the characteristic small form ma’aseh or precedent, see Samely, *Forms*, 99–100.

18 The qualification ‘in innocence’ is only preserved in MS Vienna. We can view this as one of those cases in which the Tosefta adopts readings of baraitot preserved in the Babylonian Talmud; see below.

said: Dwelling in the land of Israel is weighed against all the other commandments of the Torah. | It once happened that Rabbi Eleazar ben Shammu'a and Rabbi Jochanan the Sandal-maker were going to Nisibis to study Torah under Rabbi Judah ben Bathyra. When they got to Sidon, they remembered the land of Israel, raised their eyes [heavenward] letting their tears flow, rent their garments, and recited this verse, *and when you occupy it and live in it, you must diligently observe all these statutes and ordinances* (Deut 11:31–32). They said: Dwelling in the land of Israel is weighed against all the other commandments of the Torah. Thereupon they returned to the land of Israel. (SifDev 80)

Twice in rabbinic times, roughly in the first half of the second century, a group of sages sets out to leave the Land and realises upon reaching the border that their actions amount to transgressing a precept.¹⁹ Reaching the localities of Platana and Sidon, respectively, triggers in them an awareness of their transgression and of their sense of place.²⁰ Even though the moment of *anagnorisis* is narrated using the same wording in both stories, the question of whether the first group leaves the Land or returns is not explicitly answered. Based on other rabbinic literary contexts, we know that while the sages mentioned in this passage are major tannaim who appear to have actually emigrated, they left the Land for different places and at different times over the course of the second

19 The two narrative episodes, which follow the same pattern, appear to refer to places in more or less the same border area, which brings to the rabbis' minds the issue of crossing boundaries. It is probable that with פטלור in MSS Vat. ebr. 32 and Oxford, Bodl. 151, the redactors of SifDev 80 meant פלטנוס, or 'Platana in the territory of Sidon' mentioned by Josephus in *Bellum judaicum* 1.539. See Reeg, *Ortsnamen*, 514, 533–534, for פלטנוס and פלטי. On these towns and Tyre as border areas between Palestine and the East, see Gafni, *Land*, 66n15. M. Satlow, *Creating Judaism: History, Tradition, Practice* (New York: Columbia University Press, 2006), 160–161, translates פלטנוס as 'Puteoli' and describes the location as 'an Italian coastal city'. Accordingly, he reads the story as reference to the rabbis mourning for 'their own present distance from the land'. Fonrobert, 'Concept of Diaspora,' 41, who reads 'Paltom', argues that this is one of the exceptional texts which appear to connect the defeat of the Bar Kokhba revolt with the beginnings of a rabbinic migration to the East. Otherwise, she writes, 'rabbinic sources demonstrate remarkably little interest in explicating that connection in any detail'.

20 Reaching such a liminal point has a different effect on two Roman officials who were sent to study Torah with Rabban Gamaliel, according to yBQ 4:3 (4b). While still in his presence they acknowledge the praiseworthiness of the Torah, though before they reach the Ladder of Tyre they are said to have forgotten the Torah they had previously learned. See Hezser, *Jewish Travel*, 279–280. On borders as a meaningful 'locus of cross-border crossings, relations and interactions', see Arieli and Israel-Vleeschhouwer, 'Borders and Bordering,' 978–980.

century, which makes the narrative in Sifre a didactic fiction—an exemplum that stresses the sages' ideal expression of regret upon leaving the Land.²¹

The reader of this text is led to assume that at least one rabbi from the first group, namely Judah ben Bathyra, emigrated and established for himself a reputation in Nisibis, a city in northern Mesopotamia.²² The fact that this rabbinic teacher is in Nisibis is the reason why the two scholars in the second *ma'aseh* wish to emigrate. Why the scholars in the *first* group emigrate and where they are going is not spelt out in the midrash.²³ In both cases, the narrative couples the transgression not just with a sudden awareness, but with certain, almost ritual actions that may be interpreted as expressions of place attachment. All the emigrating rabbis weep, rend their clothes, look up in the

21 The fact that sages from different times are drawn together in this narrative may be compared to a phenomenon in other literatures. As J. Heinze, *Einführung in die mittelhochdeutsche Dietrichsepiik* (Berlin: De Gruyter, 1999), 4–7, observes, synchronising events and figures from different historical periods is characteristic of the transformation of history into heroic epic. On Judah ben Bathyra as having settled in Nisibis and leading an academy there, but also having an impact on what happens in the Land by means of his teachings, see tKet 51; bYev 108b; bSan 32b; bPes 3b. Rabbi Chananiah emigrated to Babylonia, where he established a circle of rabbinic disciples and was involved in a conflict with the Palestinian centre pertaining to the intercalation of the year outside of the Land. See ySan 1:2 (19a) par. yNed 6:13 (40a); bBer 63a–b. As Gafni, *Land*, 73–74, points out, both Talmudim associate the same Chananiah with the Babylonian Samuel, who taught his disciples at Nehardea. Both sages were active at a time when the Babylonian halakhic authority challenged the Palestinian hegemony as the halakhic centre, and Babylonia emerged as a self-assertive rabbinic centre; see bRH 20b and bHul 95b. The Yerushalmi preserves an account of the punishment for Chananiah's transgression in yKet 2:6 (26c), according to which Samuel's daughters are first kidnapped, then released, but die shortly after Simeon bar Ba, one of Samuel's relatives, agrees to marry them. About Rabbi Mattiah ben Cheresh bYom 53b, 86a reports that he settled in Rome. On the depiction of rabbis travelling in the company of fellow-scholars, see Hezser, *Jewish Travel*, 233–234.

22 On Jewish and non-Jewish travel between Palestine and Mesopotamia in the Roman period, see G. Cohen, 'Travel between Palestine and Mesopotamia during the Hellenistic and Roman Periods: A Preliminary Study,' in *The Archaeology and Material Culture of the Babylonian Talmud*, ed. M.J. Geller (Leiden: Brill, 2015), 186–225. On Nisibis in the context of Jewish scholarly travel, see Hezser, *Jewish Travel*, 334. She points out that this city and other important trade outposts in Mesopotamia, including Edessa, Dura Europos, and Ctesiphon, 'seem to have had sizeable Jewish communities' (324). However, for Palestinian Jews to settle there would have meant not only leaving the Land, but also living in a border zone which Rome and Persia had long disputed. See M. Sommer, *Roms orientalische Grenze: Palmyra–Edessa–Dura Europos–Hatra: Eine Kulturgeschichte von Pompeius bis Diokletian*, Oriens et Occidens: Studien zu antiken Kulturkontakten und ihrem Nachleben 9 (Wiesbaden: Franz Steiner Verlag, 2005).

23 Rather than delving into their different destinies, the midrash focuses on their common transgression.

direction of heaven, and quote a verse from Deuteronomy, which is read as containing the precept that they would transgress upon leaving the Land. Either the collective voice of these emigrating sages or the midrash's governing voice provides an interpretation of the verse quoted in the text, claiming that dwelling in the Land is equivalent to all the other precepts.²⁴

As I have previously pointed out, Gafni sees a radical change taking place in the expressions of attachment to the Land among the generation following the Bar Kokhba revolt—a theme he sees minimally represented in statements attributed to the sages of the earlier, so-called Yavnean period. However, the rabbinic authorities quoted in the Tosefta, whose deeds are narrated in the Sifre Devarim passage, are presumed to have been active in periods other than the post-Bar Kokhba period.²⁵ We may see these texts as evidence of a Palestinian rabbinic pro-land of Israel discourse that may have existed prior to the Bar Kokhba revolt, or as evidence that such a discourse was projected back onto pre-Bar Kokhba times during the period when the Tosefta and the halakhic midrash were redacted, thereby idealising the sages of early tannaitic generations.

The governing voices of the mishnah, the toseftan halakhot, and the narratives in halakhic midrash quoted above, as well as the embodied tannaitic voices of the sages who speak and act in the texts, are primarily concerned with the significance of residing in the Land and with the implications of transgressing the prohibition against leaving the Land. For the sages, the statements in this minimal corpus may have represented both a way of taking a position concerning *faits accomplis* and an attempt to prevent further emigration.²⁶ The particular emigration of the biblical figure Elimelech, with which Rabbi Simeon finds fault in tAZ 5(4):4, would be expanded upon in the amoraim's deliberations. It is to these sources that we now turn.

24 On this hyperbole, see n. 8.

25 Of the nine named authorities in SifDev 80 and tAZ 5(4):3–6, four or five are assumed to have belonged to the second tannaitic generation, three to the third, and one to the fourth, i.e., the post-Bar Kokhba period.

26 As part of the interpretation of Deut 32:43 in Sifre Devarim, without explicitly addressing emigration as a problem, Rabbi Meir links loyalty to the homeland with a loyalty to the Hebrew language and the recitation of the Shema as preconditions for being worthy of the world to come: 'Rabbi Meir used to say: All who dwell in the land of Israel, the land of Israel atones for them, for it is written, *the people who live there will be forgiven their iniquity* (Isa 33:24). ... And so Rabbi Meir used to say: He who lives in the land of Israel, recites the Shema in the morning and in the evening, and speaks in the hole language, see, he is a son of the world to come' (SifDev 333). On this tradition, see N. de Lange, 'The Revival of the Hebrew Language,' *Jewish Studies Quarterly* 3 (1996): 348–349.

4.2 Amoraic and Post-Amoraic Expansions

4.2.1 Scriptural Precedents

In the literature of the amoraic period, the elaboration on the precept concerning dwelling in the Land takes the form of an intertextual dialogue between anonymous and attributed tannaitic statements on the one hand and Palestinian and Babylonian amoraic dicta on the other. To deal with the problem of emigration from the Land, the sages expand on the narrative material provided by scriptural precedents. The emigrant Elimelech had already been identified in tannaitic literature as an archetype of a negative attitude towards the Land.²⁷ According to the first chapter in the book of Ruth, Elimelech left his native Bethlehem during a famine.²⁸ Among the seven proems which form part of the exegetical midrash *Ruth Rabbah*²⁹ and which precede the body of the midrashic commentary on the book of Ruth, the sixth focuses on the character of Elimelech:

[*And the name of the man was Elimelech* (Ruth 1:2):] [In the face of] trouble you abandoned them and went away, *and a certain man of Bethlehem in Judah went* (Ruth 1:1). *Our princes (alufeinu) are well cared for (mesubalim)*. (Ps 144:14). Rabbi Jochanan said: *well cared for*. It is not written here but *Our princes are well cared for*: when the small care [for the great]; *there is no breaching* (Ps 144:14): there is no breaking out of punishment, as you say, *And a plague broke out among them* (Ps 106:29); *no leaving* (Ps 144:14): there is no going forth of punishment, as you say, *and fire went forth from the Lord* (Lev 10:2); *and no cry* (Ps 144:14): there is no cry of the punishment, as you say, *All Israel around them fled at their cry* (Num 16:34). Rabbi Simeon ben Laqish interprets the verse the other way round: *Our princes are well cared for*. Do not read but *Our princes are well cared for*: when the great care for the small; *there is no breaching*: there is no breaking out of exile, as you say, *Through breaches you shall leave* (Amos 4:3); *no leaving* (Ps 144:14): there is no going forth of punishment, as you say, *Dismiss them from my presence and let them go forth* (Jer 15:1); *and no*

27 See above, tAZ 5(4):4.

28 On the Land in the book of Ruth, see A. Ostriker, 'The Book of Ruth and the Love of the Land,' *Biblical Interpretation* 4 (2002): 343–359; T. Sutscover, 'The Themes of Land and Fertility in the Book of Ruth,' *Journal for the Study of the Old Testament* 3 (2010): 283–294.

29 These proems have a parallel in those preceding the body of *Esther Rabbah*. On the rabbinic reception of Ruth, see J. Magonet, 'Rabbinic Readings of Ruth,' *European Judaism: A Journal for the New Europe* 40, no. 2 (2007): 150–157.

wailing (Ps 144:14): there is no wailing of punishment, as you say, *And the outcry of Jerusalem rises* (Jer 14:2). Rabbi Lulianus bar Tavros said [in the name of Rabbi Isaac]: When the great care for the small and the small for the great, *There is no breaching and no leaving, and no cry of distress in our streets* (Ps 144:14). *There is no breaching*: neither of punishment nor of exile; *and no leaving*: neither of punishment nor of exile; [*and no wailing*: neither of punishment nor of exile]. Rabbi Huna in the name of Rabbi Joseph says: When the small care for the great but the great do not bear the burden of the small, of them it [Scripture] says, *The Lord will bring this charge against the elders and officers of His people* (Isa 3:14). And against Elimelech, [for] when trouble came you abandoned them and left[, *and a certain man of Bethlehem in Judah went.*] (RuthR Proem 6)

The first two verses in the book of Ruth thus constitute the proem's lemma or base verse and are first interpreted by an anonymous voice, which speaks Aramaic and addresses Elimelech in the second person, reprimanding him for having fled in the face of trouble and for having abandoned others. The lemma verse is then linked to a verse from the Psalms and interpreted in its light by three Palestinian authorities from the amoraic period.³⁰ In its original context, the expression *alufeinu* in Ps 144:14 is understood to refer to 'our cattle', which 'are well cared for'. In the midrash it is read as referring to men of high standing in their community, 'princes' such as Elimelech.³¹ Rabbi Jochanan interprets the verse to mean that the young should care for the old (or the small tolerate and obey the great), so that they are cared for (or endured, part. *mesubbalim*). Rabbi Simeon ben Laqish reads the verse as conveying an active rather than a passive meaning—the princes are not 'cared for', but rather 'take care of'.³² In the midrash, both the noun and the verb in the verse from the psalm appear to be exploited for their polysemy. While the word in rabbinic Hebrew came to denote 'princes', the original meaning ('cattle') still appears to be at work in the midrash, considering that both interpretations are complementary, and the rabbis expect the small to respect the great and the great to take care of the small. This is evident in Rabbi Huna's summary. Only when both the small and

30 This psalm verse functions as 'petichah' verse. On the literary form of the petichah, see Samely, *Forms*, 74–76, 187–188.

31 This name in Hebrew means 'my god is king'.

32 The two interpretations of Ps 144:14 by Rabbi Jochanan and Resh Laqish are found in yRH 2:8 (58b), though in a different order. Whereas the Yerushalmi concludes with the importance of the small tolerating the great, Ruth Rabbah's proem ends with the importance of the great taking care of the small. Ruth Rabbah's agenda is to stress the problem of the great—such as Elimelech—not acting in keeping with their position in society.

the great behave properly with respect to one another can they avoid exile and its manifestations in the breaching, leaving, and crying to which the verse in the psalm alludes.³³

Elimelech's archetypal emigration is also the focus of attention in the first chapter of the actual commentary in Ruth Rabbah. The first verse in the book of Ruth is expanded upon in the text below, using traditions related to a list of ten famines:

There was a famine in the land (Ruth 1:1). ... Of the famine which came in the days when the judges judged, however, Rabbi Huna said in the name of Rabbi Dosa: Forty-two seah [of grain] would be [the normal produce] and only forty-one were done. But have we [not] learnt: Israel should not leave the Land unless two seah [of grain] cost a shekel? Rabban Simeon ben Gamaliel said: When [is this valid]? When one does not find what to buy, but when one does find what to buy, even one seah for a shekel, Israel should not leave the Land. But [then] we have learnt: In time of pestilence and in time of war, gather your feet, and in time of famine, spread your feet. Why was he [Elimelech] punished? Because he caused the hearts of Israel to fall on themselves. It is like a councillor who resided in a province and the children of the province trusted him that if years of dearth came [he would sustain the province during ten years with food. When a year of dearth did come,] his maidservant went out and came to the market with her basket in her hand. The people of the province would say, This is the one whom we trusted and said that if a year of dearth came, he would be able to sustain us during ten years, and see his maidservant standing

33 While this is never explicit, the midrash contrasts the great man Elimelech with the main male character in the book of Ruth, Boaz, who is also described as a great man of his generation. See RuthR 5:10, 5:15. Unlike Elimelech, Boaz remained in the Land and observed the precept to dwell there, and so he was not punished as those who left were punished. A probable allusion to those who remained in the Land when Elimelech and his family emigrated is found in RuthR 2:19, in a text which interprets Ruth 1:13 ('My lot is far more bitter than yours, for the hand of the Lord has struck out against me'): 'Rabbi Levi said: Wherever the 'hand of the Lord' is mentioned, it refers to the pestilence, and the locus classicus (*binyan av*) is the verse: *then the hand of the Lord will strike your livestock* (Exod 9:3). Bar Qappara said: They asked for the 'hand', and the 'hand' smote them with pestilence. Rabbi Simon said: The pestilence smote those that went out, but not those who remained [at home]. The disciples of Rabbi Nehemiah deduced this fact from the verse: *Whenever they went out, the hand of the Lord was against them to bring misfortune* (Judg 2:15). The pestilence smote those that *went out*, but not those who remained. Rabbi Reuben said: Even their children were anxious for [their death] and said, When will they die, that we may enter the land!'

in the market place with her basket in her hand! Likewise with Elimelech, who was one of the notables in his province and one of the leaders of his generation. When years of famine came, he said, Now all Israel will be at my door, this with his basket and this with his basket. What did he do? He fled from them, for it is written, *And a man [from Bethlehem in Judah] went [to live in the country of Moab]* (Ruth 1:1). (RuthR 1:4)

As in Bereshit Rabbah, which also preserves the tradition of the ten famines,³⁴ in the Ruth Rabbah text quoted above, the third-century Rabbi Huna—who himself emigrated to Babylonia, where he is known to have acted as the Jewish exilarch—says that the situation at the time of the judges did *not* amount to a real famine. The rabbinic emigrant Huna therefore condemns the conduct of the scriptural emigrant Elimelech. This verdict is confirmed by quoting tAZ 5(4):4, in slightly modified wording: Only when one does not find two seah of grain to buy for a shekel is emigration justified.³⁵ However, the midrash goes on to argue that if Scripture mentions a famine, then there must have been a real famine, and under such circumstances—so an anonymous tradition claims—leaving the Land is justified. So the fact that he left because of a famine cannot have been the reason for Elimelech's punishment.³⁶ Here Ruth Rabbah innovates with respect to both tAZ 5(4):4 and the more or less contemporary Bereshit Rabbah, illustrating Elimelech's transgression with a parable emphasising that it was the people rather than the Land which he forsook.

Scholars have argued that the book of Ruth was written in the post-exilic period, and that it is in essence a tale of hope and return conceived to promote the Jewish resettlement of the Land.³⁷ When it comes to the rabbinic

34 Famines are said to have come to the world in the days of Adam, Lamech, Abraham, Isaac, and Jacob, at the time when the judges ruled, and in the days of David, Elijah, and Elisha. Apart from these scriptural contexts, the list of ten famines includes an unspecified 'traveling famine' and a future, eschatological famine. The ten famines passage has three parallels in Bereshit Rabbah; see BerR 25:3; 40:3; 64:2. The different order in the treatment of the famines is determined by the hermeneutic agendas of the rabbinic corpora.

35 This is double the price of what, according to mPeah 7:8, appears to have been the standard price paid for grain, namely four seah per sela.

36 The scriptural text does not state that Elimelech leaves the land to settle abroad, but to reside temporarily (*lagur*) in Moab. See T.C. Eskenazi and T.S. Frymer-Kensky, *Ruth: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia, PA: Jewish Publication Society, 2011), 4.

37 See E. Zenger and C. Frevel, 'Das Buch Rut,' in *Einleitung in das Alte Testament*, 9th edition, ed. E. Zenger (Stuttgart: Kohlhammer, 2016), 283–285; I. Fischer, *Rut*, Herders theologischer Kommentar zum Alten Testament (Freiburg: Herder, 2001), 89–91; Eskenazi and Frymer-Kensky, *Ruth*, xvii–xx.

reception of the book, while the tannaitic sources discussed above refer to the figure of Elimelech to illustrate the ominous consequences of emigration from the Land, the amoraic midrash *Ruth Rabbah* has a broader agenda. It is concerned not only with expanding on this condemnation of Elimelech, but also with praising Naomi's return to her homeland in Bethlehem and the Moabite Ruth's solidarity with her mother-in-law. This solidarity is in part expressed in Ruth's leaving her own homeland to settle in a foreign land. The midrash praises Ruth's archetypal immigration to the land of Israel by linking it and likening it to a conversion to Judaism—for example, in the words of the fourth-century Palestinian Joshua bar Simon:

When Naomi saw that she was determined to go with her (Ruth 1:18). Rabbi Joshua bar Simon said: She could die but was resolute and she ceased to talk to her. Rabbi Abbahu said: Come and see how precious in the eyes of the Holy One, blessed be He, are converts (*gerim*). When she decided to convert [to Judaism], [Scripture] compares her to Naomi, *So the two of them went on [until they came to Bethlehem]* (Ruth 1:19). (RuthR 3:5)³⁸

The statement concerning Elimelech in the Tosefta is also elaborated upon in the Babylonian Talmud, in the context of a sugya concerning how to deal with measures of produce:³⁹

Our Rabbis taught [in a baraita]: It is not permitted to go forth from the Land to a foreign country unless two seah [of grain] are at [the price of]

38 The Vilna edition of *Ruth Rabbah*, which closely follows the Constantinople edition, transmits a briefer version of this tradition in the name of Rabbi Judah ben Rabbi Simon. Ruth's immigration is also exalted in the following atomising exegesis of Ruth 2:11: 'But Boaz answered her, *It has been fully told me (huged hugad li)* (Ruth 2:11): [The verb appears] twice. It has been told me (*hugad li*) in the house and it has been told me (*hugad li*) in the field; *all that you have done for your mother-in-law since the death of your husband* (ibid.): it is not necessary [for Scripture] to say "during his lifetime"; *and how you left your father and mother* (ibid.)—*your father*: your real father; *and your mother*: your real mother; *and your native land* (ibid.): [this is your country. Another interpretation: *and how you left your father and mother*: your idolatry ... *and your mother (imekha)*: that is your people (*umatekha*); *and your native land*:] this is your neighbourhood; *and came to [a people] that you did not know before* (ibid.): If you had come before, we would not have been accepted, for the halakhah was not yet accepted: *Ammonite* (Deut 23:4), but not Ammonitess, *Moabite* (ibid.), but not Moabitess' (RuthR 5:3). This exegesis is similar to that with which Gen 12:1 is explained in BerR 39:9, in a midrash about all that Abraham leaves behind when he follows God's call.

39 The sugya, bBB 88b–91b, also makes use of other halakhot from the same toseftan context.

one sela. Rabbi Simeon said: When [is it permitted to leave the country]? When one cannot find [anything] to buy, but when one can [find something to] buy, even if a seah is at a sela one must not leave. And so said Rabbi Simeon ben Yochai: Elimelech, Mahlon, and Chilion were among the great men of their generation, and they were leaders of their generation. Why were they punished? Because they left the land of Israel for a foreign country, for it is said, [*And when they came to Bethlehem,*] *the whole town was stirred because of them and they said, Is this Naomi?* (Ruth 1:19). What [is the meaning of,] *Is this Naomi??* Rabbi Isaac said: They said, Have you seen what happened to Naomi who left the Land for a foreign country? And Rabbi Isaac said: On the day when Ruth the Moabitess came to the land of Israel the wife of Boaz died. This is why people say: Only when he who is dying has died, is the one in charge of his house appointed. (bBB 91a)

This passage gives us an alternative version of the traditions found in tAZ 5(4):4 and RuthR 1:4, on the conditions of scarcity which justify emigration and on Elimelech as a scriptural precedent. Unlike the tannaitic text, we note that the Talmud focuses not only on the figure of Elimelech, mentioning him by name, but also on his sons. All of these men bore the same responsibility for those who depended on them. In this context, the first of Rabbi Isaac's statements, which explains the question in Ruth 1:19 as meaning that Naomi is not recognised in her former homeland, highlights the fact that men's transgressions have implications for the lives of their female relatives. Ruth's immigration is worthy of comment in the second of Rabbi Isaac's statements because of its timeliness: She came to the Land just in time for Boaz to be able to marry her, given that he had become a widower.

So far the Talmud has allowed 'exclusively' Palestinian voices to speak and to confirm the tannaitic verdict on Elimelech's deeds as deserving punishment. From here on, Babylonian authorities are also quoted:

Rav Chanan bar Rava said in the name of Rav: *Elimelech and Salmon and such a one* (Ruth 4:1), and the father of Naomi—all of these are the sons of Nahshon, the son of Amminadab. What does he tell us? That even one who counts with the merit of their ancestors, it is of no avail for them when they leave the Land for a foreign country. | ... Rav Chiyya bar Abin said in the name of Rabbi Joshua ben Qorchah: God forbid [that Elimelech and his family should be condemned for leaving the Land]; had they found bran, they would not have left. And why were they punished? Because they should have asked for mercy for their generation and

they did not do so, for it is said, *When you cry out, let your collection of idols deliver you! [The wind will carry them off, a breath will take them away. But whoever takes refuge in me shall possess the land and inherit my holy mountain]* (Isa 57:13). Rabbah bar bar Chana said in the name of Rabbi Jochanan: This was taught only with respect to times when money is cheap and fruit expensive, but when money is expensive, even if four seah [of grain] are at [the price of] a sela, they may leave. (BBB 91a–b)

After quoting the fourth-century Rav Chanan, whose position is once again in accordance with the Palestinian disapproval of Elimelech's conduct, the Talmud returns to the prohibition against leaving the Land and lets the younger Babylonian Rav Chiyya bar Avin revise the interpretation of Elimelech's emigration with the help of a tannaitic authority, Rabbi Joshua ben Qorchah. The two voices together explain that the archetypal emigration on account of a famine was not the reason for the punishment inflicted on Elimelech and his family; rather, it was the fact that they failed to seek God's help—after all, Scripture does not depict them in prayer before deciding to leave for Moab—not only for themselves, but more importantly for the rest of their community. The second statement, uttered by the Palestinians Rabbah bar bar Chana and Rabbi Jochanan, is more explicit in its justification of emigration: Whenever there is produce but no money to buy it, Jews may leave the land of Israel.

A different exegetical use of the scriptural narrative in the book of Ruth, along with a reorientation of the rabbinic theme of Elimelech's punishment, is found in a treatment of the latter's emigration transmitted in both major Tanchuma recensions.⁴⁰ In the passage from this post-amoraic exegetical narrative quoted below, the anonymous midrashic voice focuses on Elimelech's transgression and punishment:

Another interpretation: *Many times he delivered them* (Ps 106:43). [These words] speak about the children of Adam. When trouble comes to one [of them] and he immediately repents, the Holy One, blessed be He, saves him. So it is the first time and the second. [If] he repents, it is good; but if not, [He] brings trouble upon him. Why? Because it is difficult for the Holy One, blessed be He, to raise His hand against this human being. So what does He do to him? When he sins, He begins by raising His hand

⁴⁰ On Tanchuma literature, see the introduction to R. Nikolsky and A. Atzmon, eds., *Studies in the Tanchuma-Yelammedenu Literature*, The Brill Reference Library of Judaism 70 (Leiden: Brill, 2021).

against his assets. From whom have you learned it? From Naomi, her sons, and Elimelech, who was the head of [his] generation. When famine came, what did he do? He left the land of Israel and went to the land of Moab. Now the Holy One, blessed be He, was angry with him because he was prince (*nasi*) of [his] generation. The Holy One, blessed be He, said to him, If my children had acted like this, they would have left the land of Israel a wilderness.⁴¹ What is written there? *Elimelech, Naomi's husband, died* (Ruth 1:3), but his sons were unable to learn from their father to return to the land of Israel. And what else did they do? *They married Moabite women* (Ruth 1:4), whom they neither baptised nor proselytised; *one named Orpah and the other Ruth* (Ruth 1:4). *Orpah*: because she turned her back (*oref*) on her mother-in-law; *Ruth*, because she regarded (*ra'atah*) the words of her mother-in-law. *And they lived there about ten years* (Ruth 1:4): all those ten years the Holy One, blessed be He, would warn them. When He saw that they would not repent, He began to raise His hand against their camels and their cattle; and yet they did not repent. Because He saw that they did not return in repentance, immediately, those two, *Mahlon and Chilion, also died* (Ruth 1:5). This proves that it is difficult for the Holy One, blessed be He, to raise His hand against a (lit. 'this') human being. So what does He do to them? He diminishes them in their assets, so that they sell them. (TanB Be-har 8)

This passage, part of a homily on the lectionary portion Be-har in Tanchuma Buber, links a verse from the Psalms, a petichah verse, to a lemma verse from the book of Leviticus (25:25). To provide a homiletical transition between these two poles, Tanchuma weaves previously discussed amoraic traditions with post-amoraic narrative bits to create a new exegetical narrative.⁴²

41 Here Tan Be-har 3 reads, more explicitly: 'Had my children left, they would have let the land of Israel become a wilderness.'

42 Anonymising the tradents, Tanchuma resorts to the following tradition in Ruth Rabbah: '*Then those two, Mahlon and Chilion, also died* (Ruth 1:5). Rabbi Chunia and Rabbi Joshua in the name of Rabbi Avin and Rabbi Zabda, the son-in-law of Rabbi Levi [said]: The Merciful never punishes the lives of men in the first place. ... And also in the case of Mahlon and Chilion it was thus. First their horses and their asses and their camels died, after this Elimelech died and *Then those two, Mahlon and Chilion, also died; so the woman was left* (Ruth 1:5). Rabbi Chanina [said]: She was made into the remnants of the remnants' (RuthR 2:10). The question posed by the people of Bethlehem in Ruth 1:19 is interpreted in RuthR 3:6–7, where the midrash contrasts the wealth Naomi once had to her apparent poverty on returning to Bethlehem.

[Concerning] the man who sins, what does the Holy One, blessed be He, do to him first? He brings poverty upon him so that he sells his field, for it is said, *If your kinsman falls into difficulty and sells a piece of property* (Lev 25:25). If he repents, it is fine; but if not, he sells his house, for it is said, *If anyone sells a dwelling-house* (Lev 25:29). If he repents, then fine; but if not, he sells his daughter, for it is said, *When a man sells his daughter as a slave* (Exod 21:7). If he repents, it is fine; but if not, he sells himself, for it is said, *If a fellow Hebrew sells himself to you* (Deut 15:12). Why all this? Because they became poor through transgressions. *If your kinsman is in straits [and has to sell part of his holding,] his nearest redeemer shall come [and redeem what his kinsman has sold]* (Lev 25:25). Who was this? Boaz. When? When Naomi sold the field, for it is said, *Naomi must sell the piece of land which belonged to our kinsman Elimelech* (Ruth 4:3). This is meant by [the verse] *has to sell part of his holding* (Lev 25:25). Rabbi Simeon ben Yochai said: *Elimelech, Salmon, So-and-So* (Ruth 4:1), and Naomi's father were all descendants of Nahshon ben Amminadab. [In view of the fact that] Elimelech, Mahlon, and Chilion were leaders of the generation, for what reason were they punished? Because they left (lit. 'went out of') the land of Israel, for it is said, *[And when they came to Bethlehem,] the whole town was stirred because of them and they said, Is this Naomi?* (Ruth 1:19). What [is the meaning of] *Is this Naomi?* You saw Naomi who she went abroad from the land of Israel and what has happened to her? (TanB Be-
har 8)

While the first part of the text quoted above may give the impression of focusing on the interpretation of Ps 106:43, the second is more explicitly concerned with showing how the events narrated in the book of Ruth are a case in point of what Lev 25:25 prescribes.⁴³ The second part preserves in reverse order the two exegeses of Ruth 1:19 and Ruth 4:1 transmitted in BBB 91a–b.

43 The quoted text is only the first part of the exegesis of the verse in this chapter of Tan-chuma Buber. The rest of the chapter is concerned with explaining how Boaz's actions put into practice the halakhah of Lev 25, taking on the role of the redeemer, i.e., the closest relative able to redeem the land referred to in verse 25, showing solidarity with Naomi and Ruth. The book of Ruth, as Y. Zakovitch, *Das Buch Rut: Ein jüdischer Kommentar*, Stuttgarter Bibelstudien 177 (Stuttgart: Katholisches Bibelwerk, 1999), 47 and Fischer, *Rut*, 81–85, have pointed out, may indeed be seen as pre-rabbinic halakhic midrash in that it deals with controversial issues from a post-exilic time (obligations towards the poor, inter-marriage, levirate marriage) not only on the basis of Lev 25:25, but also Deut 23:4–7; 25. See B.M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008), 33–45; Zenger and Frevel, 'Das Buch Rut,' 281–282.

The entire passage seems to focus on Naomi, a biblical sister of Job:⁴⁴ It is concerned with how *her* assets and status are diminished, how God finds it difficult to raise his hand against *her*, and how he ultimately delivers her and her daughter-in-law when Boaz redeems the land for them. Thus, while God is depicted as slow to anger with respect to Naomi, he appears to respond promptly to the transgressions of the men in her family—this, after all, is what the scriptural narrative requires. The man Elimelech has to die, the midrash argues, because unlike his ancestors (Abraham and the Israelites who conquered and settled the Land), he risked letting the Land turn into a wilderness and emigrated. Mahlon and Chilion, his sons, have to die not only because they married Moabite women but because, over the course of ten years, they would not return to the land of Israel. Naomi, on the other hand, has seen her family and property diminished, has been forced to sell, but has not been punished with premature death because she returns to the Land in a timely manner, and also because a kinsman who has remained in the Land is willing to help her.

Arguably Naomi is punished with poverty, which in turn is a consequence of her husband's and sons' improper conduct. The last part of the text quoted here insists on the notion that the punishment meted out to Elimelech and his sons is commensurate with their high social standing. Leaders must not be permitted to emigrate. The narrative understands Elimelech's and his sons' behaviour as the cause of the women's poverty. Due to their own proper conduct in leaving Moab for Bethlehem, as well as the proper conduct of their kinsman Boaz, the women are reinstated.⁴⁵

The texts we have discussed so far focus on the emigration of individual scriptural characters. This gives the sages occasion to express a general condemnation of emigration from the Land. Yet the sages also problematise the choice to live abroad in relation to collective characters, e.g., those in the conquest narrative. Thus, as part of a homily on Num 32:1, a verse that describes the tribes of Reuben and Gad as particularly wealthy, the sages criticise these tribes for prioritising wealth abroad over a Torah-oriented life in the Land:

Let our master instruct us: How many good gifts were created in the world? [Thus have our masters taught: The Holy One, blessed be He, created three gifts in the world:] wisdom, strength, and wealth. A person meriting one of them receives what is most desirable in the whole world.

44 Zenger and Frevel, 279.

45 On poverty as a central theme in the book of Ruth, see A. Siquans, 'Foreignness and Poverty in the Book of Ruth: A Legal Way for a Poor Foreign Woman to be Integrated into Israel,' *Journal of Biblical Literature* 128 (2009): 443–452.

When? When these [gifts] come from the Holy One, blessed be He, and come through the power of the Torah. But human strength and wealth are nothing, for so has Solomon said: *Again I saw that under the sun the race is not to the swift, nor the battle to the strong, nor bread to the wise, nor riches to the intelligent, [nor favour to the skilful;] but time and chance happen to them all* (Eccl 9:11). ... | The sages taught: ... Two wealthy men arose in the world, Korah from Israel and Haman from the nations of the world; but both of them perished in the world. Why? Because their gift was not from Heaven. So also you find among the children of Gad and the children of Reuben that they were very wealthy and had a lot of livestock, but they loved the livestock and resided outside of the land of Israel. For that reason they were the first of the tribes to go into exile, as stated, *and he carried them away, namely, the Reubenites, the Gadites* (1 Chr 5:26). [Who caused this [to happen] them? [They brought it upon themselves] because they had separated themselves from their siblings for the sake of their livestock. And whence [do we derive this]? From what they read on the subject: *Now the Reubenites and the Gadites owned a very great number of cattle* (Num 32:1)]. (TanB Matot 7–8)

The region Scripture refers to as the land of Gilead is addressed in the context of rabbinic elaboration on the status of Transjordan as either part of the Land or an adjacent region.⁴⁶ For this Tanchuma homily, the region is unequivocally outside of the Land—it is not part of the land Joshua conquered and divided among the nine and a half tribes. Unlike the sources discussed in chapter 3, this midrash explicitly finds fault with the choice the two and a half tribes made to settle there. It rewrites the decision made by Moses and the tribes of Reuben and Gad (as well as the half-tribe of Manasseh) to renounce the Land and settle in Transjordan, as this is narrated in Num 32, and depicts their move as guided exclusively by cupidity. Thus, the midrash claims that they were eventually punished accordingly—with exile.⁴⁷

4.2.2 *Rabbinic Migrations and the Will of the Sages*

The amoraic and post-amoraic elaboration on what we have been referring to as the precept concerning dwelling in the Land resorts not only to powerful scriptural precedents such as those of Elimelech, Ruth, and Boaz, who feature in exegetical narratives, but also—as in the case of the emigrating tannaim in

⁴⁶ See chapter 3, n. 81.

⁴⁷ This motif is used in bAr 32b to argue that this was the beginning of the end of holy time (the counting of Jubilees) in the Land.

SifDev 80 discussed previously—to rabbinic dramatis personae who may turn out to be either positive or negative examples. With such rabbinic narratives the amoraic and post-amoraic voices transmit their views on how they think the rabbis and Jews in general relate (or should relate) to places. It comes as no surprise that in several instances, Palestinians and Babylonians disagree.

As Catherine Hezser demonstrated with her study of Jewish travel in antiquity, not only do we have ample material evidence that Jews were mobile, but they are also depicted in literary documents from the Second Temple and rabbinic periods travelling within the confines of Palestine and also to destinations abroad. The Yerushalmi and the amoraic midrashim tell a considerable number of stories about rabbis ‘travelling outside of the familiar circles of their hometowns’⁴⁸ and thereby having discussions with colleagues or road-side encounters with heretics and non-Jews.⁴⁹ The tannaitic texts on the precept concerning dwelling in the Land (discussed above) are concerned with a particular type of travel as problematic—namely emigration from the land of Israel. However, side by side with traditions related to emigration, certain strong opinions also characterise travel abroad as undesirable. Common to a number of texts, and in contrast to SifDev 80, is the expectation that rabbis should consult with their masters about whether their leaving the Land is permissible.

We find one such example in the Yerushalmi as part of its commentary on mShevi 6:1, which is concerned with explaining which border areas or cities were part of the land of Israel and therefore obligated to observe the land-commandments.⁵⁰ The text tells the following story about Rabbi Issa:

48 Hezser, *Jewish Travel*, 225.

49 Hezser, 226, observes: ‘The stories about rabbis’ road-side encounters with various types of people may be formalized stylistically and feature stereotypical characters: the anonymous “old man”, the Samaritan, heretic, and gentile—but they probably also represent settings and situations which ancient travellers were familiar with and which they imagined could have happened. Scholars of Roman and early Christian history have already pointed out that in late antiquity a much larger section of the population would have undertaken journeys than in previous periods. ... The public space of the roads and highways would have been the quintessential meeting ground for people from a variety of ethnic, economic, and social backgrounds who shared their mobility, that is, the practice of travel itself, but probably little else.’ See also G. Cohen, ‘Travel between Palestine and Mesopotamia’.

50 Of special interest for the Yerushalmi are Akko (which has traits of the land of Israel and traits of land outside of the land of Israel); Ashkelon (its gardens, the city itself, and its airspace); Gaza; other localities or regions such as Hammat Pella, Naveh, Bosrah, Ammon and Moab; as well as unnamed ‘Samaritan cities’ not located in border areas.

Rabbi Issa heard that his mother had come to Bosrah. He asked Rabbi Jochanan, What [is the law] as to my leaving (lit. 'going out of') [the land of Israel to meet my mother]? He said to him, If it is on account of the danger of the roads [i.e., you wish to protect your mother], go. If it is on account of the honour owing to your mother, I do not know. Said Rabbi Samuel bar Rabbi Isaac, It is still necessary for Rabbi Jochanan [to give an answer]. He insisted so he [Jochanan] said to him [Issa], You obviously have determined to go. May you come [back] in peace. Rabbi Eleazar heard and said, There is no grant of permission greater than this one. (yShevi 6:1 [36b] par. yBer 3:1 [6a])

The amora Issa⁵¹ asks Rabbi Jochanan for permission to meet his mother in Bosrah, a city located in Transjordan, on the King's Highway.⁵² Even though the text is not explicit as to where she had been living or why she does not travel all the way to the Land on her own, the use of deictic wording—the mother is said to have 'come' to this city—suggests not only that the mother is nearer to the Land than she was before, but also that Bosrah is somehow close to the territory that the authors of the Yerushalmi (or Rabbi Issa, at least) perceived as their homeland. According to the baraita on the borders transmitted in the same talmudic context, Bosrah is just beyond the borders of the Land,⁵³ and Rabbi Issa wants to know whether he may 'leave'. The wider context suggests that the question at stake is whether priests are permitted to leave the country, given that the lands of the gentiles are impure. Unlike the parallel in Yerushalmi Berakhot,⁵⁴ the text quoted above does not specify that Issa is a priest,⁵⁵ which is why this text may be read as expressing the rabbis' concern not just

51 The name is a form of 'Jose'; the sage's name is transliterated in various forms: Assi, Assa, Issi, and Yassa.

52 See Hezser, *Jewish Travel*, 247–248, on the location of Bosrah in the Roman road system. See also Rosenfeld, *Torah Centers*, 241.

53 According to the baraita on the borders, either Trachona (Yerushalmi version), or Zimra (Rechov inscription), or Trachonitis of Zimra (SifDev 51) borders on Bosrah.

54 In the parallel version transmitted in yBer 3:1 (6a–b), the question 'May a priest defile himself to honour father and mother?' precedes the narrative, which provides an answer. In yShevi 6:1, the two traditions immediately preceding the narrative of Rabbi Issa are concerned with priests. Furthermore, the baraita on the borders follows a tradition which addresses the problem of priests not being permitted to leave the Land, not even to go to Akko.

55 According to the parallel in the Bavli, Issa is a Babylonian who at some point immigrated to the Land. See W. Bacher, *Die Agada der palästinensischen Amoräer*, 3 vols. (Strassburg: Karl Trübner, 1892–1899), 2:143–173.

over the problem of priests leaving the Land temporarily, but also over rabbis in general doing so. Rabbi Jochanan reluctantly allows Rabbi Issa to travel to Bosrah, probably assuming that the sage is worried about his mother's safety.⁵⁶ Rabbi Eleazar's comment confirms the exceptional character of the permission granted to Rabbi Issa with a hyperbole that reminds the reader of the idea that dwelling in the Land outweighs the rest of the commandments (tAZ 5[4]:3).⁵⁷

Further down in the commentary, the Yerushalmi transmits an account of how Resh Laqish himself went to Bosrah, where he appointed a Babylonian as rabbi.⁵⁸ Upon his return home, Rabbi Jochanan rebukes him for having failed to choose a good place for his fellow rabbi, having merely moved him from place to place within Babylonia: 'from Babylonia to Babylonia'.⁵⁹

Different passages in yShevi 6:1, including the narratives about Rabbi Issa and Resh Laqish, illustrate that knowing the shape of the Land in the sense of knowing its borders was an ongoing process at the time the Yerushalmi was redacted—the baraita on the borders was part of this process. Even Rabbi Jochanan, who is depicted as the ideal connoisseur of this negotiable map, appears to be in doubt at times—for example, after scolding Resh Laqish for appointing a Babylonian in Bosrah (and maybe for having gone to Bosrah himself), he asks whether Bosrah is not after all the biblical Betser of Deut 4:43—or rather, whether Resh Laqish was of this opinion when he appointed the Babylonian rabbi. If Bosrah is another name for the city of refuge in the territory of Ruben known as Betser, then it is located within the limits of the land resettled by those who returned from Babylonia, and is therefore a place where one is obligated to observe the land-commandments and a place to which a priest is

56 According to Hezser, *Jewish Travel*, 248, Rabbi Jochanan agrees to let Rabbi Issa travel because of the great dangers to which a woman travelling from Bosrah to the land of Israel may have been exposed.

57 For a psychoanalytical reading of this text, see A. Kosman, "Internal Homeland" and "External Homeland": A Literary and Psychoanalytical Study of the Narrative of R. Assi and his Aged Mother, *Hebrew Studies* 46 (2005): 259–277.

58 In a similar narrative, the people of Simonias in Galilee petition Rabbi Judah the Prince to appoint a person to preach, judge, and teach Scripture and Mishna. This Yerushalmi narrative (yYev 12:7[13a]) has been interpreted as evidence for the patriarchal control of religious life in rural Palestine. The narrative about Resh Laqish shows that the rabbis imagined that not only a patriarchal, but also a rabbinic privilege to appoint fellow rabbis was also valid abroad. On the question of what we can infer about the historical authority of patriarchs and rabbis on the basis of such narratives, see S. Schwartz, *Imperialism*, 121–123.

59 Elsewhere, in yShevi 8:11 (38a), Resh Laqish is said to have been in Bosrah and gone to the bathhouse there. When he discusses an occurrence at the bathhouse with Rabbi Jochanan, Bosrah's location outside of the Land is no longer relevant.

permitted to go. While this remains a rhetorical question, a parallel in the Babylonian Talmud depicts the same Rabbi Jochanan rejecting this identification.⁶⁰

The Babylonian Talmud transmits a version of the story of Rabbi Issa which complements that preserved in the Yerushalmi:

Rav Assi had an aged mother. She said to him, I want ornaments. So he made them for her. [She said to him,] I want a husband. [He answered,] I will look out for you. [She said to him,] I want a husband as handsome as you. Thereupon he left her and went to the land of Israel. On hearing that she was following him he went to Rabbi Jochanan and asked him, May I leave (lit. 'go out of') the Land [to go] abroad? [He replied,] It is forbidden. [He asked,] [But what if it is] to meet my mother? [He said,] I do not know. He waited a short time and went before him again. [He said,] Assi, you have determined to go. May the Omnipresent bring you back in peace. Then he went before Rabbi Eleazar and said to him, Perhaps, God forbid, he was angry? [He asked,] What did he say to you? [He answered,] May the Omnipresent bring you back in peace. [He said,] Had he been angry, he would not have blessed you. In the meanwhile he learnt that her coffin was coming. [He said,] Had I known, I would not have left. (bQid 31b)

The characters are the same as in the Palestinian version: They are all second- and third-generation Palestinian amoraim, and Rabbi Assi is a Palestinian by choice, having immigrated—as the Bavli relates—at some point when he was no longer willing to honour his mother and her whims. As was the case in the Yerushalmi version, the Bavli does not specify that Assi is a priest who, for reasons of levitical purity, may be rendered unclean by leaving the Land. Unlike the wider context in the Yerushalmi, which is concerned with discussing the unknown or debatable status of certain regions with respect to agricultural laws and their purity or lack thereof, the thematic context in which this narrative is found in the Babylonian Talmud is the discussion of the fifth commandment: to honour one's mother and father. Rabbi Assi asks for permission to meet his mother somewhere outside of the Land. Where exactly is of no interest to the redactors of the Talmud.

As for Rabbi Jochanan, the leading voice in the Yerushalmi version, while he also opposes his disciples leaving the Land in this passage, he is nevertheless depicted in a milder light, allowing Assi to leave for an unspecified destination—they are not discussing a trip to a border region, or any named

⁶⁰ See bAZ 58b.

region in particular—and simply saying that he hopes his disciple returns in good shape. Instead of mentioning danger as a possible reason for asking permission to leave the Land, Rabbi Jochanan's first answer is more direct: Leaving the Land is forbidden. The disciple then asks whether the need or wish to meet one's mother justifies leaving the Land, and the answer the master gives him is once again that he does not know. Without anyone else's intervention, when approached by Rav Assi a second time, Rabbi Jochanan gives in.

As in the Yerushalmi's version, the text in the Bavli highlights the importance of consulting with one's master when the need to leave the Land presents itself. The commentary on Rabbi Eleazar's permission takes the form of a dialogue between this sage and Rav Assi, but the text does not stress the extraordinary nature of the permission. Finally, the text does not reveal—nor does it seem to matter—where specifically Rav Assi plans to travel. When he realises that his mother is travelling towards the Land in a coffin, his final words appear to amount to a complaint over all the efforts incurred. Even if this commentary suggests that the whole hassle has been in vain, the teaching remains.

This narrative is not so much about the importance of immigrating to the Land—Rav Assi is not depicted as having gone up to the Land to learn Torah, but rather to get away from his mother—or of dwelling there, even though it conveys the message that the rabbinic precept concerning dwelling in the Land may outweigh the scriptural commandment to honour one's mother. The narrative is about a disciple who behaves properly by consulting his master about whether his own travel abroad is permissible.

Another story about a priest who sought permission to leave the Land is transmitted in the Yerushalmi, in the text quoted below:

It was stated in the name of Rabbi Judah: Shaving is forbidden to someone who comes from overseas. Rabbi Judah follows his own opinion since Rabbi Judah said: It is forbidden to sail on the ocean. Therefore, a priest who left for outside of the Land, because he left against the will of the sages should be forbidden to shave. A priest came to Rabbi Chanina. He said to him, May one leave for Tyre for a religious obligation, to perform the *chalitsah* or the levirate marriage? He said to him, This man's brother left. Blessed be the Omnipresent who smote him. And you want to do what he did? Some say he spoke to him thus: This man's brother left his mother's bosom and embraced another's bosom. Blessed the One who smote him. Do you want to do as he did? Simeon bar Ba came to Rabbi Chanina and said to him, Write me a letter of recommendation so I can leave for my sustenance and go to a foreign land. He answered, Tomorrow

I shall go to your forefathers. They will tell me, A beautiful plant we had in the land of Israel and you let it go abroad. (yMQ 3:1 [81c])⁶¹

Here the Yerushalmi comments on a mishnah ruling that men returning from a trip abroad,⁶² from captivity or prison, are allowed to shave during the half-holiday, adducing a tradition according to which Rabbi Judah prohibits shaving to those returning from a trip abroad. The sages' and Rabbi Judah's different opinions on the subject are addressed in a passage in the Tosefta, in which Rabbi Judah the Prince solves the contradiction with the aid of the concept of the sages' permission or approval:

And so Rabbi Judah used to say: Those who come [home] from the seashore or from overseas are prohibited to get a haircut and to wash [their clothes]. The sages permit [their doing so]. Rabbi said: The words of Rabbi Judah appear to make sense in the case when he did not get the approval and the words of the sages [make sense] in the case when he got the approval (*reshut*). (tMQ 2:2)

While both the Mishnah and the Tosefta rule for all of Israel, the Yerushalmi first narrows the commentary's focus on the prohibition against shaving for the first group as pertaining particularly to priests. With his statement at the opening of the passage quoted above, the tanna Rabbi Judah disagrees with the Mishnah, arguing that one returning from abroad is forbidden to shave because leaving the Land during the festival is forbidden in the first place. Given that he who comes from abroad is presumed to have disregarded the prohibition against sailing on the ocean, and thereby also the will of the sages, he is forbidden to get his hair cut. Unlike the previous narratives, the one who asks for permission here is a priest—who is referred to as such and remains nameless. The Palestinian rabbis' position is represented as especially strict, as becomes apparent in the precedent narrative (*ma'aseh*) of a priest who wishes to leave

61 On the prohibition against priests leaving the Land, see M. Avi-Yonah, *Geschichte der Juden im Zeitalter des Talmud* (Berlin: De Gruyter, 1962), 106; D. Sperber, *Roman Palestine 200–400, The Land: Crisis and Change in Agrarian Society as Reflected in Rabbinic Sources* (Ramat-Gan: Bar Ilan University Press, 1978), 109n27; J. Schwartz, 'Babylonian Commoners in Amoraic Palestine,' *Journal of the American Oriental Society* 101 (1981): 89. Other passages acknowledge the few reasons for which this type of travel is conceivable; see tMQ 1:12; yNaz 7:1 (56a); yBer 3:1 (6a).

62 Hezser, *Jewish Travel*, 286, explains that 'the expression was probably ... applied to any travel to a region that lay outside of one's social and cultural network and perception of "home" territory'.

for Tyre to fulfil a commandment. The observance of this commandment will determine a widow's chances of living according to the halakhah, and yet Rabbi Chanina does not allow him to go. The rabbi seeks to discourage the priest using powerful imagery, going so far as to give thanks for the death of the priest's brother, since this was the just reward for one who has committed treason, one who preferred his attachment to a foreign place over his motherland.⁶³

The second narrative told as a cautionary tale involves a different member of the rabbinic class. Like Issa/Assi,⁶⁴ the third-century Palestinian amora Simeon bar Ba, a native of Babylonia, wishes to leave the Land in order to earn a living abroad. He does not openly state where he plans to go.⁶⁵ Rabbi Chanina's reaction is again condemnatory, though less harsh than the words addressed to the priest. Judging from his reply, we may assume that even if he did not give Simeon bar Ba permission to emigrate, he thought it very likely that the other would do so anyway. In a hypothetical dialogue with their ancestors after his own death, he imagines them reprimanding him, Rabbi Chanina, himself also a native of Babylonia,⁶⁶ for not preventing one who had once chosen to settle in the Land from leaving it; thus he compares Simeon bar Ba with a beautiful, imported plant. With this hypothetical questioning of Rabbi Chanina's behaviour thus depicted, the text suggests that he did allow Simeon bar Ba to leave the Land, albeit reluctantly. The Yerushalmi does not tell us the outcome of these two stories, but it is evident that the redactors provide space for voices that find fault with sages leaving the Land—a brain drain that does not align with the sages' will.⁶⁷

The commentary on mMQ 3:1 in the Babylonian Talmud also addresses the divergent opinions of the sages and of Rabbi Judah in the Mishnah and the Tosefta. Without resorting to concrete cases (such as that of the priest who wished to fulfil a commandment in Tyre, or the rabbi who sought permission to leave the Land to earn his living abroad), the Gemara elaborates on this dif-

63 Gafni, *Land*, 66n15, points out the fact that for the sages, Tyre is 'just over the border from Eretz Israel,' which 'renders the message ... even more pointed.'

64 He is identified as Babylonian in yShab 6:2 (8a–b).

65 This is also the case in the parallel in yHag 1:8 (76d), where it is Rabbi Chiyya bar Ba who plans to emigrate, requests a letter of recommendation from the patriarch Rabbi Yudan, and asks the Babylonian Rabbi Eleazar to intercede for him. On the patriarch depicted as communicating with the diaspora by sending letters, see Hezser, *Jewish Travel*, 258.

66 See Bacher, *Die Agada der palästinensischen Amoräer*, 1:1.

67 A late midrash depicts the patriotic Rabbi Simeon ben Yochai resorting to prayer in reaction to the emigration of his own disciples, who followed the (negative) example of another of his disciples. The latter had become rich abroad. In response to his prayer, God fills the valley of Meron with gold dinars for the disciples. See in TanB Pequde 7.

ference of opinion, arguing that it is based on the different reasons a man may have for leaving the Land.⁶⁸ Only in certain cases are they forbidden to shave in the intermediate days of the festival as a consequence of leaving the Land. The fourth-generation Babylonian amora Rava argues that the disagreement between the collective voice of the tannaim and the individual voice of Rabbi Judah, as represented in the Tosefta, pertains to the case of a man who leaves to do business abroad: Those who, like Rabbi Judah, understand business trips as leisure travel will clearly prohibit the man from shaving, but those who, like the sages of the Mishnah, see business trips as motivated by the need to earn a living, will permit the man to shave. The Gemara goes on to object to this explanation for the difference of opinion between Rabbi Judah and the sages, commenting on Rabbi's interpretation in the same toseftan halakhah: It is not only the purpose of the trip that determines whether a man may shave upon his return, but also, and more importantly, whether or not he sought the sages' approval before he undertook the trip:

This is what he [Rabbi] meant to say: Rabbi Judah's words appear reasonable to the rabbis in the case of one who went out without approval, and what does this mean? [For the purpose of] going on a tour; because, even the rabbis disagree with him only on [the question of a voyage] for gaining profit, whereas in regard to going on a tour they agree with him. And the rabbis' words appear reasonable to Rabbi Judah in the case of one who went out with approval, and what does this mean? For seeking his bread; because even Rabbi Judah disagrees with them only on [the question of a voyage] for gaining profit, whereas in regard to going out for seeking his bread he agrees with them. (bMQ 14a)

The one type of travel abroad which the sages and Rabbi Judah view approvingly, and in which case shaving upon return is permitted, is travel motivated by the search for basic sustenance—the reason for which the Palestinian-by-choice Simeon bar Ba sought Rabbi Chanina's permission in the Yerushalmi text. Conversely, according to the Gemara, the type of travel which Rabbi Judah must have had in mind when expressing the prohibition is that driven by profit.⁶⁹

68 The parallel in the Babylonian Talmud in bMQ 14a does not mention 'the Land' once.

69 See Hezser, *Jewish Travel*, 434. No such explicit distinction between basic sustenance and profit as reasons to travel abroad is made in a passage in Tanchuma Buber about a priest whom his wife, rather than a rabbi, prohibits from leaving the Land. The priest wishes to emigrate from the Land and is told to interpret the mention of leprosy in Lev 13:1 in the

The attitude towards emigration from the land of Israel attested in the Yerushalmi passage above has a counterpart in the concluding sugya of tractate Ketubbot in the Babylonian Talmud.⁷⁰

A certain man happened to fall in the obligation [to marry] a *yevama* who was living in Bei Choza'a. He came before Rabbi Chanina and said to him, What is the halakhah as to whether I may descend to enter into levirate marriage with this woman? He said to him, His brother married a non-Jew.⁷¹ Blessed be the Omnipresent who killed him. And his brother goes down after him? (bKet 111a)

When the narrative from yMQ 3:1 (81c) about the priest who wishes to leave for Tyre appears in the context of the Babylonian Gemara,⁷² the one asking Rabbi Chanina for permission to leave the country to fulfil the levirate marriage requirement or the *chalitsah* ritual is no longer a priest or a rabbi, but an ordinary man. The anonymous Babylonian voices at work in the text depict the

light of Job 38:25 and Job's complaint in Job 9:17. The priest wants to leave the Land to search for sustenance abroad, probably in a different trade. (According to Sifra Metsorah parashah 5:1–2 on Lev 14:34, the law concerning leprosy is in force exclusively in the Land.) Before leaving, he attempts to train his wife in the priestly skills of leprosy inspection. He does not say how long he intends to be away, nor does the text mention the problem of the impurity in the lands of the gentiles. However, his wife does not approve of his plans and explains to him that, as in Job's case, the Holy One will eventually provide for the priest and his family. The narrative does not include any rabbi expressing his view on emigration from the Land, and it is a *rabbinic* narrative only insofar as the dialogue between the woman and her husband echoes arguments expressed by Rabbi Joshua of Sikhnin in the name of Rabbi Levi in the preceding co-text. However, in this rabbinic narrative without a rabbi, we once again find a testimony to the value of loyalty to the Land. See TanB Tazria' 8 par. Tan Tazria 6.

70 Stemberger, 'Bedeutung', refers to this major text on rabbinic attitudes towards the land of Israel as a 'Fundgrube' ('treasure trove'). The only close reading of the entire sugya is Rubenstein, 'Coping'.

71 The reading in the manuscript text witnesses is *goyiah*; the Vilna edition, probably for reasons of self-censorship, reads *kutit* ('Samaritan') instead.

72 Although he considers the Babylonian version a retelling of the one preserved in the Yerushalmi, Gafni, *Land*, 74, seems to suggest that the local Palestinian patriotism was a reaction to a Babylonian phenomenon when he states: 'All this Babylonian self-legitimizing, in addition to the emerging sense of a Jewish local patriotism in that land, was apparently not lost on the rabbinic contemporaries in Palestine of these Babylonian luminaries and the statement attributed to Rabbi Hanina b. Hamma ... that prohibits even a momentary emigration from the Land for all the right reasons (*yibbum*, *halitza*, etc.) was thus made precisely at the same time that the Babylonians were forbidding *their* disciples to leave for Palestine.'

Palestinian sage reacting in the same severe manner as he does in the Yerushalmi version of the story when it comes to emigration from the land of Israel. However, it is evident that another notion of the land of Israel is at play here. The city beyond the border is not located in proximity to the more or less realistic border of the land of Israel, as Rabbi Chanina understands this in the Yerushalmi. Instead of Tyre,⁷³ the Bavli imagines the man's sister-in-law living in Babylonian Bei Choza'a. Because this location appears to be chosen for the same reason for which Tyre was chosen in the Palestinian parallel, it reveals the Babylonian narrative's different perspective. The town towards which the man asks permission to descend is situated in a region that borders not the Yerushalmi's version of the Land, but rather Jewish Babylonia. The Talmud envisions this place as an alternative land of Israel—perhaps located in an imagined, larger version of the land of Israel—and depicts a Babylonianised Rabbi Chanina explaining where some of the borders lie, or rather what belongs beyond the borders.⁷⁴ Moreover, the Babylonian Talmud even depicts Rabbi Chanina acknowledging this alternative boundary and disapproving of the man's descent.

Apart from replacing Tyre with Bei Choza'a and the priest with an ordinary man, the Bavli—unlike the Yerushalmi—is explicit as to the *yevama's* ethnicity: The man's deceased brother's transgression did not consist in going abroad, but rather in entering a forbidden union. This may be the reason why he is more explicitly condemned here than in the Yerushalmi. The rhetorical question that brings the passage to a close expresses Rabbi Chanina's astonishment at the man's ignorance in matters of halakhah, since he fails to realise that there is no obligation on his part because his brother's marriage was not a proper marriage in the first place.⁷⁵

73 Like Sidon and Platana in Sifre Devarim, Tyre is used in the Yerushalmi as an allusion to the borders of the Land, even though the cities themselves do not constitute the limits. In the Yerushalmi, Tyre is situated in a region beyond the borders of the Land, but also as a sort of enclave in the lands of the gentiles where the land-commandments are observed.

74 See Gafni, 'How Babylonia became Zion'. Bei Choza'a is identified as Khuzistan, to the south-east of Babylonia. See A. Oppenheimer, *Babylonia Judaica in the Talmudic Period*, Beihefte zum Tübinger Atlas des Vorderen Orients (Wiesbaden: Reichert, 1983), 75n28. Given the narrative logic of the text, we should assume that Bei Choza'a is outside Babylonia, even though certain authorities quoted in the Talmud are said to hail from Bei Choza'a. As Gafni, *Land*, 75 points out, this text appears to be about an internal Babylonian dilemma concerning the purity of Jewish Babylonian genealogy.

75 Rubenstein, 'Coping', 178, observes: 'It cannot be that the woman was actually a gentile, for in that case no levirate marriage would be required. Hanina employs rhetoric: the pejorative term 'gentile' points to the religious decay that characterizes the diaspora and, like the praise of God for killing the brother, packs a good punch'. (Quoted following Rubenstein's

Returning to the problem of emigration, the case of the man who consults with Rabbi Chanina about leaving the Land to fulfil the obligation of levirate marriage is followed by a telling statement by the Babylonian amora Samuel, in which he compares the prohibition against emigrating from the Land with the prohibition against emigrating from Babylonia:⁷⁶

Rav Yehuda said that Samuel said: Just as it is forbidden to leave (lit. 'go out') the land of Israel for Babylonia, so it is forbidden to leave Babylonia for any of the other lands. Rabbah and Rav Joseph both say: Even from Pumbedita to Bei Kuvei. A certain man left Pumbedita to live in Bei Kuvei, and Rav Joseph put him under a ban. A certain man left Pumbedita for Astonia and died. Abaye said: If that scholar had wanted, he would still be alive. (bKet 111a)

Geographically more realistic and more explicit in its Babylonian ideology than the preceding incorporation of Babylonia into the land of Israel, Samuel's dictum divides the Jewish world into three parts, stressing that Pumbedita—a synecdoche for Jewish Babylonia—is the rabbinic centre and homeland, and that leaving it has undesirable consequences. Whereas the narrative about the brother-in-law (*levir*) and the *yevamah* might have suggested that Babylonia is part of an extended land of Israel, Samuel's statement distinguishes between the two lands by placing them in a hierarchical relation, acknowledging that Babylonia is second to the Land, but also superior to a third division of the world—the rest of the world or 'outside of the Land'. In the wider context of the passage quoted here, it becomes apparent that from a Babylonian perspective, emigration from Babylonia towards the land of Israel is not merely considered objectionable, but is construed as a transgression of a positive commandment derived from Jer 27:22 (bKet 110b–111a). The text explicitly forbids Jews to leave Babylonia for any place in the rest of the diaspora.⁷⁷ The magnitude of this transgression is illustrated by citing two cases jointly adducing the third-generation amoraim Rabbah and Rav Joseph: Those who leave Pumbedita, even if they belong to the rabbinic class, are punished either with excommunication or with premature death, as in the case of the man who left a

own English translation. I thank Jeffrey Rubenstein for providing me with an English version of his text.)

76 On Babylonia's assertiveness as one of several discourses of Babylonian identity in the rabbinic period, see Herman, 'Babylonia'.

77 The prohibition against Jews from the land of Israel moving to Babylonia does not entail an obligation for Babylonians to immigrate. See Rubenstein, 'Coping' 178.

widow in Bei Choza'a/Tyre. Not only do such people fail to realise that—as Rav Yehuda goes on to argue—‘Whoever lives in Babylonia, it is as if he were living in the land of Israel, for it is said, *Escape, o Zion, that dwells with the daughter of Babylon* (Zech 2:11);⁷⁸ but they are also unaware of the fact that, unlike the land of Israel—as Abaye adds—Babylonia will be spared the pangs of the messiah (bKet 111a).

Previously in the same sugya, Rav Yehuda was challenged in a more personal manner when one of his disciples, Rabbi Zeira, decides to leave Babylonia for the Land:

Rabbi Zeira used to avoid Rav Yehuda because he sought to ascend to the land of Israel, and Rav Yehuda said: Whoever ascends from Babylonia to the land of Israel transgresses a positive commandment, || for it is said, *They shall be carried to Babylon, and there they shall stay, until the day when I give attention to them, says the Lord[. Then I will bring them up and restore them to this place.]* (Jer 27:22) (bKet 110b–111a par. bShab 41a)

Even though Rav Yehuda quotes his teacher Samuel further down in the sugya as tradent of the double prohibition against leaving the Land for Babylonia, and Babylonia for the rest of the lands, here he is quite explicit in opposing the idea implicit in those prohibitions—that moving from Babylonia to the Land should be tolerated.⁷⁹ This type of migration is explained as a transgression of a positive commandment. However, the Talmud also admits that Rabbi Zeira and other Babylonians are known to have left Babylonia for the land of Israel and become renowned Palestinian rabbinic authorities.⁸⁰ As Jeffrey Rubenstein puts it, from a Babylonian perspective, ‘these rabbis represent the

78 In its scriptural context, Zech 2:11 is an exhortation directed at Judeans, who are urged to return to Judea and leave the place of exile. For Rav Yehuda's purposes, the verse is proof that Babylonia is an *ersatz* Zion.

79 The tannaitic texts which condemn emigration from the Land make no concessions; emigration in any direction is a transgression.

80 In the same sugya, Rabbi Eleazar ben Pedat is repeatedly cited as an advocate for immigration to the Land, and thereby as a virtual challenger to Rav Yehuda. This is in accordance with his representation in yShevi 6a, where he comments on Rabbi Jochanan permitting Rabbi Issa to leave the Land to meet his mother with the words: ‘There is no grant of permission greater than this one’. No rabbinic sources discuss Rabbi Eleazar's reasons for immigrating or narrate this episode in his life. In the Land, he is said to have followed Rabbi Jochanan as the leader of the academy in Tiberias. In the Bavli, Rabbi Eleazar is quoted as having ‘praised’ the school of his former master Rav, calling it the little sanctuary (bMeg 29a). See Bacher, *Die Agada der palästinensischen Amoräer*, 2:1–12.

worst kind of “brain drain”—brilliant students who abandoned Babylonia and thrived in Palestine, where, from a Babylonian point of view, they became traitors.⁸¹

So in order to cope with this type of emigration, which was not exactly an isolated phenomenon, the segment in the Gemara which opens with Rabbi Zeira’s planned immigration to the Land mobilises different exegetical strategies to explain why this is not unproblematic from a Babylonian perspective. Directed by the voice of the anonymous redactors (the so-called *stam*), the master Rav Yehuda and the disciple Zeira enter into a verbal duel on the meaning of Song 2:7 in order to decide whether it is only the rabbis or also God who disapproves of immigration to the Land. The conclusion is that some may choose to immigrate, but ‘those who remain in the diaspora also fulfil the will of God.’⁸² Although Rabbi Zeira objects that the prooftext does not refer to the exiles, but to the Temple vessels, he is only capable of confronting his teacher in the exegetical duel the Gemara stages, and he does not seek his master’s approval face to face—either because he does not want to be persuaded to change his mind, because of feelings of guilt, or because he does not want to face the fact that his action may evoke negative feelings in Rav Yehuda (loss and resentment,⁸³ but also disappointment). The Gemara settles its accounts with Zeira and the other Babylonian rabbinic emigrés by challenging their actions while simultaneously acknowledging the centrality of the Land as a religious value inherited from Scripture and shared with the Palestinian sages. This challenge takes the form of an inner-Babylonian dispute between those who stay and those who leave, those who affirm a Jewish life in Babylonia and those

81 See Rubenstein, ‘Coping,’ 162. The theme of immigration from Babylonia to the Land has been analysed in a number of contributions. For a recent treatment, see R. Kiperwasser, *Going West: Migrating Personae and Construction of the Self in Rabbinic Culture*, Brown Judaic Studies 369 (Providence, RI: SBL Press, 2021). The Yerushalmi transmits several accounts of the difficulties Babylonian immigrants faced in their new homeland. Interestingly, this negative reception is not addressed in the traditions about the same sages preserved in the Bavli. See Hezser, *Jewish Travel*, 347–348; on Rabbi Zeira in particular, see L. Bank, ‘Rabbi Zeira et Rab Zeira,’ *Revue des Études Juives* 38 (1899): 47–63; A. Goldberg, ‘Rabbi Ze’ira and Babylonian Custom in Palestine,’ *Tarbiz* 36 (1966–1967): 319–341; R. Kiperwasser, ‘Narrating the Self: Stories about Rabbi Zeira’s Encounters in the Land of Israel,’ in *Self, Self-Fashioning and Individuality in Late Antiquity*, ed. M.R. Niehoff and J. Levinson (Tübingen: Mohr Siebeck, 2019), 353–372.

82 Rubenstein, ‘Coping,’ 169. Stemberger, ‘Bedeutung,’ 193–194, points out that this verse is generally interpreted in eschatological terms, as warning Israel against precipitating the end of time; see ShirR 2:7:1. Rav Yehuda’s and Rabbi Zeira’s opinions in the Talmud are based on those of Rabbi Jose b. Chanina and Rabbi Levi in the midrash.

83 Rubenstein, ‘Coping,’ 166.

for whom the religious value or precept concerning dwelling in the ancestral homeland, or the wish to be part of the Palestinian rabbinic centre, outweighs their attachment to their native Babylonia.⁸⁴

The Bavli only briefly discusses the tannaitic traditions that provide the halakhic context for this sugya in the first place.⁸⁵ These deal with spouses' rights to compel one another to immigrate to or remain in the Land, as well as with the punitive measures that await the spouse who does not agree to take up residence or remain in the Land.⁸⁶ Once the Bavli in bKet 110b has set these traditions in relation to the notion of a precept concerning dwelling in the Land, as expressed in tAZ 5(4):3 ff., the sugya is no longer concerned with the halakhah of marital life and its possible locations, but reorients itself to focus on male Babylonian rabbinic ethics and a Jewish Babylonian sense of place. Thus, by adducing tAZ 5(4):3, the Bavli responds to the challenge posed by the Palestinian exaltation of the Land as the exclusive place of residence in rabbinic times not by discussing spouses who disagree about where to live, but by examining another type of interpersonal conflict in relation to the precept concerning dwelling in the Land—a conflict between a Babylonian master and his disciple. The discussion moves from the realm of marriage to that of the male 'rabbinic fraternity'.⁸⁷

If we leaf through Wilhelm Bacher's who-is-who volumes on the deeds and words of Palestinian and Babylonian amoraim—a sort of biographic dictionary of rabbinic authorities—emigration from Babylonia to the land of Israel was not an exceptional phenomenon during the third and fourth centuries. In fact, apart from Rabbi Zeira and Rabbi Eleazar, the same sugya depicts other native Babylonians at home in the land of Israel (and correspondingly treated, both by the rabbinic documents and by scholars today, as Palestinian authorities) contributing to the broader discussion of the precept concerning dwelling in the Land.⁸⁸ This is the case with Rabbi Chanina and Rabbi Assi (both of whom

84 See Rubenstein, 164.

85 As these are worded in the quotations of mKet 13:11 and tKet 12:5 (on ascending to or remaining in the Land).

86 The Gemara initially even appears to endorse the mishna's discourse with the anonymous interpretation of 'all' in 'all may compel' as including slaves. With Rubenstein, 165, we may describe these traditions as tannaitic 'legal expressions of the religious value placed on dwelling in the Land', or even as general propaganda for a life in the Land.

87 Rubenstein, 168.

88 Bacher, *Die Agada der palästinensischen Amoräer*; W. Bacher, *Die Agada der babylonischen Amoräer* (Strasbourg: Karl Trübner, 1878). Rubenstein, 'Coping', 164, points out, with respect to bKet 110b–112a: 'Despite the well-known methodological problems concerning the accuracy of attributions, these traditions most likely testify to an extended, multi-

feature in the narrative of *yShevi* 6:1 [36b] [par. *bQid* 31b] discussed above), as well as with Rabbi Chiyya 11 bar Abba and Rabbi Abba 11 (who, like Zeira, reportedly avoided Rav Yehuda when he was planning to emigrate to the Land). However, rather than being narrated or problematised in this context, their own emigrations—their choice to become Palestinians and to join the circles of disciples in the land of Israel—are attested in other talmudic passages.⁸⁹

4.2.3 *Locating Idolatry in a Life Abroad*

Another argument made in the toseftan passage discussed at the beginning of this chapter, which is expanded upon in amoraic and post-amoraic sources, is the notion that a life abroad involves exposure to idolatry (*tAZ* 5[4]:5–6).⁹⁰ The brief narrative of Rabbi Zeira avoiding his master is told in the *sguya* immediately following the selective quotation of the toseftan *halakhot* as a *baraita*, which reads as follows:

generational debate over the merits of *aliya* as opposed to remaining in Pumbedita'. See also Hezser, *Jewish Travel*, 273–277, on rabbinic students travelling.

- 89 According to the evidence in the rabbinic corpora, the circles of disciples in the land of Israel included many more Palestinians by choice in their ranks, as far as the last tannaitic and the first to the third amoraic generations are concerned. To mention only some of them: Rabbi Chiyya (T5) and his sons Yehuda and Chizkiyya (pA1), Rabbi Jonathan ben Eleazar (pA1), Rav Kahana (pA2), Rabbi Chiyya bar Joseph (pA2), Rabbi Simlai (pA2), Hoshaiia and Chananiah (pA3), Rabbi Yirmeya (pA4), and Rabbi Avin (pA4). On the other hand, several Palestinians born in the Land are reported to have lived in Babylonia temporarily (or even to have emigrated from the Land to adopt Babylonia as homeland), e.g., Rabbi Samuel bar Nachman (pA3), Rabbi Isaac 11 Nappacha (pA3), Rabbi Samuel bar Rabbi Isaac (pA3), Rabbi Chanina ben Pappai (pA3), Rabba bar bar Chana (bA3), Rabbi Chelbo (pA4), and Rabbi Huna (pA4). On Rav (bA1) as importing rabbinic culture to Babylonia, see Fonrobert, 'Concept of Diaspora,' 42. Some sages are characteristically depicted as being on the move: Rabbi Chiyya ben Gamda (pA1), the 'descender' Ulla (bA3), Rabba bar bar Chana (bA3), Rabbi Dimi (pA4), and Rabbi Isaac ben Joseph (pA3). They are not explicitly said to have been at home both in the Land and in Babylonia.
- 90 Other tannaitic sources are less explicit in the way they contrast the Land as a space free of idolatry with places outside of the Land as spaces characterised by idolatry. The blessing of a place from which idolatry has been uprooted—'Blessed is he who uprooted idolatry from our land' (*mBer* 9:1)—is expanded on in the *Tosefta* as follows: 'A person who sees idolatry says: Blessed be He who is slow to anger. [A person who sees] a place from which idolatry has been rooted out, says: Blessed be He who rooted out idolatry from our land, may it be Your will, o Lord God, to root out idolatry from all the places of Israel and turn the heart of their worshippers to Your worship' (*tBer* 6:2 par. *RuthR* 3:2). The toseftan blessing appears to cover all the places where the people of Israel are at home, more clearly according to *MS Erfurt*—where the reading mentions both the Land and the other places where the people of Israel live. In *Ruth Rabbah* it is 'all the places' *tout court* which should be freed of idolatry. None of these three sources explicitly contrasts the Land with places where idolatry is practised. See also *bShab* 56b.

The sages taught [in a baraita]: A person should always live in the land of Israel, even in a town in which the majority [of residents] are non-Jews,⁹¹ and he should not live outside of the land of Israel, even in a city that is mostly populated by Israel,⁹² for anyone who lives in the land of Israel is like one who has God (lit. 'a deity'), and anyone who lives outside of the land of Israel is like one who does not have God, for it is said, *to give you the land of Canaan, and to be your God* (Lev 25:38). And whoever lives outside of the Land does not have God? This is only to tell you: Anyone who lives outside of the Land, it is as if he engaged in idol worship. And so it [Scripture] says with regard to David, *For they have driven me out this day, that I should have no share in the heritage of the Lord, saying, Go, serve other gods* (1Sam 26:19). But who said to David, *Go, serve other gods*? Rather, this tells you: Anyone who lives outside of the land of Israel, it is as if he engaged in idol worship. (bKet 110b par. tAZ 5[4]:3, 5–6)⁹³

If it cannot prevent some Babylonians from emigrating to the Land, the least the Babylonian Talmud can do is persuade its Babylonian rabbinic audience (and in later times, other 'diasporic' communities) that living abroad should not be seen as comparable to atheism or polytheism.⁹⁴ In an attempt to minimise the tannaitic understanding of a life abroad in such terms, the Bavli selects material from the toseftan tradition in tAZ 5(4), arranges it anew, and quotes a version of it in which God does not speak in the first person, as he does in

91 MSS read *goyim*; the Vilna edition has '*ovede kokhavim* ('star worshippers').

92 The parallel in tAZ 5(4):3 reads slightly differently: 'A person should live in the land of Israel, even in a town in which the majority of residents are gentiles, and not abroad, even in a town in which *all* of the residents are Israelites.'

93 Both the interpretation of 1Sam 26:19 in tAZ 5(4):5 and the version of the baraita in MS St. Petersburg Evr. 1 187 of the Bavli emphasise not only living abroad, but also the moment of emigration as problematic. The latter reads: 'And lest it should enter your mind that anyone who lives in the land of Israel has God but anyone who does not live in the Land does not have God, this is only to tell you that whoever does not live in the land of Israel does not take upon themselves the yoke of heaven. And it [Scripture] says, *If it is the Lord who has stirred you up against me, may he accept an offering; but if it is mortals, may they be cursed before the Lord, for they have driven me out today from my share in the heritage of the Lord, saying, Go, serve other gods* (1Sam 26:19). And would David engage in idol worship? It is only to tell you: Whoever leaves the land of Israel, Scripture accounts it to him as if he would engage in idol worship.'

94 Rubenstein, 'Coping,' 162, sees the entire sugya as 'an *apologia* for religious life in the diaspora' and as having its *raison d'être* 'in the very situation of Babylonian rabbinic culture,' rather than in polemics against a Palestinian rabbinic centre.

tAZ 5(4):5. Moreover, there is no trace of the statement that made dwelling in the Land a precept in tAZ 5(4):3.⁹⁵

With a rhetorical question, the Bavli's anonymous voice links two segments of tAZ 5(4):5, explaining the first in light of the second, and thereby explicitly addresses the problematic claim (or figure of speech) in the toseftan passage, according to which the relationship between Israel and God can be fundamentally different depending on where the people of Israel live.⁹⁶ As we have seen above, Rav Yehuda even goes so far to argue that immigration to the Land is a transgression of the positive commandment to remain in Babylonia for as long as God wishes Israel to do so—Jer 27:22 *scripturally* confirms that there are places where Jews can live Jewish lives other than the land of Israel. As long as God wants Israel to reside in places other than the land of Israel, and especially in Babylonia, the fact that Jews live there is in accordance with God's plan, and it is preposterous to depict such an existence as idolatry.

The last halakhah in the toseftan passage, which brings it to a close with a controversial statement—'Israelites who live abroad are idolaters'—is not commented upon in the Bavli as part of the sugya in tractate Ketubbot, but it is quoted in the commentary on mAZ 1:3. In this mishnah the collective voice of the sages claims that the prohibition against doing business with non-Jews applies differently in the case of Roman public festivals and a number of other special occasions, including private feasting. After considering the question of where and with respect to whom the prohibition is valid in the case of the Calend, the Talmud turns to the last of the cases of private feasting, the case in which 'a non-Jew gives a banquet for his son.'⁹⁷ In this context the last halakhah of the toseftan passage is quoted:

95 The 'precept concerning dwelling in the land of Israel' (*yeshivat erets yisrael*) is mentioned only once in the Babylonian sugya in an anonymous interpretation of the particle 'all' in 'all may be compelled' (mKet 13:10) to include the Canaanite slave who sought to escape from an Israelite master abroad by entering the Land. Because of this precept, the Israelite is forced to sell the slave in the Land.

96 Rubenstein, 168, argues that the Bavli reinterprets 'has no God' as 'worship idols' here, whereby 'Jews outside of the Land may be sinners, but they nevertheless remain under God's care.' The text explains 'has no God' as meaning 'as if he engaged in idolatry.' While such a relation between the two statements or midrashic units of tAZ 5(4):5 may have been intended by the Tosefta's redactors, the Bavli's rhetorical question makes this explicit. The fact that the Bavli does not quote the last halakhah from the toseftan passage is also telling, in that it thereby eliminates the progression from an understanding of life abroad 'as if without God and with idols—in tAZ 5(4):5—to 'actual' idolatry—in tAZ 5(4):6.

97 This part of the mishnah is interpreted twice. According to the Babylonian Rav Ashi's lenient position in the first interpretation, Jews everywhere are prohibited from doing busi-

It has been taught [in a baraita]: Rabbi Ishmael says: Israelites who reside outside of the land of Israel are idol worshippers in innocence (*betohorah*). How so? A gentile gives a banquet for his son and invites all the Jews in his town. Even though they eat of their own and drink of their own and their own attendant waits on them, Scripture accounts it to them as if they had eaten of the sacrifices to dead idols, for it is said, [*You shall not make a covenant with the inhabitants of the land, for when they prostitute themselves to their gods and sacrifice to their gods,*] *someone among them will call you, and you will eat of the sacrifice* (Exod 34:15). (bAZ 8a)

As we have seen, in its original halakhic context this is one of two halakhot in the toseftan passage of AZ 5(4) which links life outside of the Land to the practice of idolatry.⁹⁸ The tradition, which the Tosefta transmits in the name of Rabbi Simeon ben Eleazar, is quoted in the Bavli as belonging to an earlier Rabbi Ishmael. His words are those of the halakhah as this is preserved in MS Vienna, in which the sweeping condemnation of Jews living abroad as engaging in idol worship is relativised with the qualification ‘in purity’.⁹⁹ Furthermore, while the Bavli does not approve of Jews partaking of gentile banquets, it does not equate this to actual engagement in idolatry. It claims that Scripture refers to such a situation only figuratively, ‘as if’.¹⁰⁰

The Babylonian reading of how a Jew is to behave with respect to the non-Jew who gives a banquet for his son complements the toseftan baraita with a more openly Babylonian perspective in the following ruling by the amoraim Rava and Rav Papa: Whenever a connection between a banquet and a wedding is known (or suspected), the prohibition is not simply against doing business, but against accepting an invitation to a banquet in the first place, and this prohibition is valid from the moment the gentiles begin to prepare the feast and produce the beer for the wedding until twelve months after this has taken place. In this context the reaction of a Babylonian amora is depicted as exemplary in its extraordinary stringency:

ness with the man giving the banquet on the day of the banquet. Babylonians, Rav Ashi argues, agree in their reading of the second part of the mishnah with the view conveyed by Rabbi Jochanan in a baraita. According to this position, business is prohibited only with those non-Jews who are actually involved in the pagan celebrations, not with those in their area of influence, who are ruled by them, or who are guests at banquets given by them.

98 The other is the more exegetically oriented tAZ 5(4):5.

99 Does this milder view of idolatry originate in Palestine or in Babylonia? It is also found in ARN A 26, as a tradition of Rabbi Aqiba.

100 This is the case in the parallels Sifra Be-har parashah 6, perek 5,4 and ARN A 26.

Is it, then, permitted [to partake of food in the house] after the twelve-month? Yet Rav Isaac, the son of Rav Mesharsheya, who happened to be in the house of a certain idolater more than a year after a marriage, when he heard that they were feasting [because of that event] abstained from eating there! It is different with Rav Isaac, the son of Rav Mesharsheya, [because he] was a highly esteemed man. (bAZ 8b)

How does the Bavli rewrite the toseftan tradition by Rabbi Simeon ben Eleazar? He explained in tAZ 5(4):6 that idolatry comes about when Israel lives abroad because the danger of forsaking Israel's covenant with God and replacing it with idol worship lurks there. If this danger exists with regard to banquets given by gentiles, the Bavli responds, then the danger of unintentional idolatry—addressed by Palestinian voices as located exclusively outside of the Land—can be controlled by means of precise regulation. The Babylonians show that they are aware of how to restrain the potential danger of idolatry: Whereas the mishnah stipulated just one day, to be on the safe side the Babylonians extend the prohibition to one year.



This chapter traced the development of a set of rabbinic traditions on the importance of living in the land of Israel. We examined selected Palestinian and Babylonian texts which give textual shape to (and/or problematise) a religious duty that is not explicitly articulated in Scripture or in the Mishnah—both of which take for granted that the life of the people of Israel under the covenant is a life in the Land.¹⁰¹ The closest these texts come to spelling out a precept concerning dwelling in the Land is the apodictic statement in tAZ 5(4):3 and the two rabbinic precedent narratives in SifDev 80: In both cases we read, 'dwelling in the land of Israel is weighed against all the other commandments of the Torah'.

Our itinerary had its starting point in a tannaitic text (tAZ 5[4]:3–6), which focuses on the notion that life outside of the Land is not compatible with (an ideal version of) Jewish identity. Although it resorts to different literary forms, its general tone is set by the apodictic character of the opening halakhah and the use of hyperbole. The idea that whoever lives in the Land fulfils the most crucial of all the precepts reappears at the close of the two narratives about

¹⁰¹ Thus, there is an obligation, even though it is not enunciated as such. I thank Eyal Ben-Eliyahu for sharing with me observations on this question.

emigrating rabbis in SifDev 80. Late antique rabbinic readers would probably have more easily identified with rabbis of the recent past, as these are depicted in the halakhic midrash, than with scriptural characters or the more impersonal prescriptive statements in the toseftan halakhot.

To examine the attitude towards the Land in the literature of the amoraic period—which, according to Gafni, attests an enhanced severity in the rabbinic demands for commitment to the Land¹⁰²—we turned our attention to a group of sources that elaborate on the problematic archetypal emigration from the Land, as this is narrated in the story of Elimelech in the book of Ruth. These texts are part of corpora or documents whose genres are characterised by a more pronounced multivocality and an enhanced narrativity than the tannaitic sources. Whereas the Palestinian Ruth Rabbah stresses the condemnation of Elimelech's conduct in emigrating as cowardly and inappropriate for a communal leader, the Babylonian Talmud offers a more nuanced appreciation of Elimelech's emigration. While this may have been justified, the fact that he failed to pray for his people is deemed objectionable. In the last part of this section on Elimelech's archetypal emigration, we discussed a post-amoraic text primarily concerned with making explicit the scripturally implicit link between the book of Ruth and a passage in Scripture which deals with the redemption of land in Lev 25. This Tanchuma text not only takes up the earlier Palestinian condemnation of Elimelech—he and his sons were all punished for leaving the Land—but also focuses on the moment when the women immigrate and the exemplary Boaz, who redeems their land.

The next two sections dealt with texts that address the problem of emigration or temporary travel outside of the Land in the rabbinic present rather than in the scriptural past. The first of these focused on amoraic and post-amoraic sources in which rabbis (or ordinary Jews) have to (or wish to) leave the Land for different reasons and seek the approval of their masters (or fail to do so), and in which the masters find fault with their disciples or other Jews who leave the Land even temporarily. Among these texts is a central one in which Babylonia, rather than the land of Israel, features as the homeland that Babylonian sages do not want their disciples to leave (bKet 110b–111a). Whether with their master's approval and blessing or not, whether leaving the Land or coming into the Land, these and other rabbinic sources depict rabbis on the move who are keen

102 See Gafni, *Land*, 71–72. Interestingly, the voices that disapprove of emigration from the Land are not exclusively Palestinian; cases in point include statements made by Huna, who was Babylonian by choice (RuthR 1:4), and the Babylonian Rav Chanan bar Rava (bBB 91a).

to address their own mobility.¹⁰³ The Babylonian texts examined in the last section (bKet 110b; bAZ 8a–b) are related to the final topic set out in the toseftan passage. These respond to a challenging idea expressed in the tannaitic source: that living abroad implies engaging in idol worship.

Although the hermeneutic agendas and styles of the sources vary depending on the genre of the corpora (tannaitic, halakhic, amoraic, aggadic, midrash, or talmudic commentary), as well as the place and time of redaction, the texts examined in their many literary small forms¹⁰⁴ (apodictic statement, midrashic unit, petichah, precedent, or parable) are evidence of the sages' need to address a somewhat problematic commandment of their own making. This engagement across time and space with the precept concerning dwelling in the Land—a sort of prescribed sense of place—emerges in these texts as a diasporic Jewish category of belonging.

103 This is more evident in amoraic and post-amoraic than in tannaitic sources. Hezser, *Jewish Travel*, 337–341, observes that while there are sparse references to scholarly and business travel between Palestine and Babylonia in tannaitic times, there is a large amount of evidence in amoraic times for an important connection between the two rabbinic centres in the form of journeys back and forth. She also points out that not only increased business contacts between the two locations from the third century onwards, but also the evolution of the rabbinic literary genres that we see from the tannaitic to the amoraic corpora may explain why the redactors of the former did not consider details about business travel especially relevant.

104 On this concept, see Samely, *Forms*.

The Land—A Commandment II: Keeping the Land Jewish

Apart from prescribing that Jews are expected to dwell in the Land, or at least to wish to reside there either in life or after death,¹ a further strategy of identification we may distinguish in the sages' Land-discourse is the notion that real estate in the land of Israel must be kept in Jewish hands.² According to Scripture, only God can own the Land, and Israel are just chosen tenants in Canaan. Yet the sages forego the figurative language of theology and seek to rule on how Jews of flesh and blood, Jews in their own times, deal with actual real estate in the Land, assuming the role of owners who may sell or let land. In tannaitic sources, which are expanded upon in amoraic and post-amoraic corpora, the sages argue against allowing real estate in the land of Israel to pass from Jewish to non-Jewish hands, and in favour of recovering Jewish real estate in the Land deploying different arguments in different cases. They are concerned with the implications of Jews selling real estate in the land of Israel because this has a negative impact on the Land's status: Such transactions affect the observance of the land-commandments and give more space to the practice of idolatry. The sages also stress the importance of recovering Jewish real estate especially in the Land, whether this is illegitimately or legitimately in non-Jewish hands.

In a first part of this chapter (5.1) I discuss the development of a midrashic tradition concerning Lev 25:23, which is first attested in the halakhic midrash Sifra. This tradition is expanded upon both in talmudic sources concerned with the implications of selling land with respect to tithing, and in later midrashic contexts where the prohibition against selling is interpreted as related to the injunction against modifying the ancestral holdings in the Land.³

In the second (5.2) part I turn to an argument for prohibiting the sale of real estate in the Land that goes back to another type of tannaitic source. Here the rabbinic reasoning does not initially resort to Scripture in order to address the rabbinic prohibition against selling. These sources are not concerned with the

1 For the elaboration on the motif of burial in the Land in tAZ 5:3, see chapter 6.

2 On the concept of strategies of identification, see W. Pohl, 'Introduction: Strategies of Identification: A Methodological Profile,' in *Strategies of Identification: Ethnicity and Religion in Early Medieval Europe*, ed. W. Pohl and G. Heydemann (Turnhout: Brepols, 2013), 1–64.

3 See Num 27:8–11; 36:8–9.

land-dependent commandments, but rather with the problem of selling land, reasoning that such sales allow idolatry to increase in the Land, whereby they effect a change in the Land's identity—it becomes a less Jewish one.

In the third and final part (5.3), I address another strategy the sages develop to exhort fellow Jews to keep the Land in Jewish hands. The texts I discuss in this section acknowledge that land within the Land was at times expropriated from Jewish landholders, but also that non-Jews legally acquired real estate in the Land. To cope with the implications of these two historical phenomena, the sages show that the halakhah is adaptable when it comes to recovering the Land.

5.1 Selling in Perpetuity

While the sages were aware that Jews sold and leased their real estate to other Jews and to non-Jews both in the Land and abroad, the halakhic midrash Sifra articulates the earliest rabbinic statement reminding Jews of a scriptural prohibition against selling land:

The land shall not be sold in perpetuity (litsemitut) (Lev 25:23): irredeemably (lecholtanit); for the land is Mine (ibid.): do not let your eyes be evil on it; with Me you are but aliens and tenants (ibid.): do not make yourselves into a chief. And it [Scripture] says, For we are aliens and transients before You, as were all our ancestors (1 Chr 29:15), and so David says, For I am Your passing guest (ger), an alien (toshav), like all my forebears (Ps 39:13). (Sifra Be-har pereq 4:8)

Lev 25:23 is the only verse in Scripture which spells out a prohibition against selling land in the Land once the Israelites have taken possession of it. The wider scriptural context of this verse deals with God's ownership of the Land,⁴ the laws of the Seventh Year, the Jubilee, and debt cancellation, in the final section of what biblical redaction criticism refers to as the Code of Holiness.⁵ This particular Sifra tradition is not only the earliest midrashic use of Lev 25:23,

4 A. Berlin and M.Z. Brettler, eds., *The Jewish Study Bible: Jewish Publication Society Tanakh Translation*, 2nd edition (New York: Oxford University Press, 2014), 257, on Lev 25:14–17, observe: 'Buying and selling of land in Canaan is actually a matter of leasing until the jubilee.'

5 Lev 17–26. See J. Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, Anchor Bible 3 (New York: Doubleday, 1991), 1–2, 13–35; B.A. Levine, *The JPS Commentary: Leviticus* (Philadelphia, PA: Jewish Publication Society, 2003).

but also the only context in rabbinic literature in which this verse appears in a lemmatic position—i.e., in which it is the explicit object of rabbinic interpretation. The anonymous rabbinic voice that speaks the midrash divides the verse into three segments, which it interprets separately. According to the first, it is not sale per se, but a specific type of sale that Scripture prohibits. The expression *litsemitut*⁶ is interpreted with a rabbinic Hebrew expression as referring to a final, permanent sale, one that cannot be modified or reversed.⁷ The sages argue that Jews do not have the right to this type of transaction. The second and third segments are interpreted in relation to each other: Israel are exhorted to be benevolent towards the Land due to their status in the Land and their relation to God therein: They are *gerim ve-toshavim*⁸ in his Land. The text gives the impression that this last segment is the one that interests the rabbis most, given that two further scriptural quotations are adduced to explain its meaning.

This short midrash in Sifra is by no means uninteresting in the eyes of later Jewish exegetes. However, when we turn to the amoraic and post-amoraic corpora, we ascertain a shift in meaning from selling land as problematic *tout court* (as in the tradition preserved in the halakhic midrash) to selling as a halakhically challenging situation. Among the practical but also theological problems that are said to arise from selling and leasing fields in the land of Israel to non-Jews, according to these later documents, is the idea that such transactions may jeopardise the status of the sold field by removing the obligation to tithe on its produce and therefore suspending the holiness of the field in question.⁹ Thus, in its commentary on mDem 5:9 and mGit 4:9, the Yerushalmi approaches this problem by asking whether it is even conceivable for a non-Jew to legitimately own real estate in the land of Israel. Both mishnayot refer to situations that arise

6 In Scripture this expression is used only here and in Lev 25:30. See Koehler and Baumgartner, *Lexicon*, s. v. תַּצְמִיטָה: 'basic meaning doubtful: either extermination ... or more probably pledge of secrecy, i.e., ban of objection ... in the construction. לְצִמָּה or alternatively לְצִמָּה: conclusive, ... with irrevocable validity.'

7 See Jastrow, *Dictionary*, s. v. חֲלֻטְנִית, 'final action'. This interpretation is found again in other exegetical contexts in which it is explicitly described as a translation: bAr 15b par. bSan 106b and ShemR 3:13: 'It is written there *in perpetuity* (Lev 25:23) and we translate it [as] "irredeemably".'

8 NRSV: 'aliens and tenants'; JPS: 'strangers resident'. Several other scriptural contexts—Exod 12:19, 48; Lev 16:29; 17:15; 18:26; 19:34; 24:16, 22; Num 9:14; 15:30; Jos 8:33—contrast 'the alien who resides with you' and 'the citizen (of the land)'—i.e., 'the Israelite born in the land of Israel of bona fide Israelite ancestry' (Berlin and Brettler, *Jewish Study Bible*, 234 ad Lev 16:29). In three verses—Lev 23:42; Num 15:29; Ezek 47:22—the citizens are explicitly identified as Israelites.

9 As we have seen in chapter 3, another important context in which the rabbis reflect on the changing land-halakhah is that of the reestablished boundaries of the Land in the wake of the exiles' return and reconsecration of the Land under Ezra.

from non-Jews acquiring land in the land of Israel.¹⁰ The first discusses how Jews are to tithe produce bought from Israelites, Samaritans, and non-Jews—thus implying not only that Jews and other groups cultivate land in the land of Israel, but also that the produce a Jew buys must be tithed no matter who has grown it in the Land.¹¹ The second mishnah is more explicit about the transfer of land to non-Jews, stating that Jews who sell their fields to non-Jews are expected to bring first fruits whenever they repurchase land that they once sold.¹²

When we turn to the Yerushalmi and its elaboration on these mishnayot, the first passage which is of interest for our discussion reads as follows:

This is a mishnah of Rabbi Meir, for Rabbi Meir said: For a non-Jew it is not possible to acquire (lit. ‘there is no acquisition of’) [real estate] in the land of Israel to cancel the obligation to tithe. Rabbi Judah and Rabbi Simeon say: For a non-Jew it is possible to acquire (lit. ‘there is an acquisition’) [of real estate] in the land of Israel to free it from tithe. Rabbi Immi in the name of Rabbi Simeon ben Laqish: Rabbi Meir’s reason [derives from the verse,] *You may keep them as a possession for your children after you, for them to inherit as property* (Lev 25:46). This equates *property* with slaves. Just as you may buy slaves from them but they cannot buy [slaves] from you, so [it is with] real estate: you may buy from them but they cannot buy [real estate] from you. Rabbi Eleazar ben Rabbi Jose said before Rabbi Yasa: The following [verse] supports Rabbi Meir: *The land shall not be sold in perpetuity, for the land is Mine* (Lev 25:23): irredeemably. He [Rabbi Yasa] said to him: That in itself supports Rabbi Simeon [i.e., the land *shall not be sold*], because if it were sold, it would be sold irredeemably [i.e., it would be a valid sale].¹³ ... Rabbi Zeira said before Rabbi Abbahu in the name of Rabbi Leazar: Even though Rabbi Meir said that there is no acquisition [of real estate] for the non-Jew in the land of Israel to free it from tithes, he agrees here that he has an acquisition of property rights. Rabbi Ba said: [For example, the right to] consumption of fruit. Have we

10 This may explain why they are commented upon using the same material in two close parallels in the Yerushalmi.

11 The logic in this mishnah—and others in the same chapter—is that a Jew may buy from multiple sources (Israelites, Samaritans, and non-Jews) and tithe on all the produce he buys with produce from one of the sources. This is expanded upon in tDem 5:21.

12 Another mishnah in tractate Demai addresses the case of a Jew who hires a field from a non-Jew that previously belonged to the Jew’s ancestors; see mDem 6:2 and the commentary in bBM 101a (below).

13 Two statements by Rabbi Chuna the Elder from Sephoris and Rabbi Zeira follow here in Yerushalmi tractate Demai.

not learnt: '[If a man sold his field to a gentile, and an Israelite bought it back again,] the buyer should bring the first fruits from it as a precaution for the general good' (mGit 4:9)? Rather, he should bring first fruits because it is a Torah precept. (yDem 5:9 [24d] par. yGit 4:9 [46b])

The anonymous voice of the Yerushalmi identifies the mishnah it comments upon as the position of Rabbi Meir with respect to the halakhic implications of Jews allowing landed property in the land of Israel to remain in non-Jewish hands: No matter from whom one buys produce grown in the land of Israel, it is to be tithed, because the non-Jew does not acquire landed property in the Land to the extent that the produce grown there is exempt from tithing obligations. Rabbi Meir's contemporaries, Rabbi Judah bar Ilai and Rabbi Simeon ben Yochai, are depicted as representing the opposite position. They hold that it is possible for a non-Jew to possess land in the land of Israel and thereby to free it from the obligation to tithe.¹⁴

These two tannaitic positions are in turn commented upon by amoraim, sages who are closer in time and cultural context to the redactors of the Yerushalmi. The first amora, Rabbi Immi, claims that Rabbi Meir derives his apparently stringent position from reading Lev 25:46 as an analogy between real estate and slaves, neither of which may be bought from Jews by non-Jews.¹⁵ A later amora, Rabbi Eleazar, argues Rabbi Meir bases his position on another verse in Leviticus and its accompanying interpretation—namely, the Sifra tradition. His contemporary Rabbi Yasa counters that this cannot be the case, given that the Sifra tradition supports precisely the opposite tannaitic position of Rabbi Judah and Rabbi Simeon. The passage from the halakhic midrash is read to mean that selling to non-Jews is not only possible, but that it has serious implications for the status of the piece of land sold. According to this interpretation of Rabbi Simeon's and Rabbi Judah's position, selling is forbidden because it does change the halakhic status of part of the Land.¹⁶ Finally, two further amoraim, Zeira and Ba, return to Rabbi Meir's position to distin-

14 These positions are also discussed in the context of the elaboration of other mishnayot related to land-commandments. See yPea 4: (18c); yKil 7:4 (30d).

15 The two transactions, selling land and turning an Israelite into a slave (of a non-Jew), are addressed in the wider scriptural context the quoted verse (Lev 25:39–46) and the mishnah that this Yerushalmi passage expands upon, mGit 4:9.

16 The statements of two sages, Rabbi Chuna and Rabbi Zeira, are then quoted (only in yDem) according to whom already the first generation amora Rabbi Chanina followed the position of the Rabbi Judah and Rabbi Simeon when ruling leniently on land sale in Sephoris. Unlike Beit Shean, Caesarea, and Beit Guvrin, urban settlements with a primarily non-Jewish population which Rabbi is said to have declared free from the land-

guish between a full right to acquire real estate and the acquisition of usufruct rights. To exemplify the latter case, the text states that the non-Jew acquires the right to eat fruit grown in a field, even though he does not have a right of possession that exempts the field's produce from tithing obligations.

At the close of this passage, the mention of first fruits leads the anonymous voice of the Yerushalmi to turn to the second mishnah this commentary expands upon, claiming that, again in line with Rabbi Meir's position, the Jew who buys back a field sold to a non-Jew is to bring first fruits from that field because a Torah precept obliges him to do so.¹⁷

In the continuation of our sugya in tractate Demai, the Yerushalmi depicts other sages of the amoraic period discussing the scriptural basis on which fruit bought from a non-Jew is to be tithed. Rabbi Joshua ben Levi is quoted stating that the obligation is different depending on whether the fruit has already been harvested by the non-Jew or is still unharvested. Real tithe must only be separated from unharvested produce. Produce that the non-Jew has already harvested is only symbolically subject to tithe—that is to say, the buyer gives the tithe to the Levites or the priests, but receives in exchange the equivalent in monetary compensation.¹⁸ This same Rabbi Joshua reappears further down in the sugya as a character in a rabbinic narrative:

And furthermore, [we derive that the halakhah is in accord with Rabbi Simeon] on account of what Rabbi Zeira said: Abba Anatoli bought fruit from a non-Jew. He came to Rabbi Judah ben Levi. He sent for his son so that he dealt with them properly and he [Abba Anatoli] gave him [Judah ben Levi] the tithe. When he [Menachem] returned, he met Rabbi Joshua ben Levi. He said to him, Who would do this other than your father! Does this not contradict another opinion of Rabbi Joshua ben Levi? He says elsewhere [lit. 'there']: He who buys loose [harvested] produce from a non-Jew, separates heave and heave of the tithe as a matter of practice, gives it || to the [priestly] tribe, and receives payment from the tribe. But here he says this? Rabbi Abba bar Zemina said in the presence of Rabbi Zeira: Rabbi Simeon meant (lit. 'said') but [that] when he [Menachem]

commandments (see yDem 2:1 [22c]), Sepphoris represented an important Jewish settlement, which is why these statements about the leniency of Rabbi Chanina stand out.

17 The question of the nature of the obligation in such cases is elaborated upon in more detail in the Bavli; see below.

18 Rabbi Joshua's distinction amounts to confirming the lenient position previously attributed to Rabbi Judah and Rabbi Simeon. For a similar distinction, attributed to Rabbi Simeon, see yDem 3:4 (23d).

returned, he met Rabbi Joshua ben Levi. He said to him, These [tithes] do not belong to your father. And he became angry. (yDem 5:9 [24d–25a])

The narrative's wider context in the commentary, the brief introduction, and the narrative itself suggest that it is meant to illustrate the fact that the halakhah is in accord with Rabbi Simeon, and land in non-Jewish hands is not subject to tithe. In point of fact it shows that Rabbi Joshua ben Levi's distinction between symbolic and actual tithing was a contested issue. A certain Abba Anatoli is unsure as to whether and how to tithe fruit he has bought from a non-Jew. The Levite he consults gives his own son, Menachem, the task of dealing with this. Rabbi Joshua ben Levi comments on the fact that Menachem receives the tithe but does not give Abba Anatoli any monetary compensation (i.e., accepts the tithe in full) with words that may be read as praise (if the tithed produce were unharvested) or criticism (if it were harvested). The anonymous voice of the Yerushalmi assumes that the latter was the case but that Rabbi Joshua is nonetheless praising Menachem, which would contradict his own position earlier in the commentary. With a rhetorical question, the anonymous voice of the Yerushalmi introduces an alternative tradition about how Rabbi Joshua reacted to Menachem's tithing: He is said to have openly declared that the tithe he received is not in accordance with the halakhah. There are cases such as this when tithes cannot be accepted unless their monetary value is given in exchange, cases in which the land's produce is not subject to real tithe, precisely because of the extent to which non-Jews are involved. Rabbi Simeon's ruling on how land in the hands of non-Jews is exempt from tithing obligations is related to this type of case.

How does the sale of land in the land of Israel affect Jewish economy and identity? Do Jews have the right to contribute to the diminution of the territory where the land-halakhah is to be observed and therefore to diminish God's estate? The Yerushalmi gives a multivocal answer to these unspoken questions, which must have arisen from the phenomenon of agricultural real estate in the land of Israel remaining in the hands of non-Jews. The Yerushalmi's insistence on the notion that the halakhah agrees with Rabbi Simeon—this is mentioned three times in the commentary—may be seen as representing the reaction of a lenient faction within the rabbinic movement to a more stringent position represented by Rabbi Meir, according to which liberating the Land from the land-commandments was inconceivable. Whether this response is directed at real or hermeneutic opponents, Palestinians or even Babylonians who sided with the more stringent positions on tithing obligations in the Land, the Yerushalmi does not reveal.

If a man sold his field to a non-Jew, and an Israelite bought it back again, the buyer should bring the first fruits from it as a precaution for the general good. (mGit 4:9)

This mishnah, upon which the first of the Yerushalmi passages quoted above comments and which is partially cited at the close of this text, is explicit in claiming that Jews did sell fields within the Land. It also rules concerning the commandment to bring first fruits and how this applies to the Jew who repurchases the field. I would now like to turn to the commentary of this mishnah in the Bavli.¹⁹ It reads:

Rabbah says: Even though it is not possible for a non-Jew to acquire (lit. ‘there is an acquisition of’) [land] in the land of Israel to cancel the obligation to tithe, for it is said, *For the land is Mine* (Lev 25:23)—[which teaches:] the sanctity of the land is Mine—it is possible for a non-Jew to acquire [land] in the land of Israel [to the extent that this allows him to] dig pits, ditches, and caves, for it is said, *The heavens are the Lord’s heavens, but the earth he has given to human beings* (Ps 115:16). And Rabbi Eleazar says: Even though it is possible for a non-Jew to acquire [land] in the land of Israel to cancel the obligation to tithe, for it is said, [*the tithe of*] *your grain* (Deut 12:17)—[which teaches:] and not the grain of the non-Jew—, it is not possible for a non-Jew to acquire [land] in the land of Israel [to the extent that this allows him to] dig pits, ditches, and caves, for it is said, *The earth is the Lord’s* (Ps 24:1). (bGit 47a)

Although we may be inclined to think that Babylonian sages (and Babylonian Jews in general) were not directly affected by the problems posed by fields in the land of Israel being sold to non-Jews, the passage above is one of a number in which they are depicted discussing the implications of such transactions. Two third-generation amoraim, the Babylonian Rabbah and the Palestinian Eleazar ben Pedat,²⁰ are represented as engaging in a midrashic dispute in

19 The version of the mishnah quoted in the Bavli has a slightly different wording, which does not identify the one purchasing from the non-Jew as a Jew: ‘If a man sold his field to a non-Jew, he buys and brings the first fruits from it as a precaution for the general good.’ The Bavli’s version is more to the point in that it takes for granted the fact that only Jews are expected to bring first fruits and observe the land-commandments.

20 Rabbah may have been a native of the land of Israel. In bKet 11b his brothers write to him from the Land, and after reminding him that learning with a master is better than on his own, and that in the Land he would have Rabbi Jochanan, they proceed to give him advice on his health during his life in Babylonia. Eleazar ben Pedat is Babylonian by birth.

which each argues with his own pair of scriptural verses to distinguish between two types of rights that a non-Jew may acquire when he buys a field in the Land: A non-Jew may either acquire full rights of possession, whereby the produce of their field is released from the obligation to tithe, or the more limited right to dig in the field.²¹ Interestingly, it is the Babylonian Rabbah who holds the more stringent position. To support this, he quotes Lev 25:23 and an interpretation which echoes the Sifra tradition quoted in the Yerushalmi by Rabbi Eleazar. According to Rabbah's view, no sale transaction exempts the produce of a field in the Land from the Jews' tithing obligations. Furthermore, the Gemara adds that according to Rabbah, the wording of Deut 12:17 refers to Jews storing produce rather than growing it²²—i.e., even in cases in which Jews are only involved in harvesting and storing produce grown in a field that belongs to a non-Jew, this produce is to be tithed.

In the continuation of the sugya, the Gemara discusses the extent to which the obligation to tithe still applies in situations that may arise either from Jews buying a field from non-Jews and then selling it back again, or from Jews buying a field along with non-Jews. In both cases, the Gemara concludes, such constellations are only conceivable in Syria, not in the land of Israel. Here Syria's special, intermediate status between the land of Israel and the rest of the lands is explained as a consequence of the fact that Syria was not conquered by the people (under Joshua), but by an individual (King David), and that this type of conquest is to be distinguished from that of the land of Israel proper. In the final section, the sugya focuses on the nature of the obligation to bring first fruits in the past and in the present:

Rav Ashi said: There were two ordinances. At first they [who sold their fields] would bring [first fruits] by Torah [law]. When they [the sages] saw that they [the Jews] would make the recital and sell [their fields] because they thought [that the land] retains its holiness, they instituted that they should not bring [the first fruits]. When they [the sages] saw that those who were not able [to subsist] would sell [their fields] and [these] would remain in the possession of non-Jews, they went back and instituted that they should bring [the first fruits.] (bGit 47b)

The fifth generation Babylonian amora Rav Ashi historicises the observance of the commandment to bring first fruits, distinguishing three periods: a first

21 The Yerushalmi distinguishes between a full right of acquisition and property rights, e.g., the right to use the produce of his field.

22 To justify this interpretation, *deganekha* ('your grain') is read as *digunekha* ('your storage').

period in which Jews sold their fields but continued to observe the commandment as prescribed in the Torah, and two subsequent periods marked by rabbinic ordinances geared towards keeping the Land under obligation with respect to land-commandments in spite of the fact that the circumstances have changed.²³ Like his older Babylonian colleague Rabbah, Rav Ashi holds that, while it is based on a rabbinic ruling, the obligation to bring the first fruits of the Land is still in force, no matter in whose hands the fields actually are.

Similarly another passage transmitted in the Bavli is representative of the shared desire of Babylonians and Palestinians to protect the Land from the undesirable implications of selling real estate to non-Jews:

We learnt there: Rabbi Judah said: One who leases (lit. 'receives') a field of his fathers from a non-Jew, he must tithe [the produce] and then give him [the non-Jew] his share (mDem 6:2). They [the sages] explained it [thus]: What is [meant by] 'a field of his fathers'? The land of Israel. And why did they call it 'a field of his fathers'? It is a field of Abraham, Isaac, and Jacob. And he [Rabbi Judah] holds: There is no acquisition [of land] in the land of Israel to cancel the obligation to tithe. And one who leases [on a percentage] is like one who rents [at a fixed rent]. Just as one who rents, whether the field produces or not, tithes [crops] and pays him [the landowner, and] is like one who pays a debt, so too he who leases it is as if he paid his debt, 'he must tithe [the produce] and then give him [the non-Jew] his share.' Rav Kahana said to Rav Papi, some say, to Rabbi Zebid: But then [it was] taught [in a baraita]: Rabbi Judah said: If one leases a field of his fathers from a non-Jewish oppressor, he must tithe [the produce] and pay him [his percentage of the crop]. Why [particularly from] an oppressor? Does it not hold also [if the non-Jew is] not an oppressor [that he must tithe the produce]? Rather, there is under all circumstances an acquisition [of land] in the land of Israel to cancel the obligation to tithe. And one who leases [on a percentage] is not as one who rents, and 'a field of his fathers' is meant literally. And him [the son] the rabbis punished, because since it is dearer to him [than to others], he will go and lease it [on such terms, which] no one else in this world would [accept]. And what is the reason for the rabbis to punish him? Rabbi Jochanan said:

23 The ordinances or *taqanot* in this Bavli passage appear to be a way of rephrasing the mishnaic 'precaution for the general good', which both the Bavli and the Yerushalmi contrast to an obligation based on the authority of Torah (Yerushalmi: *devar torah*; Bavli: *mide-oraita*). A similar distinction is made in bNid 46b with respect to three land-commandments; see chapter 3.2.

So that it [the field] might become exclusively his. Rabbi Jeremiah said: For such an answer a master is needed. (bBM 101a)

Rather than emphasising the Land's sanctity or God's ownership—there is no reference to an exegesis of Lev 25:23 involved here—the text highlights the ethnic component of the link to the Land. As a tradition from the Palestinian centre, the anonymous voice of the Gemara quotes a mishnah fragment (introduced with the deictic 'there') and interprets it anonymously as conveying the following three statements: First, the mishnah concerns agricultural agreements between Jews and non-Jews²⁴ with regard to fields in the land of Israel, the ancestral homeland. Second, the Gemara assumes that, according to Rabbi Judah, fields in the land of Israel which have been sold to non-Jews are nevertheless still under the obligation to tithes. Third, the type of agricultural agreement the mishnah refers to, 'receiving [in a sharecropping agreement]', is comparable to another—that of the tenant farmer subject to fixed rent, whereby both are compared to settling a debt.²⁵ After a brief challenge presented by the Babylonian Rav Kahana, who argues with the aid of a baraita that only in one specific constellation does a Jew tithe the produce of an ancestral field that he leases on percentage, the anonymous voice of the Bavli proceeds to explain that whether fields in the Land were acquired legitimately or illegitimately, Jews must nevertheless tithe on the produce obtained under sharecropping agreements before returning the appropriate portion to the non-Jew. This is the case even though selling real estate in the Land to non-Jews does in fact exempt the produce from the obligation.²⁶ Furthermore, in this revision of the Palestinian statements, the Bavli reinterprets the phrase 'field of his fathers'. Here it is viewed as a reference to the field that belonged to a Jew's direct ancestors, and

24 The mishnah that this sugya as a whole is based on concerns about the sale of olive trees and does not mention non-Jews as part of the transaction.

25 The two kinds of lease or tenancy that the Talmud refers to here with the expressions *chokher* and *meqabel* are often designated in Palestinian compilations as *arisut we-qablanut*, whereby *arisut* tends to be translated as 'sharecropping' and *qablanut* as 'fixed-rent lease'. See mBB 10:4; tMQ 2:3; tBM 1:5; yMQ 3:4 (82a). In mBik 1:11, the two types are referred to as *arisut we-chokhorot*. Danby, *Mishnah*, 380n7, who translates *shetare arisut we-qablanut* in mBB 10:4 as 'deeds of tenancy', explains the difference between the two types of tenancy as follows: In sharecropping 'the tenant agrees to give the owner a prescribed proportion of the crop'; in fixed-rent tenancy 'he agrees to give a fixed quantity regardless of what may be the resulting crop'. For an overview of the types of tenancy in the context of Roman Palestine, see G. Hamel, 'Poverty and Charity,' in *The Oxford Handbook of Daily Life in Roman Palestine*, ed. C. Hezser (New York: Oxford University Press, 2010), 312–315.

26 A position that recalls Rabbi Judah's and Rabbi Simeon's in yDem 5:9 (24d).

thus a more tangible piece of the Land than the ancestral homeland associated with the patriarchs. One who has inherited fields from his father but has a sharecropping agreement with a non-Jew tithes on the fields' produce because the sages instituted this rule, so the Gemara explains. According to the words of the Palestinian Rabbi Jochanan, the ruling—which the Gemara describes in terms of a penalty—is actually an incentive for Jews to recover their ancestral fields in the land of Israel: These fields matter to them, the real heirs, more than to anyone else, so the anonymous voice's argument goes. Thus the ruling draws on the emotional side of an individual's attachment to place. The passage closes with the words of another Palestinian sage, Rabbi Jeremiah,²⁷ who praises the explanation attributed to Jochanan.

Returning to the development of our Sifra tradition on Lev 25:23, we see that while Wayiqra Rabbah, the major homiletical midrash on Leviticus from the amoraic period, is silent on this verse in Leviticus, the Sifra tradition resonates in a post-amoraic midrash. The Tanchuma homily quoted below interprets Lev 25:23 with reference to its wider scriptural context:

You shall observe my statutes [and faithfully keep my ordinances, so that you may live on the land securely] etc. (Lev 25:18). The Holy One, blessed be He, said to him, Just as I sold my people and then reinstated (lit. 'brought closer') them, for it is said, Return, O faithless children, says the Lord, for I am your master (Jer 3:14), and it is written, For thus says the Lord: You were sold for nothing, and you shall be redeemed without money (Isa 52:3), so shall you not sell the land irredeemably, for it is said, The land shall not be sold in perpetuity, for the land is Mine (Lev 25:23). The land of Israel is dear to me because I made it holy among all the lands. You should know: When the land of Israel was distributed to the tribes, it did not pass from tribe to tribe. Rather [it was allocated] to each tribe separately. You should know: And look at how many lawsuits the daughters of Zelophehad brought, so that their inheritance would not pass from one tribe to another. And the Holy One, blessed be He, gave thanks for their words, for it is said, The daughters of Zelophehad are right in what they are saying; you shall indeed let them possess an inheritance among their father's brothers and pass the inheritance of their father on to them] etc. (Num 27:7); no inheritance shall be transferred from one tribe to another (Num 36:9). Therefore, if a redeemer is found for it, fine; but if not, whoever takes it acquires it until the Jubilee and on the Jubilee he releases it, for it is said, Then

27 A native of Babylonia.

[in the Jubilee] *they and their children with them shall be free from your authority*]; *they shall go back to their own family and return to their ancestral property*] (Lev 25:41): The Holy One, blessed be He, said, When the year of the redemption draws near, I will redeem you, for it is said: *For the day of vengeance was in my heart, and the year for my redeeming work had come* (Isa 63:4). (TanB Be-har 4)

To explain the lemma verse Lev 25:18, which states that Israel will live safely in the Land, provided they live according to the law, the midrash proceeds first to link this verse with another from the same scriptural context, Lev 25:23, reasoning homiletically, with God speaking in the first person. The main thrust of this speech is the idea that Israel may not sell real estate in the Land irredeemably, because they are expected to walk in God's footsteps, as it were. The analogy God gives to Moses using Jer 3:14 and Isa 52:3 as his prooftexts suggests that the Exile was an act of sale, but one that was nevertheless followed by a redemption in the form of the people's return to the Land. Here Lev 25:23 is quoted as a prooftext for the interpretation of another verse, which is reminiscent of the Sifra tradition. The connection between God and the Land goes back to the time when he set it apart from all other lands. Israel are expected to imitate this and to set the Land apart in order to be holy themselves.²⁸

One aspect of the Land's special status that is stressed here pertains to the fact that the distribution of territory among the tribes was meant to be permanent. The midrash adduces the case of Zelophehad's daughters²⁹ and quotes two verses from their narrative in Scripture to argue that these women were pioneers in understanding that the issue of real estate in the Land remaining in the hands of its original tenants is essential, even if these tenants happened to be women.³⁰ If, in spite of Num 36:9, the land must change hands beyond the boundaries of the tribes, then the Jubilee, and ultimately also the redemption of the land at the end of time, solves the problem by returning the land to the original tenants.

28 Several verses in the context of the Code of Holiness relate God's holiness to the sanctification of Israel and to Israel's own sanctification of themselves. See Lev 19:2; 20:7–8; 20:26; 22:32–33. On the polysemy of 'holy', see J. Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, Anchor Bible 3B (New York: Doubleday, 2000), on Lev 19:2.

29 Cf. Num 27:1–11; 36:1–12.

30 Elsewhere the sages discuss at length the way Zelophehad's five daughters inherit from their father. See T. Ilan, 'The Daughters of Zelophehad and Women's Inheritance: The Biblical Injunction and its Outcome,' in *Exodus to Deuteronomy: A feminist Companion to the Bible*, ed. A. Brenner (Sheffield: Sheffield Academic Press, 2000), 176–186.

Even though the text explicitly quotes only three verses from Lev 25, of which one functions as a lemma, the entire passage may be seen as a late midrashic retelling of the second part of this chapter in Leviticus, and at the same time as a contextualisation of the text as part of Scripture's broader discourse: a rabbinic account of 'the biblical precept that ancestral lands are divinely granted in perpetuity and may not be alienated from their original tribes or families'.³¹ Interestingly, both in the words God speaks in the first person at the beginning and in those at the close of the passage, the notion that the people's return and the land's redemption go hand in hand with holiness and drawing closer to God appears to be expressed in forms of the lexeme *qrv*. These expressions may originally have been deictic markers used in a Palestinian midrash to stress the connection between the holiness of the Land as a place and Israel as a people.

Let us turn to a final example of the changing use of our Sifra tradition in different contexts. In an interpretation of Num 34:2, the tradition features as part of a Tanchuma homily addressing the triad God–Land–Israel with reference to the theme of inheritance:

This is the land that shall fall to you as an inheritance (Num 34:2). What is the meaning of *to you*? To you it is fitting. It is like a king who had male slaves and female slaves and would have his male slaves marry [female slaves] from another estate.³² Then the king thought and said, The male slaves are mine and the female slaves are mine. It would be better for me to marry my male slaves to my female slaves, my own [to my own]. Similarly, the Holy One, blessed be He, said, The land is Mine, for it is said, *For the land is Mine* etc. (Lev 25:23). And it [Scripture] says, *the land is the lord's and all that it holds* etc. (Ps 24:1). Moreover, Israel are Mine, for it is said, *For to me the children of Israel are servants* (Lev 25:55). It is better for Me to bequeath my land to my servants, who belong to Me, to a people that belong to Me. Therefore it is said, *This is the land that shall fall to you as an inheritance* (Num 34:2). (TanB Mase'ei 7)

This is one of a series of passages in the Tanchuma literature which position the opening verses of Num 34—the most detailed biblical map of the Land in

31 Berlin and Brettler, *Jewish Study Bible*, 322, on Num 27:1–11. In addition, TanB Be-har 8, discussed in chapter 4.2, may be regarded as a retelling of the second part of Lev 25.

32 A parable in BerR 49:2 depicts the Land in terms of an estate that a king gives to his son, whereby the same Greek loanword *usia* is used. For the land of Israel as a motif in rabbinic parables, see Cordoni, 'Land of Israel in Rabbinic Parables'.

the Torah—as a lemma.³³ This interpretation of Num 34:2 touches upon the prohibition against selling or the obligation to redeem real estate in the Land only indirectly. Instead it resorts to a parable to illustrate the nature of the link between the people and the land of Israel. Both are placed on the same level in a hierarchy in which God is at the top—both are, as it were, God's 'personal' possessions.³⁴

The 'land' mentioned in Lev 25:23—the sale of which to non-Jews (or even to Jews other than the ancestral landholders) the texts discussed in this section elaborate on and problematise—is generally agricultural land.³⁵ In the sources I discuss below, the sages specify the types of real estate and the different types of transactions that are supposedly meant when Scripture mentions selling land. We now turn to these sources.

5.2 On Not Selling or Letting Real Estate

The problem of selling real estate in the land of Israel is addressed in the following mishnah:

They do not sell them to what is attached to the soil but they sell it after it has been severed. Rabbi Judah says: They sell it to them on condition that it is severed. They do not let houses to them in the land of Israel or, needless to say, fields; in Syria they let houses to them but not fields; while outside of the Land they sell houses and let fields to them. Words of Rabbi Meir. Rabbi Jose says: In the land of Israel they let houses to them but not fields; and in Syria they sell houses and let fields; and outside of the Land they sell these and those to them. (mAZ 1:8)

Following the mention of a prohibition against selling what is connected to the ground, here the sages address the question of which types of real estate transactions with non-Jews are permissible for Jews, and where. This question is answered in more or less stringent terms by the two second-century sages Rabbi Meir and Rabbi Jose. They distinguish a) two types of property—houses and fields; b) three regions—the Land, Syria, and abroad;³⁶ and c) two types of

33 See TanB Mase'ei 3.5–7; Tan Mase'ei 4.6–11; BemR 23:3–11. As mentioned above, the textual map itself is not interpreted in the rabbinic corpora.

34 On the Land as one of several of God's possessions, see chapter 3.1.

35 The last Tanchuma passage has a broader land-concept.

36 This division of the world inhabited by Jews is found in other mishnayot as well. Syria has

transaction—selling and letting. Whereas according to Rabbi Meir Jews are not permitted to sell fields in any of the three regions, nor to lease fields either in the Land or in Syria, the more lenient Rabbi Jose permits letting fields in Syria and even selling them abroad. The sages are of the same opinion with respect to the prohibition against letting fields in the Land and also the acceptability of selling houses abroad. We find a parallel to their disagreement in the Tosefta:

They do not let houses, fields and vineyards to them. And they do not give them [fields] on the basis of sharecropping and fixed-rent tenancy [agreements] for cattle breeding, neither to a non-Jew nor to a Samaritan. What are these words about? About the land of Israel. In Syria they let houses but not fields. Here [in the Land] and there [in Syria] a man should not let his field to a non-Jew. Words of Rabbi Meir. Rabbi Jose says: Also in the land of Israel they let houses; in Syria they sell houses and let fields. Outside of the Land they sell these and those. (tAZ 2:8)

This toseftan passage transmits an even more stringent version of Rabbi Meir's position: It stresses that letting fields to non-Jews is never permitted in the Land or in Syria, and it spells out the standard types of agricultural arrangements as well as the outgroups with whom these arrangements were made.³⁷ Rabbi Jose's position is transmitted in two versions: Whereas his words in MS Vienna, quoted above, follow the Mishnah, in MS Erfurt he is quoted as stating even more leniently: 'Also in the land of Israel they let houses and they let fields; outside of the Land they sell these and those.'

In the thematic context of tractate Avodah Zarah, the alleged threat of idolatry induces the sages to discuss the reasons why Jewish real estate should not be sold or let to non-Jews. While the Mishnah associates this danger particularly with houses, wherever they are located and let to non-Jews (e.g., mAZ 1:9), the Tosefta expands the rationale to include baths and fields:

Here [in the Land] and there [in Syria] an Israelite should not let his house to a non-Jew, because it is certain that they will bring an idol into it. But they let to them stables, storehouses, and inns, even though it is certain that they will bring into them an idol. Simeon ben Gamaliel says: In no place may one let his bathhouse to a non-Jew, since it would be called

the status of an in-between area, it has the characteristics of the Land and also of regions outside of the Land; see chapter 3, n. 81.

37 The same outgroups are mentioned in mDem 5:9 and tDem 5:21 in relation to produce grown in the Land for which Jews are expected to offer tithe.

by the Israelite's name, and they would wash [in it] on the Sabbath. Rabbi Simeon says: In no place may an Israelite let his field to a Samaritan, since it would be called by the Israelite's name, and they will perform acts of work on it on days of the festivals. (tAZ 2:9)

The Tosefta's anonymous collective voice first distinguishes houses from properties which Jews do not inhabit (stables, storehouses, and inns): Whether idolatry is practiced in the latter does not seem to preoccupy this anonymous voice, as long as houses are kept in Jewish hands, and this applies both to the land of Israel and to Syria, the two locations mentioned in the halakhah that precedes this one (tAZ 2:8).³⁸ The opinions of two third-generation tannaim, which come after the opening statement, pertain not only to the land of Israel and to Syria, but to any location where Jews may let different types of property to non-Jews. Whereas an idol in a stable does not seem to be especially problematic, the sages argue that a bathhouse or a field which were once in Jewish hands may still affect the former owner's name once they have passed to non-Jewish hands. Because properties continue to be named after their previous Jewish owners while non-Jews may do things forbidden to Jews on the Sabbath and on festival days, the impression might arise among Jews that other Jews are not observing the Sabbath or the festivals. This toseftan halakhah does not argue that letting real estate to non-Jews is inherently problematic. The prohibition is intended to prevent what the rabbis considered to be the likely negative consequences such transactions may have for the Jewish identity of the properties in question, for their owners' reputations, and potentially for the observance of the commandments by other Jews.

The Yerushalmi's elaboration on mAZ 1:9 shows little interest in the distinction between selling and letting made in the mishnah, focusing instead on the difference between types of real estate and regions where houses or fields may pass from Jews to non-Jews. The passage quoted below deals with real estate in the land of Israel:

Rabbi Zeira [said] in the name of Rabbi Jose ben Chanina, Rabbi Abba, Rabbi Chiyya in the name of Rabbi Jochanan: *Show them no mercy (lo techannem)* (Deut 7:2): you will show them no grace (*lo titen lahem chen*); *Show them no mercy*: you will give them no unrequited gift (*lo titen lahem mattenat chinnam*); *Show them no mercy*: you will give them no place to

38 Interestingly, at this point the reading in MS Erfurt adds the following anonymous statement: 'An Israelite lets his house to a Samaritan and is not concerned with whether he brings into it an idol.'

settle (lit. ‘no rest’, ‘no encampment’) in the Land (*lo titen lahem chaniyah ba-arets*). But have we not learnt: Rabbi Jose says: In the land of Israel they let houses to them (mAZ 1:8)? [In the case of] a house one is not likely to be blessed through it, [in the case of] a field one is likely to be blessed through it. Rabbi Jose ben Rabbi Bun gave instructions that it is forbidden to let to them a burial place in the land of Israel on account of ‘you will give them no place to settle in the Land’. (yAZ 1:9 [40a])

Two parallel traditions, one going back to Rabbi Jose ben Chanina and one to Rabbi Jochanan, are quoted to interpret the mishna. A verse is adduced for this purpose, Deut 7:2, which in its original context refers to the pre-Israelite inhabitants of the Land. In the Yerushalmi the verse is read as referring to non-Jews in rabbinic times and geographies. The consonants of the verb *techannem* are read midrashically as a reference to three different strategies Jews should apply when dealing with non-Jews, whereby only the third is explicitly related to space.³⁹ The midrash itself is then problematised in turn: As the anonymous voice of the Yerushalmi goes on to argue, this last statement—which apparently prohibits non-Jews from settling—stands in contrast to Rabbi Jose’s position in the mishnah, where he permits letting houses in the Land. To explain away this contradiction, the Yerushalmi argues that Deut 7:2 refers to fields and not to houses, and the reason why non-Jews may not settle in fields is that, unlike houses (or buildings in general), fields (and vineyards) may be blessed in the sense that fields are affected by the land-dependent commandments. Yet another understanding of the third midrashic unit is given in the voice of Rabbi Jose ben Rabbi Bun: In his view, the amoraic reading of Deut 7:2 refers to the prohibition against letting burial plots to non-Jews in the land of Israel.

The final section of this commentary is also concerned with fields rather than with houses, and with the question of whether letting them to non-Jews in Syria is permissible. Two narratives help to explain why the Yerushalmi’s anonymous voice follows Rabbi Jose’s position in the mishnah, where he says that letting fields to non-Jews in Syria is permissible. The first narrative has a rabbi as its protagonist. Rabbi Simeon is said to have owned vineyards on

39 The third reading appears to evoke the deuteronomistic image of the land as Israel’s place of rest after their wandering. As Janzen, ‘Land,’ 145, observes: ‘The land is also the destination of Israel’s wanderings, and as such, its place of rest. Both the verbal expression ‘give rest’ (נָחַ, [Hip’il]) and its nominal derivative ‘rest’ (מְנוּחָה) express this, particularly within Deuteronomistic-Deuteronomistic theology. As a distinctive aspect of God’s land promise, rest can be expected by Israel only upon crossing the Jordan and occupying the heartland of Canaan.’ A parallel in the Babylonian Talmud is found in bAZ 20a.

King's Mountain, a border area between the land of Israel and Syria, and to have consulted with two fellow rabbis as to whether he was allowed to let them to non-Jews. Whereas Rabbi Jochanan is against letting, Rabbi Joshua permits it, provided no Jews are found to whom the fields can be let. An unequivocal answer to the question is provided in the second narrative: A family of proselytes in Homs asks Rabbi Chaggai whether they must tithe the produce grown by non-Jews if, for lack of Jews in the area, the family were forced to let their fields to non-Jews. Rabbi Chaggai consults with Palestinian authorities, who let the family know that they should not tithe.

We find a more detailed interpretation of mAZ 1:8–9 in the Babylonian Gemara, which relates the distinction made in the Palestinian texts between houses and fields on the one hand, and selling and letting on the other, to the contrast between two types of commandments—those that are dependent on the land and those that are not:

What [is the meaning of] 'needless to say, fields' (mAZ 1:8)? If we say [it is] because there are two [objections] to it [i.e., to letting fields to non-Jews]: one [the non-Jewish] settlement of the soil and one that [this] exempts it from [the obligation to] tithe? If it be that, then [in the case of] houses, too, there are two [objections]: one [non-Jewish] settlement of the soil, and one that [this] exempts it from [the obligation to have] a *mezuzah*. Rav Mesharsheya said: It is upon the occupant that the observance of the *mezuzah* [precept] devolves. (bAZ 21a)

The Bavli analyses Rabbi Meir's and Rabbi Jose's statements in the mishnah concerning letting and selling houses and fields in two of the three areas where Jews live—Syria and outside of the Land:

'In Syria they let houses [to them but not fields]' etc. (mAZ 1:8). What is different [about] selling [houses] that it is not [allowed]? Because selling [houses] in the land of Israel [is not allowed]. If that is so, let us also issue a preventive measure (*gezerah*) [a prohibition against] letting [houses to non-Jews in Syria]. [The permission to let houses to them in Syria] is itself a preventive measure. Shall we arise and issue a preventive measure to a preventive measure? But [the prohibition against] letting a field in Syria is a preventive measure to another preventive measure and yet we do issue it. There it is not a preventive measure. He [Rabbi Meir] holds that the conquest of an individual is called a conquest. [Hence, in the case of] a field[, where] there are two [objections], our rabbis issued a preventive measure; [but in the case of] houses[, where] there are no such two

[objections], our rabbis did not issue a preventive measure. 'Outside of the Land [they sell houses and let fields to them]' etc. [In the case of] a field[, where] there are two [objections], our rabbis issued a preventive measure; [but in the case of] houses[, since] there are no such two [objections], our rabbis did not issue a preventive measure. 'Rabbi Jose says: In the land of Israel they let houses to them [but not fields]' etc. (mAZ 1:8). What is the reason? [In the case of] fields[, where] there are two [objections], our rabbis issued a preventive measure concerning them; [but in the case of] houses[, where] there are no such two [objections], our rabbis did not issue a preventive measure concerning them. 'In Syria they sell houses [and let fields to them]' etc. (ibid.). What is the reason? [Rabbi Jose] holds that a conquest by an individual is not called a conquest; and a field[, where] there are two [objections], our rabbis issued a preventive measure concerning it; [in the case of] houses[, where] there are no such two [objections], our rabbis did not issue a preventive measure concerning them. 'While outside of the Land they sell these and those [to them]' etc. What is the reason? On account of the distance [from the land of Israel], we do not issue a preventive measure. (bAZ 21a)

For the most part, this interpretation operates anonymously, with the aid of three concepts not found in the Palestinian texts discussed thus far in relation to real estate: the notion that fields being in the hands of non-Jews is objectionable in two respects; the idea that certain decrees are issued as preventive measures to ensure that other preventive measures are observed; and Syria's status as the conquest of a single person, not of the entire people.⁴⁰ First of all, the Gemara takes up the question of why it is necessary for Rabbi Meir to distinguish between fields and houses if neither should be let to non-Jews in the land of Israel. Two issues are said to arise from letting both types of real estate. The non-Jew settles in the land and thereby changes the property's status with respect to specific commandments: In the case of fields, the commandment mentioned is tithing, and in the case of houses, it is the commandment to affix a *mezuzah* to the doorpost. As the Babylonian amora Rav Mesharsheya explains, the *mezuzah* is incumbent upon the inhabitant of a house. Only if a house is inhabited by a Jew is it expected to have a *mezuzah* appended to its doorpost. Therefore the types of obligation imposed on houses and on fields are different in nature.⁴¹ Thus the Bavli argues that the distinction between these two

40 This argument is also used in bGit 47a.

41 Only the former is an obligation incumbent upon the person and reminiscent of the notion of 'personal obligation' (bQid 37a).

types of commandments imposed on houses and fields in the land of Israel must be the reason why Rabbi Meir distinguishes these two types of real estate, even though he does not permit either to be let to non-Jews. Rav Mesharsheya's position—that only fields are subject to the twofold objection—is decisive for the argumentation that follows.

The sugya is further concerned with the distinctions Rabbi Meir makes with respect to Syria: Why may Jews who live there let houses to non-Jews but not sell them? To explain this difference, the Talmud's anonymous voice introduces the notion of decrees—i.e., rabbinic rulings issued to regulate Jewish life in Syria to prevent the violation of other decrees issued to rule Jewish life in the Land.⁴² In other words, what happens in Syria has an impact on what happens in the Land. Thus in Syria fields may not be let to non-Jews because this prevents the violation of the prohibition against letting fields in the Land. Outside of the Land, the prohibition against selling represents a decree that prevents selling in Syria. This stringent position with respect to Syria is related to Rabbi Meir's understanding of David's conquest of Syria as an actual conquest made by an individual, whereby Syria has more characteristics of the Land than of regions outside of the Land. According to Rabbi Meir, Syria's status is based on Torah precepts rather than rabbinic decrees.

The logic applied to the exegesis of Rabbi Meir's words concerning the concentric disposition of the three geographic areas—the Land, Syria, and outside of the Land⁴³—is also applied to the interpretation of Rabbi Jose's words. His position is identified as that of the halakhah. The disagreement between the two sages concerning whether or not Syria represents a conquered land is presented as decisive for their differing positions. From the Babylonian perspective, which gave shape to the text we have here, Syria has not been properly conquered, i.e., collectively conquered, and this puts more distance between Babylonia and the Land, thus liberating Babylonia from restrictions such as those that Rabbi Meir's position suggests, while at the same time protecting the Land. Thus, according to Rabbi Jose, the distance between Babylonia and the Land is the reason why there is no prohibition against selling houses or fields to non-Jews in Babylonia.

Rav Yehuda said in the name of Samuel: The halakhah is with Rabbi Jose.
Rav Joseph said: Provided he does not make it a [non-Jewish] settlement.

42 The literal meaning of *gezerah* falls within a spatial semantic field. See Jastrow, *Dictionary*, s. v. גֵּזֶרֶה, 'fence, partition' and גֵּזֶר, 'a secluded and narrow place'.

43 This concentric disposition of the three regions is more clearly stressed in the Babylonian Talmud than in the Palestinian texts.

And how many [inhabitants] constitute a settlement? A tanna taught: A settlement has at least three persons. And do we worry in case an Israelite has gone and sold the property to one idolater, the latter may go and sell a part to two others? Abaye said: We are commanded about [placing a stumbling block] before [a blind person] but we are not commanded about [placing a stumbling block] before [someone who in turn may place a stumbling block] before [a blind person]. (bAZ 21a)

The sugya comes to a close with statements by Rav Yehuda, Rav Yosef, and Abaye, three Babylonian sages of the second, third, and fourth amoraic generations, respectively. While they approve of Rabbi Jose's lenient position, they control that leniency: Rav Joseph restricts the permission to let or sell real estate to transactions that do not facilitate the development of a non-Jewish settlement. He does not specify any region, leaving open the question of whether this is valid for one or all of the regions populated by Jews that are discussed by the tannaim. While the bulk of the interpretation is primarily concerned with real estate in the Land and in Syria, it seems that what probably mattered most to the redactors of this sugya was what their own Jewish Babylonian community was to do with their own real estate. In any case, Abaye's words at the end of the passage relativise the extent to which Jews are to be held accountable for emerging non-Jewish settlements.

5.3 Rescuing the Land

The sages express the importance of keeping the Land Jewish and justify the prohibition against giving away real estate in the land of Israel to non-Jews not only by interpreting Lev 25:23 or noting the danger of giving space to idolatry in the Land. They also discuss the recovery of lost real estate within the Land. A number of tannaitic texts suggest an intention to orient the halakhah to promote the repurchase of landed property in the land of Israel which had passed into non-Jewish hands, either with or without Jewish consent. Particularly pertinent to this question is a group of texts concerned with the so called *siqariqon* ruling. The earliest of these is transmitted in the Mishnah:

There was no [enforcement of the law of] *siqariqon* in Judea in [the case of] the slain in the war. After (lit. 'from') [the time of] the slain in the war, there is [an enforcement of the law of] *siqariqon* there. How [was it implemented]? One who bought [real estate] from a *siqariqon* and then bought [it] from the owner, his purchase is void. [He who bought it] from

the owner and then bought it from the *siqarion*, his purchase is valid. One who bought from the husband and then bought from the wife, his purchase is void. [He who bought] from the wife and then bought [it] from the husband, his purchase is valid. This was the original mishna. A court after them said: He who buys from the *siqarion* gives the owners a quarter. When? When these do not have [the means] to buy [the real estate themselves]. But if they have [the means] to buy, they come before everyone [i.e., they have the first right of purchase]. Rabbi [Judah the Prince] appointed a court and they voted that if [the real estate] has remained with the *siqarion* twelve months, whoever comes first and purchases takes possession, but he gives the owners a quarter. (mGit 5:6)

This mishnah is presented as one of several adaptations of existing rulings meant as a precaution for the general good (mGit 4:2–5:9).⁴⁴ It distinguishes two main stages in the development of a law referred to as ‘*siqarion*,’⁴⁵ a term which the Mishnah never explains.⁴⁶ This mishnah differentiates between a

44 This is the context of mGit 4:9; I discussed the commentary on this text in the Yerushalmi and the Bavli in the first section of this chapter.

45 Scholars vocalise the transliterated word in various ways: *siqarion*, *siqriqon*, *siqoriqin*.

46 On the law of *siqarion*, see S. Safrai, ‘*Siqarion*,’ *Zion* 17 (1952): 56–64; M. Gil, ‘Land Ownership in Palestine under Roman Rule,’ *Revue Internationale des Droits de L’Antique* 17 (1970): 11–53; M. Gil, ‘*Siqoriqin*: Forfeited Land,’ *Hebrew Union College Annual* 47–62 (2005); Y. Shahar, ‘Why a Quarter? The *Siqarion* Ruling and Roman Law,’ in *Judaea-Palaestina, Babylon and Rome: Jews in Antiquity*, ed. B. Isaac and Y. Shahar (Tübingen: Mohr Siebeck, 2012), 191–203. The term can refer to: a) the law concerning the purchase of confiscated property; b) to the Roman confiscator of land or any other Roman or Jew who received or acquired it from the first confiscator—i.e., to the holder of confiscated land; or c) to the confiscated land itself. See Y. Wilfand, ‘Mishnah Gittin 5:6,’ in *Judaism and Rome: Re-thinking Judaism’s Encounter with the Roman Empire* (2017), <http://www.judaism-and-rome.org/mishnah-gittin-56>, whose commentaries on the rabbinic texts concerning the law of *siqarion* are an excellent introduction to this topic. Stemberger, ‘Bedeutung,’ 185, points out that it can even refer to Jewish usurpers. In mBik 1:2 and tTer 1:6, the *siqarion* is mentioned along with tenants, share-croppers, and land-robbers as others who do not bring first fruits. Both passages adduce a midrash on Exod 23:19, according to which the land they cultivate is not theirs, but ‘your land,’ and therefore they do not need to bring first fruits. See also MekhY Kaspā 5, where the list is features in another midrash: ‘Which you harvest from your land (Deut 26:2): This is to exclude tenants on shares, tenants on fixed rents, the holder of confiscated fields, and the robber.’ A tradition in tGit 3:11 states that sharecroppers, fixed-rent tenants, guardians, and those who take over a field as payment of a debt are not subject to the *siqarion* ruling. As Shahar, ‘Why a Quarter?’, 194, points out, apart from this rationale for mentioning the *siqarion* along with other tenants who lack recognition as legal owners, the halakhah does depict the *siqarion* as sui generis. On the etymology of the term, see H. Graetz, ‘Das Sikarikon-Gesetz,’ *Jahresbericht des*

time, designated as the time of those killed in the war, when *siqariqon* was not enforced, and a time after those killed in the war, when it was. The mishnah is not explicit as to whether the fact that the law was not enforced in Judea goes back to a Roman or a Jewish decision. Scholarly consensus is that the law presented in this text supposedly regulated the conditions under which Jews living in part of the land of Israel—Judea—could buy land confiscated by the Romans on account of anti-Roman activities, particularly in the aftermath of the Bar Kokhba revolt in 132–135 CE.⁴⁷ The mishnah describes the way the law was applied in the first stage, which it calls the ‘first mishna’. If a Jew wanted to legitimately acquire confiscated land, he was expected to pay 200% of the land’s value: First he had to seek the approval of the original owner of the property and pay him 100% of the value, and only then could he pay a further 100% to the actual landholder. The importance of the order of these payments is emphasised in another statement, which pertains to buying from a couple, whereby the sale is only valid if the wife is consulted before her husband receives the money. The wife is thus an analogy for the original owner of the field, in that both are depicted as the disadvantaged party in the transaction. A subsequent relaxation of the ruling by a later court prior to Rabbi Judah the Prince is said to have established that the buyer was to pay 125% of the value: 100% to the property holder and 25%, ‘a quarter’, to the original owner, and in this case the order of the payments is no longer specified.⁴⁸ Provided he himself had the means to repurchase his property, the original owner took priority over all potential buyers. The Mishnah does not say how this right of first purchase was implemented. In a second instance of loosening the law in the early third century, Rabbi is said to have reduced the period during which the original owner preceded any other buyer in his right to repurchase confiscated land to twelve months, after which anyone with the means could buy the

jüdisch-theologischen Seminars, 1892, 3–18; F. Rosenthal, ‘Das Sikarikon-Gesetz,’ *Monatsschrift für Geschichte und Wissenschaft des Judentums* 37 (1893): 1–6; I. Elbogen, ‘Siqariqon: Eine Studie,’ *Monatsschrift für Geschichte und Wissenschaft des Judentums* 69 (1925): 249–257; S. Feist, ‘Zur Etymologie von Siqariqon,’ *Monatsschrift für Geschichte und Wissenschaft des Judentums* 71 (1927): 138–141; A. Gulak, ‘Siqariqon,’ *Tarbiz* 5 (1934): 23–27. A brief summary of these positions is provided by Gil, ‘Siqoriqin: Forfeited Land,’ 52–53. See also A. Oppenheimer, ‘Sikarikon,’ in *Encyclopaedia Judaica*, 2nd edition, vol. 18 (Detroit, MI: Macmillan Reference, 2007), 573–574.

47 See Shahar, ‘Why a Quarter?’, who presents this as the traditional view on the *siqariqon* ruling. Gil, ‘Land Ownership in Palestine under Roman Rule’; Gil, ‘Siqoriqin: Forfeited Land,’ represents a different position, according to which the *siqariqon* ruling was a response to land confiscated for economic reasons.

48 See Shahar, ‘Why a Quarter?’, for a probable explanation for the introduction of a quarter payment.

confiscated field—i.e., even without the original owner's approval—and the original owner would thus only receive a quarter of the land's value.⁴⁹

A slightly different version of the *siqariqon* ruling's development is also transmitted in the parallel passage in the Tosefta. Here we read:

The land of Judea: the [law of] *siqariqon* is not [enforced] there for the sake of settling the province. About whom were these words said? About those killed who were slain before and during the war, but for those killed who were slain after (lit. 'from') the war, the [law of] *siqariqon* is [enforced]. [In] Galilee the *siqariqon* [is] always [enforced]. He who buys from the *siqariqon* and then buys (lit. 'bought') from the owner, his purchase is valid (lit. 'was valid'). [He who buys] from the owner and then buys from the *siqariqon*, his purchase is void. If the owner makes (lit. 'made') a bond, his purchase is valid. This is the original mishna. A court after them said: He who buys from the *siqariqon* gives the owners a quarter, [be it] a quarter in fields [or] a quarter in money. And it is the owners who have the upper hand. If they have [the means] to buy, they come before anyone else. Rabbi appointed his court and they voted that if it [the real estate] has remained with the *siqariqon* twelve months, whoever is first to buy gives the owners a quarter, [be it] a quarter in fields [or] a quarter in money. And it is the owners who have the upper hand. If they have [the means] to buy, they come before anyone else. (tGit 3:10)

This version is more explicit as to why the original ruling was once not applied in Judea: It points out that the law had adverse effects on Jewish recovery of confiscated land there, but this was unique to Judea, for in Galilee the law was always enforced.⁵⁰ According to the toseftan version of the original ruling, while a potential buyer of confiscated land is still expected to pay 200% of the property value, he first has to pay the actual landholder, and only after he has done so can he pay the original owner. Unlike the wording in the Mishnah,

49 According to S. Safrai, 'Siqariqon,' 64, the ruling is symptomatic of 'the improved and normalised relationship between the imperial authorities and the Jewish communities in Eretz Israel in the end of the second century'. Quoted after Shahar, 'Why a Quarter?', 192–193.

50 While it is common knowledge that the war had a different impact on each region, as Gil, 'Siqariqin: Forfeited Land,' 55, observes, it is not possible to decide on the basis of this statement in the Tosefta or the parallel in the Yerushalmi whether Galilee is hereby depicted as exemplary in enacting the law without compromise, or whether the statement simply reflects the fact that Galilee was a relatively quiet region where 'courts were able to deal properly with cases of land seizure, and impose that compromise.'

here the original owner has no right of rejection.⁵¹ In case the buyer first buys from the original owner and only afterwards from the actual landholder, the purchase is valid only if the original owner writes him a deed. In this way the Tosefta stresses the original owner's first right of purchase and the fact that, in case he only receives a quarter of the land's value, he gets to decide whether this should be paid in the form of fields or money.⁵²

The Mishnah and Tosefta texts quoted above leave several questions open. Why is Judea singled out as the region where this ruling changed over time? Who decided that the law should not be applied at first? Why do the texts distinguish between those slain in the war and those slain after the war? And which war do the texts refer to? Some of these questions are addressed in the Talmudim. In the Yerushalmi we read:

'There was no [enforcement of the law of] *siqariqon* in Judea' etc. (mGit 5:6). In the beginning they [the Romans] decreed a persecution in Judea, for they had a tradition from their ancestors [according to which] Judah had killed Esau, for it is written, [*Judah, your brothers shall praise you; your hand shall be on the neck of your enemies* (Gen 49:8). They would go and enslave them and take their fields and sell them to others. The [original] owners would come and seize⁵³ but the land was irredeemable in the hands of the *siqariqon*. They refrained from buying. They [the sages] ordained that the [law of] *siqariqon* would not be [enforced] in Judea. About whom was this (lit. 'these words') said? 'About those slain in the

51 With this alternative wording, the Tosefta may have either sought to protect the buyer or transmitted a corrupt version of the parallel in the mishna. See Y. Wilfand, 'Tosefta Gittin 3:10–11,' in *Judaism and Rome: Re-thinking Judaism's Encounter with the Roman Empire* (2017), <http://www.judaism-and-rome.org/tosefta-gittin-310-11>. In the subsequent halakhah, however, a trace of the original mishnaic order is preserved: 'Rabbi Simeon ben Eleazar says: He who bought (lit. 'buys') from the wife by her marriage contract and then bought from the husband, the purchase is valid. [He who bought] from the husband and then bought from the wife, his purchase is void' (tGit 3:11).

52 The subsequent halakhah in the Tosefta further specifies that three types of tenants ('sharecroppers, fixed-rent tenants, and guardians'), as well as those tenants who are in possession of a field having seized it 'by reason of a debt or by reason of an instalment payment of a tax that has not been paid,' are not subject to the law of *siqariqon*. This amounts to stating that it is easier to recover real estate in the land of Israel if this land has been confiscated for economic reasons. On these exceptions, see Gil, 'Siqoriqin: Forfeited Land,' 54.

53 The expression *torefin* is here understood to refer to 'taking by force'. See H.W. Guggenheimer, ed. and trans., *The Jerusalem Talmud: Third Order; Našim; Tractates Gittin and Nazir*, in *The Jerusalem Talmud*, Studia Judaica 39 (Berlin: De Gruyter, 2007), 225.

war' (mGit 5:6): before the war. 'But [in the case of] those killed who were slain after (lit. 'from') the war, [the law of] *siqariqon* is not⁵⁴ [enforced]' (tGit 3:10). And are those slain before the war not like those [slain] after the war? This is to be explained [as follows]: A *siqariqon* came and robbed and extorted. They were not able to write their sales document before the *siqariqon* came into the entire world. [The ruling was therefore so worded that] the halakhah would not be applied to half [i.e., unequally]. (yGit 5:6 [47b])

Compared to the tannaitic texts quoted above, the elaboration in the Yerushalmi strikes the reader as more denunciatory in tone.⁵⁵ This anonymously transmitted passage is first concerned with explaining the specification of the mishnaic ruling's geographical scope. The Romans—who, as in the tannaitic texts, are only indirectly alluded to—are said to have oppressed Judea on account of an exegetical tradition of their own: They supposedly read Gen 49:8 to mean that the patriarch Judah murdered his uncle Esau, the Romans' ancestor according to the rabbis. The Romans therefore enslave Judah's descendants in Judea, take their fields, and sell them to others, whereby the land becomes irredeemable⁵⁶ for the original owners.⁵⁷ In response to this situation, the Yerushalmi explains, the sages decree that the law regulating the repurchase of expropriated fields should not be enforced in Judea. In a second step, the Yerushalmi problematizes the differentiation made in the Mishnah and the Tosefta between confiscations that occurred during and those that occurred after the war. It identifies the suspension of the law that pertained specifically to cases of 'those slain in the war' with killings and confiscations that took place before the war. Concerning the confiscations during and after the war, however, the Yerushalmi differs from the tannaitic sources in that it claims that the law of *siqariqon* was not enforced at this time either. Even if we might be tempted

54 Given that the statement opens with 'but'—as in the Tosefta—this negation particle (*eyn*), is disconcerting.

55 However and in view of the fact that the passage quoted here is entirely in Hebrew, Shahar, 'Why a Quarter?', 194–195, claims that it may reflect the standpoint of the first two generations of amoraim in the third century, hence relatively near the time when Mishnah was redacted.

56 The expression used here calls to mind the prohibition against selling irredeemably in Sifra Be-har pereq 4:8, as discussed in chapter 5.1.

57 Gil, 'Siqoriqin: Forfeited Land,' 54, paraphrases the Hebrew wording as follows: 'The (surviving) land owners who returned to their locations would seize them (*torefim*, literally: devour), that is, annul, reclaim, the land from those who had purchased it, which we may understand as: they would appeal to the courts for the return of their land.'

to see a mistake in the way the Yerushalmi quotes the Tosefta at this point,⁵⁸ the subsequent explanation appears to suggest that the Yerushalmi's redactors found fault with this distinction because it was at odds with an impartial halakhah.⁵⁹

The Babylonian Gemara elaborates on mGit 5:6 in two distinct sections (bGit 55b, 58a–b), which frame a well-known, lengthy passage comprising historical legends associated with the revolts against Rome.⁶⁰ Because the first of these legends concerns Rabban Jochanan ben Zakkai's escape from Jerusalem and the deal he made with Vespasian (bGit 56a), we may assume that the Bavli identifies the war mentioned in the mishnah as the First Jewish War. However, in view of the fact that the rest of the segment consists of narratives that are part of the group of legends concerning Bar Kokhba, we may surmise that the Bavli was not primarily concerned with the ruling's precise historical context.

The first segment addresses the polysemy of the term *siqarignon*—does it refer to the holder of confiscated land or to the law pertaining to confiscated land?—and, like its parallel in the Yerushalmi, the rationale behind the phases in the law's development:

Now in [the case of] the slain in the war there was no *siqarignon* there, [but] after (lit. 'from') [the time of] the slain in the war, there is *siqarignon* there? Rav Yehuda said: In Judea they did not enforce the [law of] *siqarignon*. For Rabbi Assi said: They [the Romans] decreed three decrees. The first decree: Whoever does not kill, he is to be killed. The middle decree: Whoever kills, he is to pay four zuz. The last decree: Whoever kills, he is to be killed. Therefore, [in the time of] the first and the second [decrees] under coercion he [the Jew] would agree to sell. [While] in the [time of the] last [decree] he would say, Now he should take, tomorrow I shall claim it. (bGit 55b)

58 See J. Neusner, ed., *The Jerusalem Talmud: A Translation and Commentary on CD*, trans. J. Neusner et al. (Peabody, MA: Hendrickson Publishers, 2009); Y. Wilfand, 'Jerusalem Talmud, Gittin 5:6, 47b,' in *Judaism and Rome: Re-thinking Judaism's Encounter with the Roman Empire* (2017), <http://www.judaism-and-rome.org/jerusalem-talmud-gittin-56-47b>.

59 On this topic, Guggenheimer, *The Jerusalem Talmud: Third Order; Našim; Tractates Gittin and Nazir*, 226m85, observes: 'Robberies during the anarchy before the Roman invasion cannot be separated from what happened during the war; in both cases no documentation can be recovered.'

60 On these passages as representative of the rabbinic genre of the historical legend, see E. Yassif, *The Hebrew Folktale: History, Genre, Meaning*, trans. J.S. Teitelbaum, *Folklore Studies in Translation* (Bloomington, IN: Indiana University Press, 1999), 132–144.

While the Babylonian Rav Yehuda explains that the mishnah refers to a law that was not enforced in Judea *par tout*, the Palestinian Rabbi Assi explains that it was only during the time of war—when Jews would be forced to sell, and when the first two decrees the text describes and tacitly attributes to the Romans were in force—that the law was not enforced. Without explicitly addressing the question of which war the mishnah refers to, the Talmud proceeds to give the word to Rabbi Jochanan, who introduces the passage with historical legends about the Jewish revolts.⁶¹

The occasion for the Gemara to return to a more detailed commentary on the mishnah is an exegetical *ma'aseh* that Rav Yehuda tells to illustrate the verse: 'They covet fields, and seize them; houses, and take them away; they oppress householder and house, people and their inheritance' (Mic 2:2). Here the Talmud incorporates material on the law of *siqariqon* which was transmitted in the Tosefta. While the realistic contrast between Galilee and Judea in tGit 3:10 finds no echo here, the toseftan description of the order in which a purchase is meant to take place and the extent to which a deed is necessary is problematised by the Babylonians Rav and Samuel (bGit 58a–b).

Before depicting the same Babylonian amoraim discussing the meaning of the text about the quarter in the mishnah (bGit 58b), the Bavli quotes a baraita in which the law of *siqariqon* is said not to apply in cases in which land was seized for economic reasons, such as a case in which the instalment payment for a tax (*anparut*)⁶² has not been made (tGit 3:11). The Babylonian Rav Joseph comments on this distinction, claiming that payment in instalments is unknown in Babylonia. In this he is corrected by the Gemara's anonymous voice, which explains that it is the enforcement of the law regulating such instalment payments which does not apply in Babylonia.⁶³ The legal system in Babylonia ensures that landholders must go to court in cases of land seizure. In this context, the following story is told:

61 The legends focus on three culminating moments: the fall of Jerusalem, the fall of Tur Malka, and the fall of Bethar.

62 This distinction is made in tGit 3:11. Jastrow, *Dictionary*, s. v. אַנְפָּרוּת: 'Partial payment, an agreement (invalid according to Jewish law) of term payments with the condition of forfeiture on missing one term (v. אֶסְמִינְכֶּתָּא), esp. such an agreement forced upon a Jew by a gentile (Roman) individual or authority'.

63 See J. Neusner, *A History of the Jews in Babylonia 4: The Age of Shapur II*, *Studia Post-Biblica* (Leiden: Brill, 1969), 222, mentions this statement in the context of his discussion of the types of cases involving bonds, mortgages, and debt which came before the rabbinical courts in Babylonia.

Giddel bar Reilai received land from the residents of a valley [in exchange] for [payment of the] land tax [*taska*]. [Giddel] gave the money for three years in advance. Eventually the prior owners came and said to him, [With regard to] the first year for which you paid the tax, you have consumed [the produce]. Now we will pay [the taxes and] we will consume [the produce, and you shall have no further rights to it.] The parties came before Rav Papa [to decide the case. At first] he thought [of writing for Giddel a document of] authorisation [to retain the property] against the residents of the valley. Rav Huna, the son of Rav Yehoshua, said to Rav Papa, If so, you made [this law like that of the] *siqariqon* [although it has already been established that the law of *siqariqon* does not apply in Babylonia]? Rather, Rav Huna, the son of Rav Yehoshua, said, [In this case Giddel] placed his money on the horn of a deer. (bGit 58b)

A certain Giddel, a Babylonian Jew, pays a three-year advance on the tax for a field he takes from its absent owners. These owners, also Jews, return after one year and propose paying the taxes for the next two years in order to obtain the usufruct for the field. The amora who is asked to rule on the case, Rav Papa, is inclined to let Giddel retain possession and usufruct of the field for the three years for which he has already paid tax. However, Rav Huna objects to this position, arguing that protecting Giddel would amount to a penalisation of the original owners, and he compares this to enforcing the law of *siqariqon*. While the analogy is not perfect, what Huna appears to suggest is that a strict ruling—as in the case of land confiscated for political reasons in the land of Israel—is out of place here, in Giddel's particular case and in Babylonia generally. In this Babylonian literary context, the repurchase of real estate in the Land by someone other than its original owners and the Palestinian *siqariqon* traditions are but a distant *terminus comparationis*.

With different emphases, the Palestinian *siqariqon* texts⁶⁴ address the suspension and subsequent adaptation of one of their own laws in a region of the land of Israel to support Jewish recovery of land that had passed into non-Jewish hands. Not only the tannaim, but also the Palestinian amoraim, with their elaboration on tannaitic traditions about this law, are concerned to promote Jewish land tenancy in the Land. While the Babylonians place the law's development in a plausible historical context, they appear to be less concerned with the development of the law itself and the implications of rabbinic agency

64 Scholarly research tends to focus on these when discussing the law.

on actual Jewish resettlement of the land of Israel. Instead, they angle their discussion towards issues of land tenancy in their own valleys.

Recovering Jewish real estate in the Land (or elsewhere) is also an issue in the case of houses and fields that are neither explicitly nor implicitly identified as illegitimately in the hands of non-Jews. Thus while a mishnah rules that Jews are allowed to buy houses from other Jews during the intermediate days of a festival (mMQ 2:4) as long as it is for the purpose of using a house during the festival, the parallel in the Tosefta expands upon this, adding other types of real estate that a Jew is permitted or expected to recover. Moreover, the text evaluates these transactions with a metaphor—it is as if the Land were thereby rescued:

[On the intermediate days of a festival] they purchase from non-Jews fields, houses, vineyards, cattle, male slaves, and female slaves, because he [who thus acts] it is as if he rescued [them] from their hands. He writes [this deed] and brings [it] to the court.⁶⁵ And if one is a priest, he becomes unclean on their account, and not only that, but even enters into judgment about them outside of the Land. And just as he becomes unclean outside of the Land, he becomes unclean [by going] into a cemetery and he becomes unclean for the sake of Torah study and he becomes unclean for the purpose of marrying a woman. (tMQ 1:12)

In order to recover real estate from non-Jewish landholders, transactions in the intermediate days of the festivals are justified; a priest defiles himself by leaving the Land for this purpose.⁶⁶ The Yerushalmi commentary on mMQ 2:4 is even more lenient insofar as it permits the transaction to take place on a Sabbath, based on the scriptural evidence in the book of Joshua concerning the day on which the city of Jericho was conquered:

65 Cf. tAZ 1:8: 'They [do not] buy from them houses, fields, or vineyards, cattle, male or female slaves because it is as if he rescued [them] from their hands.' The phrase is used in bGit 44a to refer to rescuing not the property itself (a slave's house), but rather its monetary value. Thus in the context of a discussion on whether a Jew who has been forced to sell his house in the land of Israel may accept payment for it, the answer is: 'if he is not able to recover it either in a non-Jewish or a Jewish court, he may accept payment for it and he may make out a deed for it and present it in non-Jewish courts, since this is like rescuing [money] from their hands.' See also bBQ 102a; bAZ 6b.

66 He may defile himself by going abroad to look for a wife and to study Torah, even if, as Rabbi Jose suggests, these are less weighty reasons for contracting uncleanness; see tMQ 1:12; yNaz 7:1 (56a); yBer 3:1 (6a).

Rabbi Joshua ben Levi asked Rabbi Simeon ben Laqish, What [is the law concerning] buying houses from the non-Jew? He said to him, If Rabbi is asking with respect to the Sabbath, it has been taught [in a baraita]: On the Sabbath it is permitted [to do so]. How does he [the Jew] do it? He shows him [the non-Jew] packets of denars, and the non-Jew signs [the bill of sale] and brings [it] to the court. For indeed we have found that Jericho was conquered only on the Sabbath, for it is written, *You shall march around the city, all the warriors circling the city once. Thus you shall do for six days* (Josh 6:3). And it is written, *On the seventh day you shall march around the city seven times, the priests blowing the trumpets* (Josh 6:4). And it is written, *until it falls* (Deut 20:20): even on the Sabbath. (yMQ 2:4 [81b])⁶⁷

A Jew is permitted to ask a non-Jew in the land of Israel to write a bill of sale on the Sabbath. The Bavli sees this adaptation of the earlier law as a measure ‘for the sake of settlement of the Land’ (*mishum yishuv de-erets yisrael*).⁶⁸ As the Babylonian amora Rava explains in bBQ 80b, while this type of action was considered a violation of a rabbinic ruling in the rabbinic past, it came to be permitted in view of the fact that it contributes to putting the Land in Jewish hands.⁶⁹

67 For a parallel, see BerR 47:12.

68 This expression is attested only once in the Yerushalmi (see yBQ 9: [6d]) and several times in the Bavli (bBQ 80b; bBM 101a; bGit 8b; bMen 44a; bTam 29b). It is quoted profusely in the article on Erets Israel in the *Encyclopedia Talmudit*, in a section that bears the title *yeshuva* (‘Settlement’) and in which the authors of the article discuss laws related to the welfare of the Jewish inhabitants of the Land (e.g., the prohibition against taking produce out of the Land if it is considered vitally necessary) and to the maintenance of a given order (e.g., the prohibition against converting cities into fields or open spaces), rather than with being concerned with recovering or increasing Jewish land tenancy in the Land. See Zevin and Bar-Ilan, ‘Erets Israel’. See also Zehavi, *Midrashim on the Land of Israel*, 19–29, 136–142, on ‘Laws and statutes on the settlement of the land of Israel’. Only in some cases does the English version of the article translate the expression: ‘in order to develop Erez Israel’ (col. 49); ‘for the sake of the land’s progress’ (col. 49); ‘arising from the duty to promote the welfare of Erez Israel’ (col. 50); ‘to promote settlement in Erez Israel’ (col. 50); ‘for the welfare of Erez Israel’ (col. 51); ‘in the interests of the settlement of the Land’ (col. 52). See ‘Erez Israel’.

69 The Babylonian Rav Sheshet applies the same rationale in bGit 8b, although here the wider context of the statement is a discussion concerning the question of whether Syria’s status is comparable to that of the land of Israel. Related to the discussion above with respect to the difference between houses and fields, the Babylonian Talmud also tells us that we read that courts are more stringent with respect to the latter, again ‘for the sake of settlement of the Land’.



In the three sections of this chapter, we have examined different strategies by which the sages in the Palestinian and Babylonian centres of learning sought to cope with the problem posed by the fact that Jewish real estate in the Land was in non-Jewish hands, thus making the Land itself less Jewish. With their readings of Scripture in early and late midrash, their mishnaic rulings, and the elaboration in later talmudic contexts, the sages address—and in part depict themselves as in control of—the ways in which different aspects of transactions concerning Jewish real estate in the land of Israel are dealt with. For this purpose, they interpret Lev 25:23 and reinterpret the early reading of this verse in the halakhic midrash Sifra; they categorise real estate (fields, vineyards, houses) and differentiate possible transactions (selling, letting) in the Land and in other areas of the Jewish world (Syria, outside of the Land, Babylonia); they adapt their own rulings to promote the recovery of real estate either taken by force or legitimately acquired by non-Jews. With this aspect of their Land-discourse the sages give shape to a sort of comprehensive land-commandment—the Land must remain in Jewish hands to fulfil the words of Lev 25:23: ‘For the land is Mine’.

PART 3

Future



The Significance of a Burial in the Land

One does not compare one whom it [the land of Israel] receives in life to one whom it receives after his death. Nevertheless, the great sages would bring their dead to the land of Israel. Go and learn from Jacob our father and from Joseph the righteous! (Maimonides, Mishneh Torah, Hilkhot Melakhim 5:1)

Several of the motifs which are characteristic of a type of Jewish eschatology that may be described as historical realist are related to space in general and to the land of Israel in particular.¹ The end of the exile from the Land is one of the major aspects of a discourse which conceives of the present as unsatisfactory and which imagines the future as radically different.² Apart from the notion of an ingathering of the exiles in a Land characterised by its fertility, some texts also indicate that this land is the place where the first resurrections of the dead will occur. Other recurring motifs in narratives about the end time include rebuilding the Temple in Jerusalem and a messiah restoring the kingdom of David. All these events are set in a renewed, post-diasporic land of Israel.³

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- 1 P. Alexander, 'The Rabbis and Messianism,' in *Redemption and Resistance: The Messianic Hopes of Jews and Christians in Antiquity*, ed. M. Bockmuehl (London: Clark, 2007), 227–228, writing about messianism, contrasts a historical realist type, which 'depicts the messianic age as belonging to the end of human history, as the outcome of mundane, geo-political events'—and crystallizes in texts that may make use of 'supernaturalism and utopianism'—with what he designates as 'mystical messianism', 'found often but not exclusively in the Jewish mystical tradition, which treats the messianic scenario essentially as a spiritual, cosmic process'. For a recent terminological overview on eschatology, apocalypticism, millenarianism, and messianism, see L. Greisinger, 'Apocalypticism, Millenarianism, and Messianism,' chap. 15 in *The Oxford Handbook of Abrahamic Religions*, ed. A.J. Silverstein, G.G. Stroumsa, and M. Blidstein (Oxford: Oxford University Press, 2015), 272–294; on Jewish eschatology in general, see D. Novak, 'Jewish Eschatology,' chap. 6 in *The Oxford Handbook of Eschatology*, ed. J.L. Walls (Oxford: Oxford University Press, 2007), 113–131.
 - 2 On apocalypticism as represented in both a pessimist or defeatist and a radically optimist strand, see Greisinger, 'Apocalypticism'.
 - 3 In relation to all of these themes, the Land is not explicitly mentioned, but it is presupposed in several of the benedictions of the major prayer known as the Amidah. On the messianism

The Land features in the Hebrew Bible—especially, though not exclusively, in the prophetic books—as the spatial setting of eschatological narratives set in an intramundane and intrahistorical future:⁴ It is portrayed as the target of a new exodus, a territory that is conquered and divided anew. Its centre is a new Jerusalem, with—though also without—a new Temple. In works of different genres of non-canonical early Jewish literature, the Land continues to be a major setting with which end-time events are linked.⁵ Early rabbinic literature is conspicuously reticent when it comes to addressing these end-time events, especially the figure of the messiah.⁶ This does not mean that the rabbis were unfamiliar with or even uninterested in a sort of popular eschatological macro-narrative,⁷ but it is clear that for some reason or other, they decided to remain relatively silent about this topic.⁸ The later amoraic corpora,

of the Amidah, see Alexander, 'Rabbis and Messianism,' 228–229; on the diasporic themes of the prayers in the core liturgy as this took shape during the rabbinic period, see Langer, 'Turning to Jerusalem,' 57–60.

4 See Greisinger, 'Apocalypticism,' 272.

5 However, it must be noted that the major eschatological spatial motif in the Hebrew Bible, the early Jewish writings of the Second Temple period, and the non-rabbinic materials from the first half of the first millennium CE are the place names 'Zion' and 'Jerusalem'. See J.D. Levenson, 'Zion Traditions,' in *The Anchor Bible Dictionary*, ed. D.N. Freedman, vol. 6 (New York: Doubleday, 1992), 1098–102. For the notion of a present-oriented eschatology and an overview of future-oriented eschatological discourse as a critique of the present, see K. Koenen, 'Eschatologie (AT),' in *WiBiLex: Das Bibellexikon*, ed. M. Bauks, K. Koenen, and S. Alkier (Stuttgart: Deutsche Bibelgesellschaft, 2007), <http://www.bibelwissenschaft.de/stichwort/20917/>. For an overview of eschatology in early Jewish writings, see G.W.E. Nickelsburg, 'Eschatology: Early Jewish Literature,' in *The Anchor Bible Dictionary*, ed. D.N. Freedman, vol. 2 (New York, NY: Doubleday, 1992), 579–594. On Philo's idealisation of the future Land in Praem. 164–165, see M. Goodman, *A History of Judaism* (Princeton, NJ: Princeton University Press, 2018), 213–214; on the Land in the apocalypses 2 Baruch and 4 Esra, see Vos, *Heiliges Land*, 80–83.

6 Also with respect to the previous period, Goodman, *A History of Judaism*, 214, observes that 'there are no good reasons to believe that such speculation about the eventual fate of Israel, however common it may have been, played a dominant role in the religious life of many Jews in the late Second Temple period', and further that 'messianism in the narrow sense, involving the identification of an individual as a messiah, was much less common than a general belief in eschatological redemption'.

7 On the qualification 'popular' as opposed to 'rabbinic', see Alexander, 'Rabbis and Messianism'.

8 According to L.H. Schiffman, 'Messianism and Apocalypticism in Rabbinic Texts,' chap. 40 in *The Cambridge History of Judaism 4: The Late Roman-Rabbinic Period*, ed. S.T. Katz (Cambridge: Cambridge University Press, 2006), 1063, it is not surprising that the Mishnah and the Tosefta do not show any special interest in the messiah, given that these two documents are primarily concerned with halakhic rather than with theological matters. Alexander, 'Rabbis and Messianism,' 235, 241–243, explains this reticence as based on internal reasons—

on the other hand, attest to an awakening of rabbinic interest in future-oriented eschatology, which culminates in what scholars refer to as a Jewish apocalyptic revival in the early Middle Ages. With the exception of three more or less core texts in the Yerushalmi and the Bavli, we learn about rabbinic engagement with questions pertaining to the events of the end time in scattered allusions, especially in the corpora from the amoraic period, rather than in the form of a fully-fledged narrative.⁹ Real narratives about the end-time events are preserved in late antique apocalyptic texts, which—on account of a certain affinity with rabbinic Judaism—we may refer to as quasi-rabbinic.¹⁰

Research on ancient Jewish eschatology has shown a particular interest in certain topics first attested in scriptural prophetic texts and later reworked in texts from the late Persian and Greco-Roman periods. The focus here is on the narratological categories of character (visionary, angel, messiah),¹¹ event (wars, ascent), and time (succession of four kingdoms, days of the messiah, world to come). With regard to space, it is rather otherworldly realms (heaven, the heav-

tannaitic theology had a focus on the present—as well as on the fact that early rabbis associated messianism with dangerous forms of political activism, with priestly doctrine, and with Christianity.

- 9 For instance, as Alexander, 236–237, points out, we find these in passages in Palestinian midrashic corpora and the Babylonian Talmud concerned with the Ninth of Ab, Passover, and Chanukka, festivals with potential messianic associations towards which the sages' attitudes were initially ambivalent. On eschatological narratives concerning how Israel and the nations fare in the rabbinic imagination, see J.R. Labendz, 'Rabbinic Eschatology: Complexity, Ambiguity, and Radical Self-Reflection,' *The Jewish Quarterly Review* 107 (2017): 269–296.
- 10 The late Hebrew apocalypses are referred to in Israeli scholarship as 'salvation midrashim'. See Y. Even-Shmuel, O. Irshai, and H. Newman, eds., *Midreshei Geula: Chapters of Jewish Apocalypse Dating from the Completion of the Babylonian Talmud until the Sixth Millennium* [in Hebrew], 3rd ed. (Jerusalem: Bialik Institute, 2017). J.C. Reeves, *Trajectories in Near Eastern Apocalyptic: A Postrabbinic Jewish Apocalypse Reader* (Leiden: Brill, 2006), designates these texts as 'post-rabbinic', although the question of whether the rabbinic literary enterprise was over at the time when the works of this genre flourished, between the sixth and the ninth centuries, is debatable. According to Alexander, 'Rabbis and Messianism,' 227n2, these texts may be called 'non-rabbinic' or 'quasi-rabbinic', but he opts for the former as a heading. He uses the latter expression to indicate that we are dealing with 'texts which, though not rabbinic in origin, have undergone extensive rabbinic redaction'. As representative of a non-rabbinic messianism and as background for the development of rabbinic messianism, in addition to late Hebrew apocalypses, he discusses the Amidah, the Targumim, piyyut, the pre-Qaraite Mourners of Zion, and Hechalot literature. On the question of how close we may come to late antique popular piety by examining this literary record, see M. Novenson, *The Grammar of Messianism: An Ancient Jewish Political Idiom and Its Users* (New York: Oxford University Press, 2017), 20.
- 11 For a rich survey of literature on the idea of the messiah, see Novenson.

enly temple, the seven palaces, and God's chariot-throne) than intramundane spaces that have been the focus of scholarly attention.¹² This is also true of late antique Jewish literature. In this chapter and the next, I am concerned with the Land as a place of eschatological import for the rabbis and the authors of late Hebrew quasi-rabbinic apocalypses. My sources are texts about return and restoration that articulate an interest in space; they are pieces of a myth of future return and therefore illustrate an aspect of the late antique Jewish diasporic discourse on the homeland, which this book is about.¹³

Whereas the sources we examined in chapter 4 were concerned with forms of attachment to the Land in life, another notion related to the precept concerning dwelling in the Land receives extensive treatment in amoraic and post-amoraic sources: If not in life, Jews (or rather, rabbinic Jews) can be attached to the Land after death, as it were. In this chapter, rabbinic views of past models and present imperatives concerning the issue of dwelling in the Land are complemented with rabbinic views on an eschatological ideology concerning the relation between the Land and Israel's salvation in the end time.

6.1 The Tannaitic Basis

In the major tannaitic source on the precept concerning dwelling in the Land, burial in the Land is described in the most positive terms:

A person should live in the land of Israel, even in a town in which the majority of residents are gentiles, and not abroad, even in a town in which all of the residents are Israelites. This teaches that dwelling in the land of Israel is weighed against all the other commandments of the Torah and that he who¹⁴ in the Land it is as if he were buried under the altar [of the Temple in Jerusalem]. (tAZ 5[4]:3)

In this text, a burial in the Land is presented in the syntax of the second sentence as corresponding with having lived there, and for this reason it is depicted

12 An exception to this is Vos, *Heiliges Land*, who dedicates a chapter to the ways in which the Land is idealised—for instance, in the early Jewish apocalypses 4 Esra and 2 Baruch.

13 On the idea of a return to the homeland as constitutive of a diasporic identity, see Safran, 'Diasporas in Modern Societies,' 83–84; Safran, 'Jewish diaspora,' 37. The powerful archetypal Jewish idea of a return to the homeland became a sort of model for modern diaspora identities; Zionism may be regarded as the most significant case of a large-scale physical return to an ancestral homeland. See Kenny, *Diaspora*, 61–62.

14 MS Erfurt reads *kol ha-qavur* is buried ('whoever is buried').

as praiseworthy.¹⁵ As far as the tannaitic corpus is concerned, explicit references to burial in the Land are rare.¹⁶ In a number of contributions, Isaiah Gafni has been concerned with the historical origins of a related phenomenon to which the first references in rabbinic literature appear in amoraic corpora: reinterment in the land of Israel.¹⁷ The correlation of the literary evidence of rabbinic sources of the amoraic period with the archaeological evidence of international cemeteries in the land of Israel (Beth Shearim, Jaffa, and Tiberias), led Gafni to identify the practice of burying the remains of diaspora Jews in the Land as a development of the talmudic period and to date its origin to the third century.¹⁸ Whether the practice emerged then or earlier, it found its way

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- 15 As Gafni, *Land*, 83, points out, the context suggests that being buried in the Land is the logical consequence of a life in the Land and the privilege of those who observed the most important commandment by living there until their death.
- 16 Given that it reappears in a similar thematic context in the Babylonian Talmud as a statement by the third-generation Babylonian amora Rav Anan, scholars have argued that this clause represents a later addition to the Tosefta. See E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. I. Abrahams, 2 vols. (Jerusalem: Magnes Press, 1975), 2:999n87; Gafni, *Land*, 83.
- 17 I. Gafni, 'The Bringing Up of the Dead for Burial in the Land: Outlines of the Origin and Development of a Custom,' *Cathedra* 4 (1977): 113–120; I. Gafni, 'Reinterment in the Land of Israel: Notes on the Origin and Development of the Custom,' *The Jerusalem Cathedra* 1 (1981): 96–104; Gafni, *Land*, ch. 4. See also Z. Weiss, 'Social Aspects of Burial in Beth She'arim: Archaeological Finds and Talmudic Sources,' in *The Galilee in Late Antiquity*, ed. L.I. Levine (New York: Jewish Theological Seminary of America, 1992), 357–371. Herman, 'Babylonia,' 207, points out that 'the extent of this phenomenon is hard to discern'.
- 18 Stemberger, 'Bedeutung,' 191, points out, that the practice preceded the third-century discussions. On the practice of ossilegium or collection and reburial of bones as introduced in Jewish burial practice in the second and first centuries BCE, see S. Schwartz, *Imperialism*, 148–149. M. Williams, *The Jews among the Greeks and Romans: A Diasporan Sourcebook* (London: Duckworth, 1998), 75, argued that the evidence of ossuary inscriptions from pre-70 Jerusalem and those of the Jaffa cemetery (second–fourth century) suggest that the practice of deliberately transporting remains for burial in the land of Israel existed long before the third century. Gafni, *Land*, 84–85n13, does not ignore this evidence, but distinguishes two types of practice during the Second Temple period: a) on the one hand, Israelites born in the Land who died abroad but were buried in the Land, following the biblical precedent of Jacob and Joseph, and b) on the other, Jews born in the diaspora who at some point in their life immigrated to the Land, died there, and were buried there. The fact that the fullest treatment of the interment of the remains of diaspora Jews in the Land is preserved in the context of one of the most evidently pro-Babylonian passages in the Babylonian Talmud led Gafni to suggest that this 'diasporic' practice may have emerged in the context of the debates on the expected attachment to the land of Israel, which he dates to the post-Bar Kokhba period. By the Middle Ages the practice of reinterment was considered one with 'a long and impressive pedigree'; one that, according to Maimonides (Hilkhot Melakhim 5:11), even went back to Jacob the patriarch and his son

into the amoraic rabbinic corpora—texts that were redacted after the amoraic period. Apart from the historical question of when the practice emerged, it is interesting to examine how the practice is shaped in literature. How do the amoraic traditions and post-amoraic sources, both Palestinian and Babylonian, approach a diasporic practice of burial as part of the discourse on the precept concerning dwelling in the Land? I will turn to the hermeneutics and textual worlds constructed in these later, post-tannaitic sources in the following pages.

6.2 Amoraic Elaboration: Reception, Reinterment, or Rolling

The most comprehensive Palestinian treatment of death abroad and burial in the Land is found in the Yerushalmi's exposition of mKil 9:4, in a commentary which is itself about the words rabbis speak on their deathbeds, their discussions with fellow rabbis about death, rabbinic mobility between the Land and Babylonia and the danger of dying abroad, rabbis competing for their masters' esteem, sages fasting to induce the apparition of a dead rabbi, and burial practices. The mishnah in question states that shrouds for the dead are not subject to the laws of diverse kinds, which is the main topic of tractate Kilayim.¹⁹ The first attempt to explain why this is so is an interpretation of Ps 88:6 ('released among the dead') to mean that after death one need not observe any commandments. However, the subsequent rabbinic stories told in the Yerushalmi indicate that the sages were very much concerned with regulating what should happen after their deaths. This is what Rabbi's deathbed words suggest when he gives instructions regarding where his widow is expected to live, expresses his wish not to be lamented in the villages, and stipulates who should be in charge of his burial. In a similar style, the amoraim Jochanan, Josiah, and Jeremiah are quoted as having expressed wishes related to the colour of the shroud and the type of garments in which they should be dressed. The Yerushalmi returns

Joseph, who both sought to be buried in the Land. See Gafni, 76, 89–90. Today the practice has implications for the State of Israel's cemetery planning and construction. According to the Foreign Ministry of Israel, the number of people who died abroad and were buried in Israel surged to 1,590 in 2016, up from 850 in 2007, even if some of these were Israelis who died while abroad. Cf. <https://tinyurl.com/2p8k6mvf>. On the perception of Jerusalem among Christians and Muslims as the place to die and be buried, see O. Limor, 'Jerusalem and Eschatology,' chap. 30 in *Routledge Handbook on Jerusalem*, ed. S.A. Mourad, N. Koltun-Fromm, and B. Der Matossian (London: Routledge, 2019), 353–354.

19 Chapter 9 addresses the prohibition against mixing linen and wool in clothing. See Michael Rosenberg's introduction to the tractate in Cohen, Goldenberg, and Lapin, *Oxford Annotated Mishnah*, 105–106.

to Rabbi's time to narrate his death in Sepphoris and how, against his express wishes, the people in the village lamented him so loudly that they were heard at a distance of three miles. As the anonymous voice of the Yerushalmi goes on to explain, Rabbi had lived in Sepphoris for seventeen years before he died there, which is incidentally the same amount of time Jacob spent in Egypt before dying there—i.e., unlike Rabbi—outside of the Land. After thus comparing Rabbi to the biblical patriarch, the Yerushalmi narrates an earlier episode in Rabbi's life in Sepphoris, which focuses on his relationship to Rabbi Chiyya the Elder:

Rabbi [Judah the Patriarch] was very humble and would say, Whatever anyone tells me to do I shall do, except for what the elders of Bathyra did on behalf of my forefather, for they gave up their position and appointed him in their place.²⁰ If Rav Huna, the exilarch, should come here, I should seat him above me, because he [comes] from [the tribe of] Judah, while I [come] from [the tribe of] Benjamin, because he derives from the male line, and I from the female line. | Rabbi Chiyya the Elder came once to him. He said to him, Look, Rav Huna is outside. Rabbi's face turned pale.²¹ He [Rabbi Chiyya] said to him, His coffin has come. He said to him, Go out and see who wants you outside. He went out and found no one there, and he knew that he [Rabbi] was angry with him. He [Rabbi Chiyya] did not come to him [Rabbi] for thirty days. (yKil 9:4 [32b])

Here we have the first of several references in this commentary to remains of diaspora Jews being transferred for burial in the land of Israel,²² even if this is merely alluded to with the deixis of 'his coffin has *come*.'²³ While the motif of a coffin arriving (or simply being noticed) suits the commentary's general theme, this text segment is not primarily concerned with questioning or discussing the practice, but rather with describing how one of Rabbi's disciples,

20 The reference here is to Bathyrans giving way before Hillel and making him patriarch; see p. 49, n. 57.

21 On the appearance of Rabbi's face, described with the expression *nitkarkemu*, see Jastrow, *Dictionary*, s. v. כָּרְכָרָה, from which the verb *nitkarkem* derives. This may mean, as appears to be the case in the context above, 'to look saffron-like, pale, abashed, grieved'; though Jastrow also records the sense 'to become angry, defiant'.

22 The first two cases are explicitly described as members of the rabbinic class. Incidentally (or not), they happen to have the same name, Huna, and the Yerushalmi refers to both men as leaders of the Jews in the diaspora or exilarchs.

23 The passage and its parallel in BerR 33:3 may also be read as evidence of the connections between Rabbi Judah the Prince and Babylonia; see Hezser, *Jewish Travel*, 343–344.

Rabbi Chiyya, who originally hailed from Babylonia, once irritated his master with a joke in response to Rabbi's characteristic profession of humility.²⁴ The account also considers the consequences of Rabbi's reaction. As the sugya continues, we come to know how Rabbi develops a fondness for Chiyya, and why this provokes feelings of jealousy in another sage.

The Babylonian Rabbi Chiyya's centrality in this part of the Yerushalmi commentary is epitomised in two narrative moments that come after the text quoted above: During the time he was banned by Rabbi, he is said to have taught the entire Torah to (his nephew) Rav, who would then export it to Babylonia,²⁵ and to have been chosen by none other than the prophet Elijah. Impersonating Chiyya, Elijah puts an end to Rabbi's persistent toothache, and this is the beginning of Rabbi's affection for Chiyya.

The chronological setting for a second Rav Huna narrative is a time after Rabbi Chiyya's death. The reader is informed of this with an account of how two amoraim, Assi and Resh Laqish, fast so that they can see Rabbi Chiyya.²⁶ The arrival of Rav Huna's remains opens the discussion on an adequate burial place for the Babylonian sage. The collective voice of the sages suggests that the right place for Rav Huna is in proximity to another Babylonian, namely Chiyya:

When Rav Huna, the exilarch, died, they brought his bones up here. They said, Where shall we bring him? They said, Let us place him near Rabbi

24 A parallel to a second narrative in this Yerushalmi passage concerning the burial of a Rav Huna transmitted in the Bavli relates that the Babylonians Assi and Ammi are also taken by surprise upon first hearing of Rav Huna's arrival in the Land (bMQ 25). While they are spiteful in their assumption that Rav Huna has come to the Land alive, they show respect to the Babylonian once it is clear that Rav Huna is dead and only in the Land for burial. This account singles out the Palestinian Rabbi Chanina as the only sage who does not go out to meet Rav Huna. The way in which this Babylonian tradition refers to the Land is also interesting: Instead of being mentioned with a noun or a proper name, it is alluded to with the Aramaic deictic expression *hatam* ('there' in 'when they took him there'). Correspondingly, the Yerushalmi refers to the Land deictically with *hakha* ('here' as in 'when he ascended here'). See R. Kiperwasser, 'Going West: Migrating Babylonians and the Question of Identity,' in *A Question of Identity: Social, Political, and Historical Aspects of Identity Dynamics in Jewish and Other Contexts*, ed. D.R. Katz, N. Hacham, and G. Herman (Berlin: De Gruyter Oldenbourg, 2019), 111–130.

25 Hezser, *Jewish Travel*, 344, observes that this is certainly a more communicative relation than that between Rabbi Judah the Prince and Rav Huna. However, the text is also clear in emphasising the direction of the Torah as beginning in the land of Israel and moving east with Rav. On Rav as a Babylonian founding figure, see Fonrobert, 'Concept of Diaspora,' 42.

26 It is in the context of a series of narratives about fasting sages in Qohelet Rabbah that a parallel to this Yerushalmi passage is preserved; see QohR 9:101.

Chiyya because he is [one] of them. They said, Who wants to put him [there]? Rabbi Chaggai said, I shall go and place him [there]. They said to him, Do you want a pretext given that you are an old man and you want to go and rest [there] yourself? He said to them, Put a rope to my feet and if I tarry too long you will pull me out. He went in and found three statements.²⁷ Judah, my son, after you, but no one else. Hizqiah, my son, after you, but no one else. Joseph ben Israel, my son, after you, but no one else. He raised his eyes to look but someone said, Lower your face. He heard the voice of Rabbi Chiyya the Elder who said to Rav Judah his son, Let us make room for Rav Huna to dwell. But he [Rav Huna] did not accept to dwell [here]. Because he did not accept to dwell [there], his seed will not come to an end. And he [R. Chaggai] went out when he was eighty years old || and his years were doubled. (yKil 9:4 [32b–c] par. yKet 12:3 [35b])

Even though he has not previously fasted, Rabbi Chaggai receives a vision (or rather an auditory perception) of Rabbi Chiyya. This happens when he volunteers to place Rav Huna's remains in Rabbi Chiyya's burial cave. The reason for choosing this burial place for the Babylonian is the common provenance of Huna and Chiyya, since both are of 'them'.²⁸ Once Rabbi Chaggai is in the cave, he hears (or finds) three dicta related to Chiyya's two sons, Judah and Hizkiah, and also to Jacob's son Joseph.²⁹ Thus the deceased Rabbi Chiyya is depicted as having been buried in the land of Israel in the most honourable company of the patriarch Joseph. The late Chiyya requests that his son Judah make room for Huna to be buried there. We do not know whether Judah answered, but in any case Huna refuses to be buried in this cave. He does not give a reason, but the Yerushalmi's voice suggests that acting in this way is laudable on his part, and also that Chaggai's transmitting vision/auditory perception is praiseworthy. As

27 The reading in the manuscript is unclear. The parallel in yKet 12:3 (35b) does not help to resolve the question. See M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, 2nd edition (Ramat-Gan: Bar Ilan University Press, 2002), s. v. 77. Guggenheimer suggests translating it as: 'He went in and found the three arguing'; Neusner suggests: 'He went in and found three biers.'

28 According to the parallel in QohR 9:10:1, Rav Huna himself had expressed his wish to be buried in proximity to Rabbi Chiyya. No such explanations are provided in the parallel in bMQ 25a, where the choice of the grave is based on the notion that both Chiyya and Huna disseminated Torah in Israel. We also learn from this version that Rabbi Chaggai was a disciple of Rav Huna. Gratitude to his former teacher is his motivation for bringing the coffin into the cave.

29 Whether these dicta take the form of funerary inscriptions he read or voices he heard, is not clear from the text of the Yerushalmi.

far as this text is concerned, we understand that there might be room for Huna, but that Rabbi Chiyya's wish to accommodate his fellow Babylonian is neither explicitly echoed by his sons nor accepted by Huna. We are not told where the sages actually bury Rav Huna. The redactors of the commentary seem to be more interested in Chiyya at this point.

The Yerushalmi's anonymous voice then brings the sugya and the theme of burial in the Land together with the scriptural precedent of Jacob, taking his words in Gen 47:30 as a lemma:³⁰

It is written, *You shall carry me out of Egypt and bury me in their burial ground* (Gen 47:30). As to Jacob, wherever he was located, what loss would he sustain? Rabbi Eleazar said: There is a reason for this (lit. 'things inside'). Rabbi Chanina said: There is a reason for this. Rabbi Joshua ben Levi said: There is a reason for this. What is [the meaning of] 'There is a reason for this'? Rabbi Simeon ben Laqish said: *I shall walk before the Lord in the lands of the living* (Ps 116:9). And is it not so that *the lands of the living* [means nothing] but Tyre and its surroundings and Caesarea and its surroundings? There everything is inexpensive, there everything is plentiful. Rabbi Simeon ben Laqish in the name of Bar Qappara: It is the land whose dead will be the first to live in the days of the messiah. What is the proof? *Who gives breath to the people upon it and spirit to those who walk thereon He gives soul to the people on it* (Isa 42:5). If that is the case, then our masters in the Exile are at a disadvantage. Rabbi Simai said: The Holy One, blessed be He, makes the earth erode before them and they roll like leather bottles. When they arrive in the land of Israel their souls return to them. What is the proof? *I shall deposit³¹ you on the territory of Israel ... give My spirit into you, and you will live* (Ezek 37:12.14). (yKil 9:4 [32c] par. BerR 74:1)

This is a rich passage on the theme of the importance of burial in the land of Israel. Amoraim of the first, second, and third generations ponder the question of why the patriarch Jacob would wish to be buried in a particular place other than the place where he dies. Even if they agree that he must have had a reason,

³⁰ This is the second time the Yerushalmi brings Jacob into play in this sugya. The first was a comparison between Rabbi and Jacob, who both lived seventeen years in the same place before dying: Jacob in Egypt, Rabbi in Sepphoris. In this case, Rabbi himself quoted the verse supporting the comparison, namely Gen 47:28.

³¹ MT reads וְהִבְאֵתִי, MS Vat ebr. 30: וְהִנְחֵתִי.

the first three sages do not spell out what this reason could have been.³² The Yerushalmi lets Resh Laqish explain why burial in the Land mattered to the patriarch. He quotes Ps 116:9 and warns the readers against reading the verse in the psalm literally and identifying the 'land of the living' with Tyre and Caesarea. These cities and their respective surroundings are not the 'land of the living'; the verse is to be read and understood in an eschatological sense and in the light of Isa 42:5. The 'land of the living' is the land where the dead will resurrect first.³³ Even those who are buried outside of the Land are imagined as partaking in the resurrection that Ezekiel's words anticipate, accessing it by travelling along subterranean channels.³⁴

Based on this notion, the anonymous voice of the Yerushalmi infers that Jews outside of the Land are at a disadvantage. Rabbi Simai relativises this idea and explains that Jews who die and are buried abroad, but cannot afford for their remains to be transferred to the Land for reinterment, nevertheless participate in the future resurrection in the Land. That is where their soul is returned to them. However, the comparison between soul-deprived diaspora Jews and leather bottles rolling along may not have been a comforting thought to Jews who were living outside of the Land.³⁵ We will return to the question of how this notion evolved. The Yerushalmi is concerned with the question of whether scriptural sinners, such as the paradigmatic evil king Jeroboam—who we may assume was buried in the Land—will be resurrected. Along with his associates, Jeroboam was supposedly punished when the Land burned for seven years after his death. This burning is a symbol of how these scriptural villains suffered, but

32 Elsewhere in the Yerushalmi, in a more clearly halakhic context concerning the permissibility of moving someone's remains from one grave to another, we read: 'It is pleasant for a man to rest with his ancestors' (yMQ 2:4 [81b]).

33 A similar tradition is found in PesRK 22:5, which states that the dead in the Land will be resurrected earlier than those in other lands: '*For as the land brings forth its shoots* (Isa 61:11): As a vegetable garden which is irrigated hastens to bring forth fruit earlier than a field which depends on the random fall of rain, even so will the land of Israel bring forth alive the dead within it earlier than the lands outside of Israel bring forth alive their dead—some say, forty days earlier, and some say, forty years earlier. And the proof? *He gives soul to the people on it* (Isa 42:5):' Another interpretation of the land of the living, used in Job 28:13, identifies it as the land of Israel in Midrash Tannaim; it is the space where the Angel of Death does not find Moses' soul.

34 In a non-eschatological context, PesRK 13:10 describes the exile of fish from the Land. These are also said to have travelled under the earth and returned to the Land in the same way.

35 In BerR 96:5 the anonymous statement is spoken by Rabbi Simai, but the description of the migration of the dead is transmitted anonymously. See also the version in TanB Va-yechi 6 below.

also of how they atoned for their sins, which is why in their case—unlike the Samaritans, who lived in parts of the Land that did not burn—the precondition for resurrection is fulfilled.³⁶

Returning to the specific disadvantage facing those buried outside of the Land, the commentary reads:

It is written, *But you, Pashur, and all the inhabitants of your house will go into captivity* [You will come to Babylon, die there, and be buried there] (Jer 20:6). Rabbi Abba bar Zemina said: Rabbi Chelbo and Rabbi Chama bar Chanina. One [of them] said: If somebody dies there and is buried there, he has two [detriments] in hand. If he dies there and is buried here, he has one [detriment] in hand. The other said: Burial here atones for death there. Rabbi Jona [said] in the name of Rabbi Chama bar Chanina: A man's feet bring him where he is wanted, [for] it is written, *And the Lord said, Who will entice Ahab, so that he may go up and fall at Ramoth-gilead?* (1Kgs 22:20). Ahab died in his house and not there. (yKil 9:4 [32c])

With the quotation and interpretation of Jer 20:6, the Yerushalmi returns to the problem of where one is buried. Although the verse in its original context presents life in Babylon and the two related moments of death and burial there as two punishments (following a transgression), the amoraim understand death abroad³⁷ as more of a transgression than a punishment, and burial—depending on the location—either as a transgression (if abroad) or an act of expiation (if in the Land). While Scripture teaches that Ahab did not die in Transjordan, but in the Land proper, the Yerushalmi goes on to ask: What do we learn from rabbinic rather than scriptural biographies when it comes to death abroad?

The Palestinian commentary on mKil 9:4 closes with a passage on rabbis who are about to die abroad and are lamenting this, and rabbis who in turn lament the fact that those who die abroad come the Land to be buried there:

Ulla was an emigrant (lit. 'a descender', *nachota*). He was dying there [Babylonia?] and started to cry. They said to him, *Why are you crying? We shall bring you to the land of Israel.* He said to them, *How does that help me? I am losing my pearl in an impure land. It is not comparable to*

36 The notion that the Samaritans could survive in an enclave within the Land is also addressed in PesRK 13:10. In a friendly hint to the Samaritans, the sages argue that it is because of them that the Land continued to be fertile despite the burning.

37 'There' appears to refer more specifically to Babylonia.

let it out while in the bosom of the mother and to let it out in a foreign bosom. Rabbi Meir was dying in Asia. He said, Tell the people of the land of Israel: There is your messiah. However, he told them to put his coffin on the seashore, for it is written, *For He founded it on seas, based it on rivers* (Ps 24:2). [...] | Rabbi Bar Qiria and Rabbi Eleazar were walking in the stadium³⁸ when they saw coffins being brought into the Land from abroad. Rabbi Bar Qiria said to Rabbi Eleazar: What good is that going to do them? I am reading for them, *You made My heritage an abomination* (Jer 2:7): during your lifetime; *then you came and defiled My land* (ibid.): in your death. He said to him, When they arrive in the Land, one takes a lump of earth and puts it on the coffin, for it is written, || *And his earth atones for his people* (Deut 32:43). (yKil 9:4 [32c–d] par. BerR 96:5)

Ulla, a Palestinian by birth who does not bear the title ‘rabbi’, is not just a descender, but one of the most famous among the *nachote*.³⁹ The Yerushalmi uses this term to refer to a group of rabbis who mediated between the Land and Babylonia, travelling back and forth as emissaries. Although they are clearly ‘go-betweens’, only one of the directions in which they moved appears to be emphasised, depending on the provenance of the source.⁴⁰ The brief narrative about Ulla’s death abroad appears to be told as a cautionary tale conveying what it might have meant, in the eyes of the Palestinian redactors of the Yerushalmi, for Palestinian sages to risk dying abroad for the sake of mediating between Palestine and Babylonia.⁴¹ Ulla himself does not perceive the comfort-

38 For this reading, see Sokoloff, s. v., יִרְדֻּסִיא. In the parallel in BerR 96:5, the two sages are depicted as ‘sitting and studying Torah in the grove of Tiberias’. In both texts the rabbis are out of doors, which is why they witness the funerary procession.

39 For a critical appreciation of the *nachote* as the overestimated ‘back-bone of the two-way traffic,’ see A. Oppenheimer, ‘Contacts between Eretz Israel and Babylonia at the Turn of the Period of the Tannaim and the Amoraim,’ in *Between Rome and Babylon: Studies in Jewish Leadership and Society*, ed. N. Oppenheimer (Tübingen: Mohr Siebeck, 2005), 418; on the increased references to rabbis’ journeys between the Land and Babylonia in amoraic literature, see Hezser, *Jewish Travel*, 341; on the *nachote* as tellers of travellers’ tales, see T. Grossmark, ‘The Nehutei as Traveling Agents and Transmitters of Cultural Data between the Torah Study Centers in Babylonia and in the Land of Israel during the Third and Fourth Centuries CE,’ *Mediterranean Studies* 23, no. 2, Special Issue: The Mediterranean Voyage (2015): 125–148.

40 The Babylonian Talmud records approximately 80 times that he arrived from the land of Israel (the West); see Boyarin, *Traveling Homeland*, 56.

41 See C. Hezser, *Rabbinic Body Language: Non-verbal Communication in Palestinian Rabbinic Literature of Late Antiquity*, Supplements to the Journal for the Study of Judaism 179 (Leiden: Brill, 2017), 221, on this passage as Palestinian rabbinic ‘propaganda’.

ing words promising him a return to the Land after his death as real comfort. True comfort, Ulla argues, cannot be found when one is abroad, which he compares to being away from one's mother.⁴²

The account of Ulla's death abroad is followed by an account of the death of the tanna Rabbi Meir, who himself expresses the wish to be buried on the seashore (without specifying the location) rather than abroad. Thus the Yerushalmi depicts the Palestinian rabbis who die abroad regretting the location of their deaths, but it is more critical of those who arrive exclusively for the sake of being buried in the Land. The two sages walking in Tiberias acknowledge the custom of reinterment and presume that a motivation for it must exist, but they do not approve of this practice.⁴³

6.3 Post-Amoraic Approaches

As we saw in chapter 4, the central Babylonian elaboration on the precept concerning dwelling in the Land is a detailed reflection on the tannaitic teaching, according to which living in the Land is a commandment that implies (or is the precondition for) the fulfilment of the rest of the commandments. While the conclusion at which this Babylonian sugya arrives must have been comforting for those Jews who wished to go on living as Babylonian Jews at home in Babylonia—'Whoever lives in Babylonia, it is as if he were living in the land of Israel' (bKet 111a)—the second part of tAZ 5(4):3, with its emphasis on the special status attributed to burial in the Land, may have posed further questions. In any case, several of the ideas in the Palestinian commentary on burial discussed above reappear in the Babylonian sugya. Here we read:

Rabbi Eleazar said: Anyone who lives (*ha-dar*) in the land of Israel dwells (*sharui*) without sin, for it is said, *And no inhabitant (shakhen) will say, 'I am sick'; the people who live (ha-yoshev) there will be forgiven their iniquity* (Isa 33:24). Rava said to Rav Ashi: We teach this [about] those who suffer from diseases. Rav Anan taught:⁴⁴ Anyone who is buried in the land of

42 On the recurrent image of the Land as a mother in later Jewish thought, see Rosenberg, 'The Link to the Land'.

43 The two rabbis who witness the arrival of coffins are amoraim in the Yerushalmi; in the version of the story in Bereshit Rabbah as this transmitted in MS Vat ebr. 30 (TA 1239–1240); and also in the parallels in TanB Va-yechi 6 and PesR 1:14 (Ulmer). They are tannaim (Rabbi and Rabbi Eliezer) in the late midrash Tan Va-yehi 3 and in the version of Bereshit Rabbah of the Vilna edition.

44 Some textual witnesses read *tanna deve rav 'anan*.

Israel it is as if he were buried under the altar. Here it is written, *Make Me an altar of earth [adamah]* (Exod 20:24); and there it is written, *And His Land [ademato] shall atone for His people* (Deut 32:43). (bKet 111a)

With slightly modified wording, the parts of the tannaitic dictum in tAZ 5(4):3 are here attributed to two amoraim, a Babylonian by birth who became Palestinian (Eleazar) and a Babylonian (Anan). While Rabbi Eleazar speaks the part that emphasises the advantages of living⁴⁵ in the Land, which better reflects his own choice to immigrate to the Land, Anan quotes the part that would keep Babylonians loyal to the Babylonian centre and homeland from succumbing to despair because they have failed to live in conformity with the Palestinian rabbinic tradition, according to which being buried in the Land (rather than living there) matters when it comes to expiation. Both the anonymous voice of the Tosefta and that of the Bavli—quoting Anan quoting the Tosefta—relate the praiseworthiness of burial in the Land to the motif of the Temple's altar, but neither spell out the advantages of such a choice.⁴⁶ Unlike the anonymous Tosefta, both amoraim support their statements with scriptural prooftexts. The Babylonian Rava questions the applicability of the verse quoted by Rabbi Eleazar, claiming that Babylonians do not understand this as an exclusive promise to the inhabitants of the Land, but rather as a promise to the sick (among the people of Israel?), wherever they may be. Both of the verses Anan quotes use the expression *adamah*, which tends to be associated with soil or earth rather than with the specific, bounded territory of the land of Israel.⁴⁷ The account of Ulla's death comes immediately after these statements:⁴⁸

Ulla used to ascend to the land of Israel. However, his soul rested outside of the Land. They came and said to Rabbi Eleazar: He left his soul outside of the Land. He said, For you, Ulla, *you yourself shall die in an unclean land* (Amos 7:17). They said to him, But his coffin is coming here. He said to them, It is not the same to be received from life and to be received after death. (bKet 111a)

45 This tradition makes deliberate use of four semi-synonyms to express the concept of 'dwelling'.

46 Rubenstein, 'Coping,' 172, suggests that the benefit of such a burial which this statement presupposes, is that it 'presumably assures permanent connection to the divine or guarantee of eternal life and resurrection'.

47 Cf. Zech 2:16, where *ademat ha-qodesh* refers to Judah; or Ezek 37:12, quoted in yKil 9:4 (32c), which does appear to denote the Land.

48 In the Yerushalmi the account of Ulla's death is transmitted close to the end of the sugya.

With this report on the death of Ulla, who was Palestinian by birth, the sugya turns to the rabbinic age and rabbinic characters. The topic of transferring remains into the Land for the purpose of burial is thus first introduced in the Babylonian sugya. Here we do not get Ulla's words on his deathbed with which he lamented dying outside of the Land, which we read in the Yerushalmi, but rather Rabbi Eleazar's doubtful eulogy, including the verse from Amos. Rabbi Eleazar is sceptical about the significance of the practice of burying those who die abroad in the Land. From the point of view of a confirmed immigrant, there is a clear difference between living and dying in the Land and merely being buried there. This distinction between 'receiving from life' and 'receiving after death' allows the Bavli to side temporarily with the Palestinians, who are unconditionally loyal to the Land.⁴⁹

With respect to the evaluation of Ulla's death (and life) outside of the Land and his consequent characterisation, it is worth noting the contrasting deictics in the narrative versions of Ulla's death in the Bavli and the Yerushalmi: Whereas the Yerushalmi characterises Ulla as a descender (*nachota*), the Bavli describes him as one who used to go up to the Land, which suggests that his provenance is the same as that of the speaker of this text, and that Ulla belongs more to Babylonia than to the Land.

Taking Ulla's case as starting point, the sugya then moves on to describe places as part of a hierarchy that depends on the worthiness of those whom they take in during their lives (concerning lineage and potential marriages) and after their deaths (concerning burial):⁵⁰

Both Rabbah and Rav Joseph said: The worthy of Babylonia the land of Israel receives them; the worthy of the rest of the countries Babylonia receives them. Regarding what [receives]? If we say lineage, did not the master say: All lands are like dough [i.e., a mixture] with respect to the land of Israel and the land of Israel is like dough with respect to Babylo-

49 In this connection, Rubenstein, 172, observes: 'Both the concept of "reception" and the force of this difference are vague. Perhaps the body decomposes en route or becomes inherently tainted by death in an impure place. Perhaps in some mystical way the ameliorative effects of burial in Israel require prior "reception" of the elements into the living body. Trying to understand the (meta)physics is probably beside the point. The statement is a transparent expression of the general superiority of the Land and the benefits of dwelling there. In any case, this account exacerbates the problem for diaspora Jewry. Neither frequent visits nor extended stays nor eventual burial will confer the full benefits of death in the Land.'

50 The sugya focuses on purity of lineage after addressing the prohibition against emigrating from the Land to Babylonia and from Babylonia to Bei Kuvei; see chapter 4.2.

nia? Rather, [it is] with respect to burial [that the worthy of Babylonia are received by the Land]. (bKet 111a)⁵¹

While with respect to lineage, Babylonia is on the uppermost echelon—theirs is the only Jewry that is not comparable to the mixed substance represented by dough—when it comes to burial, the Babylonians acknowledge the superiority of the land of Israel. However, it is after this concession that Rav Yehuda equates the merits of living in Babylonia with the merits of living in the land of Israel. While this text would appear to establish a balance between the two rabbinic centres, the Babylonian Abaye goes on to tip the scales in favour of Babylonia, claiming that the suffering believed to precede the messianic age will not affect Babylonia.

So far the sugya has related the importance of burial in the Land primarily to religious purity, following Rav Anan's quotation of tAZ 5(4):3. Abaye's statement provides a transition to the second major tradition associated with burial in the Land, which concerns the chronology and geography of the future resurrection. Whereas Resh Laqish in the Yerushalmi claimed temporal precedence for the resurrection of those buried in the Land, in the Babylonian sugya Rabbi Eleazar asserts that nowhere other than in the land of Israel will the dead be resurrected, for this, he claims, is the only place on Earth that God desires:

Rabbi Eleazar said: The dead outside of the Land will not live, for it is said, *I will give glory [tsevi] in the land of the living* (Ezek 26:20): The land in which My desire [tsivyoni] is, its dead will live; [a land] in which My desire is not, its dead will not live. Rabbi Abba bar Memel objected: *Your dead shall live, my dead bodies shall arise* (Isa 26:19). Does not *Your dead shall live* [refer to] the dead of the land of Israel and *my dead bodies shall arise* [to] the dead from outside of the Land? And what is then the meaning of *I will give glory in the land of the living* (Ezek 26:20)? It is written of Nebuchadnezzar, for the Merciful said, I will bring upon them a king as swift as a deer (*tavya*'). (bKet 111a)

Here the Palestinian-by-choice is challenged by a fellow Palestinian who does not feature in the Yerushalmi parallel, Rabbi Abba bar Memel. With a midrash on Isa 26:19, the latter argues that resurrection is not limited to the Land. The parallelism of the verse is therefore understood as alluding to resurrection within and outside of the Land.⁵² Following this, the Bavli's anonymous voice

51 See par. bQid 69b, a major passage on Babylonia's genealogical purity.

52 Isa 26:19 is also interpreted in PRE 34 as referring to Israel's future resurrection. Seder

rejects the first interpretation of Ezek 26:20 and suggests—by means of a word-play on the Hebrew *tsevi* and the Aramaic *ṭayya*⁵³—that the verse alludes to how God manifested his glory by sending a deer-like king to conquer ‘them’ rather than a specific land.

In a second attempt to assert that the resurrection of the dead will take place exclusively in the Land, Rabbi Eleazar resorts to Isa 42:5:⁵³

He [Rabbi Eleazar] said to him [Rabbi Abba bar Memel], My teacher, I interpret another verse: *He gives breath to the people upon it and spirit to those who walk thereon* (Isa 42:5). But it is written, *my dead bodies shall arise* (Isa 26:19): that is written about stillborns. And Rabbi Abba bar Memel, what does he do with, *He gives breath to the people upon it* (Isa 42:5)? That [verse] is needed for [an interpretation] like that of Rabbi Abbahu, for Rabbi Abbahu said: Even a Canaanite slave woman in the land of Israel, it is certain that she is a daughter of the world to come. It is written here, *to the people* (*‘am*) *upon it* (Isa 42:5). And it is written there, *Stay here with* (*‘im*) *the donkey* (Gen 22:5): a people which resembles a donkey. | *And a spirit to those who walk thereon* (Isa 42:5). Rabbi Jeremiah bar Abba said in the name of Rabbi Jochanan: Whoever walks four cubits in the land of Israel is promised that he is fit for the world to come. (bKet 111a)

In this segment of the sugya the dead from outside of the Land are not even mentioned. Isa 26:19 is now said to refer to stillborn babies. The exegetical duel between Rabbi Eleazar and Rabbi Abba bar Memel revolves around the meaning of the people mentioned in Isa 42:5 as being ‘upon’ the Land. According to the Bavli, Rabbi Abba—following Rabbi Abbahu and a midrash on Gen 22:5⁵⁴—views this verse as ambivalent praise of the Land’s superiority and

Eliyahu follows another interpretive line: Resurrection is possible in the Land and in Babylonia, both in this world and in the future: ‘The resurrection of the dead by the Holy One, blessed be He, in this world is for the sake of sanctifying His great name. In the days of the messiah it will be to reward in the world to come those who have loved Him and feared Him, for it is said, *Your dead shall live* (Isa 26:19): the dead in the land of Israel; *my dead bodies shall arise* (ibid.): the dead in Babylonia’ (SER 5).

53 Resh Laqish quotes this verse in the Yerushalmi to support another notion, namely that the dead in the Land will be the *first* to come to life in the end time.

54 This midrash on Gen 22:5 is transmitted in BerR 56:2, PesRK 26:3, and WayR 20:2, as well as in the later PRE 31. On the complementary exegeses of this verse by Cyril and the rabbis, see L. Mock, “‘Stay Here with the Ass’: A Comparing Exegetical Study between Cyril’s Fifth Festal Letter and Rabbinic Exegesis in Babylonian Talmud and Genesis Rabbah 56:1–2,” in

exclusivity in relation to the notion of resurrection. Even a slave woman or a people comparable to a donkey—i.e., non-Jews—are certain of resurrection if they are in the Land.⁵⁵ The second clause of Isa 42:5 is interpreted by another Babylonian presumed to have immigrated to the Land, Rabbi Jeremiah bar Abba,⁵⁶ in a seemingly literal reading, but then this interpretation is attributed to the Palestinian Rabbi Jochanan: Whoever walks on the surface of the Land, even if it is just four cubits, may rest assured of his resurrection.

Finally, the text introduces an alternative notion—dubiously pleasing to those who had not once set foot in the Land—which Rabbi Elai speaks in response to a statement made by the anonymous voice of the Talmud pertaining to Rabbi Eleazar's position:

And according to Rabbi Eleazar the righteous outside of the Land will not live. Rabbi Elai said: They will be resurrected by means of rolling. Rabbi Abba Salla Rava strongly objects to this: Rolling is suffering for the righteous. Abaye said: Tunnels are prepared for them in the ground. (bKet 111a)

As we have seen above, the idea that dead bodies will roll in the direction of the Land is found in the Yerushalmi. In the Babylonian context, Abaye explains that there is no need to imagine the rolling as entailing any sort of suffering, as Abba Salla fears, given that the bodies allegedly roll through tunnels. Furthermore, while the Palestinian sources think of Jacob (Gen 47:30) and Joseph (Gen 50:25) as archetypes underlying the importance of burial in the Land, the Bavli depicts them as already acquainted with the rabbinic notion of rolling towards resurrection. Here the text argues that they did not doubt the fact that those buried outside of the Land would be resurrected, but that not knowing whether they would have earned tunnels in which to roll made them wish for burial in the Land.

Having reviewed, revised, and rewritten a series of Palestinian traditions, and added dialogue partners in the form of several Babylonian figures (Rava, Rav Ashi, Rav Anan, Rabbah, Rav Joseph, Abaye), the Babylonians in charge of redacting the Bavli can be quite open about the fact that they are not at all in doubt as to whether they (and their descendants) will merit the tunnels.

Hebrew Texts in Jewish, Christian and Muslim Surroundings, ed. K. Spronk and E. Staaldvine (Leiden: Brill, 2018), 264–277.

55 The verses Isa 42:5 and Gen 22:5 are seen as connected by word forms of the same consonantal value: QY can be read as meaning 'people' or 'with'.

56 MS St Petersburg Evr. 1 187 reads Chiyya bar Abba.

This discourse of resurrection in the Land for those who live and die abroad is at odds with the need justify the practice of reinterment. The redactors of the Bavli were aware that this was a custom which, for economic reasons, many Jews who lived outside of the Land could not practice, so they sought to convey the theological reasons why Babylonian Jews did not need to adopt it.⁵⁷ In the context of the passage immediately following in bKet 111a, which is about how Rabbah's brothers failed to persuade him to move to the Land,⁵⁸ the exemplary story of a man who chose not to leave the Land to marry and rolled himself to death in the Land instead brings to a close the redactors' efforts to address the notion of the Land's superiority as a place of residence, both in life and after death.⁵⁹

Apart from these two major elaborations on the significance of a burial in the Land in the Yerushalmi and the Bavli, another locus classicus on the subject is transmitted in the homiletical midrash Tanchuma. As part of its exegesis of Gen 47:30, we read:

Why do all the ancestors search for and cherish burial in the land of Israel? Rabbi Chananiah said [that] Rabbi Joshua ben Levi said: There is a reason for this: *I will walk before the Lord in the lands of the living* (Ps 116:9). Our masters said two things in the name of Rabbi Chelbo: Why did the ancestors cherish the land of Israel for burial? Because the dead in the land of Israel [are the] first to live in the days of the messiah and enjoy the messianic years. Rabbi Chama ben Rabbi Chanina said: The one who dies outside of the Land and is buried there has two deaths. Where is it shown? It is stated, *You also, Pashur, and all who dwell in your house shall go into captivity. So you shall come to Babylon, where you shall die and where you shall be buried, you along with all your friends to whom you prophesied*

57 Elsewhere in the Bavli (bBer 42a) we read that the traditional burial place for Babylonian Jews was on the west banks of the River Euphrates. See A. Oppenheimer and M. Lecker, 'Beisetzung westlich des Euphrat im talmudischen Babylonien,' in *Between Rome and Babylon: Studies in Jewish Leadership and Society*, ed. N. Oppenheimer (Tübingen: Mohr Siebeck, 2005), 402–408, who also adduce Arabic sources to shed light on this Babylonian Jewish custom.

58 For a commentary on the brothers' disparate approaches to Rabbah, combined with an exhortation to move to the Land, medical advice for life in the Babylonian diaspora, and a brief exposition on the halakhah of *kil'ayim*, see Rubenstein, 'Coping,' 175–176.

59 From here on the sugya focuses on a life of Torah and of marriage to Torah as the sole precondition for the resurrection of the righteous in Jerusalem. To support this refocused view of resurrection, the Bavli engages none other than Rabbi Eleazar and Rav Chiyya bar Joseph.

falsely (Jer 20:6). Rabbi Simon said: If so, are the righteous who are buried outside of the Land at a disadvantage? So what does the Holy One, blessed be He, do? He bores through⁶⁰ the land before them and makes them like skin bottles so that they come rolling [on through] until they arrive in the land of Israel. Then, when they arrive in the land of Israel, he puts the spirit of life in them and they arise. Where is it shown? It is stated, *Behold, I will open your graves [and bring you up from your graves, O my people; and I will bring you back to the land of Israel (ademat yisrael)]* etc. (Ezek 37:12). Then afterwards: *And I will put my spirit within you so that you shall live [and I will place you on your own soil (adematekhem)]* (Ezek 37:14). (TanB Va-yechi 6)

Several rabbinic voices from different generations, including the anonymous governing voice of the homiletical midrash Tanchuma, reflect on the benefits of being buried in the land of Israel in the light of Ps 116:9.⁶¹ It is a matter of temporal precedence with respect to other areas of Jewish settlement when it comes to the resurrection. More explicitly critical of a life abroad, Rabbi Chama bar Chanina compares death and burial abroad to a double death, a sweeping argument that Rabbi Simon problematises. With his question, he points out that such a view would imply that even the righteous who live abroad do not participate in the same resurrection as those (righteous) who live in the Land. It is worth pointing out that among the Palestinian sources, this late midrash, transmitted in a corpus presumed to have undergone its final redaction outside of the Land, deploys a voice less explicitly concerned for 'our *masters* in the Exile'.⁶² Rabbi Simon then goes on to explain that God sees to it that the dead bodies of all the righteous who have lived and died abroad roll towards the Land the way bottles roll and are filled with life upon arrival in the Land, as the words of the prophet Ezekiel foretold.⁶³

60 Buber emends the reading מוּחָרֵר ('goes back') to מוּחָרֵר ('bores through').

61 A more critical Tanchuma text related to the question of the Land as the place of resurrection, in stark contrast with the contemporary Land of the redactors, is found in PesR 11:0 (Ulmer): 'Is the land of Israel [really] the land of the living? Do not human beings die therein? Is not the land abroad the land of the living, while in the [land of Israel] people are found to be dying? What [does it mean], when David said, *the lands of the living* (Ps 116:9)? [It means that] the dead [of the land of Israel] will live at the time of the messiah.'

62 See above, yKil 9:4 (32c).

63 Here Tanchuma Buber appears to follow the Yerushalmi in that it mentions God as actively enabling this subterranean immigration. Bereshit Rabbah does not involve God explicitly when Rabbi Simai is told: 'This teaches that the earth is perforated (*ha-arets mitchalchelet*) as if with caves (or rust) and they will roll like leather bottles and when they arrive in the

Resh Laqish said: Scripture clearly states that when they arrive in the land of Israel, the Holy One, blessed be He, puts breath in them, for it is written, *Who gives breath to the people upon it [and spirit to those who walk thereon]* (Isa 42:5). | It once happened to Rabbi Qatsra and Rabbi Eleazar that they were walking by the gates outside of Tiberias, when they saw a coffin of a dead person which had come from abroad to be buried in the land of Israel. Rabbi Qatsra said to Rabbi Eleazar, What is the use when his soul departed outside of the Land? I quote about him the verse (lit. 'I read'), *You made my heritage an abomination* (Jer 2:7): in your life; *then you came and defiled my land* (ibid.): in your death. He said to him, Since he is buried in the land of Israel, the Holy One, blessed be He, forgives (*mekhapper*) him, for it is said, *And his land atones (we-khipper) for his people* (Deut 32:43). (TanB Va-yechi 6)

The continuation of the midrash, while less explicitly exegetical, does appear to hint at the part of the verse from Isaiah which is left unquoted and set in square brackets above. While this verse was interpreted in the Bavli to mean that a brief stay in the Land assures those who live abroad that they will be resurrected, Tanchuma interprets it with the narrative about rabbis who discuss how coffins are defiling the Land. As in the Yerushalmi and Bereshit Rabbah, this rabbinic anecdote about a conversation between rabbis offers a real-life counterpart to the scholarly discussion of Gen 47:30. The *ma'aseh* in the Bavli is characterised by a more detailed narrative style than the parallel in the Yerushalmi,⁶⁴ and it also exclusively uses Hebrew. Seen against the backdrop of its Palestinian sources, we notice that a certain detail that probably alluded to a lived custom is missing: Tanchuma does not mention the lump of earth which was placed on the coffin and symbolised the way the Land atones for the dead person's transgressions. This omission may have been a subtle way of contesting the notion that living outside of the Land constitutes a transgression.

This homily is a slightly reworked and amplified version of the tradition found in the Yerushalmi commentary on mKil 9:4, which was discussed above, and in Bereshit Rabbah (96:5) in its elaboration on Jacob's request to Joseph in

land of Israel they live (again)' (BerR 96:5, version in MS Vat. 30). Unlike the Tanchuma Buber text quoted above, the parallels Tan Va-yechi 3 and PesR 1:15 (Ulmer) mention 'tunnels in the earth' (*mechilot ba-arets*), with wording that reminds the reader of the 'tunnels made for them in the soil' in bKet 11b.

64 The coffin does not simply arrive, but arrives for burial in the land of Israel; Eleazar asks what the benefit to the dead should be if their soul departed while abroad, which incidentally evokes Ulla's words in the Yerushalmi.

Gen 47:30 that Joseph should not bury him in Egypt. The texts that belong to the major genre of homiletical late midrash known as Tanchuma-Yelammedenu literature are believed to have undergone several redactional stages and grown by accretion. While it is a literature of Palestinian traditions featuring Palestinian rabbinic heroes, the first strata of which are believed to have originated in Byzantine Palestine, the final redaction of its texts is most likely the early medieval cultural product of diaspora Jews, active both in Byzantium and in the Islamic world.⁶⁵ It is likely that the redactors of the Tanchuma recension quoted above were familiar with the Yerushalmi traditions concerning burial in the Land, and also that their version was a response to traditions in the Babylonian sugya which relativised or problematised the Land's superiority as the locus of atonement and resurrection.

The minor tractate Avot de-Rabbi Natan transmits a standpoint less concerned with the concrete practice of reinterment than with addressing the anxieties that might have been behind the practice:

He [Rabbi Aqiba] used to say: Whoever is buried in the rest of the countries it is as if he were buried in Babylonia. Whoever is buried in Babylonia it is as if he were buried in the land of Israel. Whoever is buried in the land of Israel it is as if he were buried under the altar. For the entire land of Israel is worthy of the altar. And whoever is buried under the altar it is as if he were buried under the throne of glory, for it is said, *O glorious throne, exalted from the beginning, shrine of our sanctuary!* (Jer 17:12). (ARN A 26)

While this text reasserts the prospect that burial in the land of Israel entails for the dead a proximity to the holy, which we first find attested in tAZ 5(4):3, it also claims that the Land is comparable to Babylonia, and that Babylonia in turn is comparable to the rest of the countries where Jews live and die.⁶⁶ This amounts to stating that the entire diaspora, the entire Jewish world, participates in the holiness which, according to earlier and especially Palestinian

65 M. Bregman, *Tanchuma-Yelammedenu: Studies in the Evolution of the Versions* [in Hebrew] (Piscataway, NJ: Gorgias Press, 2003), 4–5; D. Weiss, *Pious Irreverence*, 12; R. Ulmer, ed. and trans., *A Bilingual Edition of Pesiqta Rabbati 1: Chapters 1–22* (Berlin: De Gruyter, 2017), 30; Nikolsky and Atzmon, *Studies in the Tanhuma-Yelammedenu Literature*.

66 The wording for the division of the world into three regions—land of Israel, Babylonia, and the remaining countries—is the same used by Samuel and quoted by Rav Yehuda in his dictum concerning the prohibition against leaving the land of Israel for Babylonia and Babylonia for the rest of the countries in bKet 111a. Rabbah and Rav Joseph also mention the three regions when they reflect in the same sugya on the reception of worthy people from Babylonia in the Land, and from the rest of the countries in Babylonia.

sources, is a prerogative of the land of Israel, so that Jews living all over the world may forego the practice of reinterment in the Land and the prospect of having to roll into the Land through underground tunnels.

A similar indifference to the question of where one is buried or who will be the first to be resurrected may be inferred from a tradition with which the late midrash Seder Eliyahu Rabbah closes. This passage suggests that the resurrection of the righteous will take place outside of the Land, in the days of the messiah, and that those who are resurrected will subsequently immigrate to the land of Israel:⁶⁷

All those who rise to life again in the days of the messiah will go to the land of Israel never again to return to the dust they came from, for it is said, *Whoever is left in Zion and remains in Jerusalem will be called holy, everyone who has been recorded for life in Jerusalem* (Isa 4:3). Where will they go? When the Holy One, blessed be He, receives the faces of the righteous in the time to come, they will come before Him like children coming into the presence of their father, like servants coming into the presence of their master, and like disciples coming into the presence of their teacher, for it is said, *And you shall flee by the valley of the Lord's mountain, for the valley between the mountains shall reach to Azal. [... Then the Lord my God will come, and all the holy ones with him]* etc. (Zech 14:5). Indeed may it be Your will, Lord, our God, that we see the rebuilding of Jerusalem. Amen. Indeed may it be Your will. (SER 164–165)

After equating the land of Israel with the scriptural pairing of Zion and Jerusalem in Isa 4:3, the voice of Seder Eliyahu uses a series of analogies to describe what the end-time encounter between the exiles and God will be like, rather than where it will take place. The prayer-like closing line again suggests that the Land that matters in the eschatological restoration is the holy city of Jerusalem.

Less concerned with how Jews who die abroad get to the Land, another late midrash is keen to explain how it is that non-Jews who die in the Land do not participate in the resurrection of the dead:

Rabbi Chanina said: All Israel who died outside of the Land, their souls will be gathered into the Land, for it is said, *the life of my lord shall be bound in the bundle of the living [under the care of the Lord your God]*

67 See also n. 52 above.

(1Sam 25:29). And all of the dead of the gentiles [who died] in the land of Israel, their souls will be thrown out of the Land from a sling, for it is said, *but the lives of your enemies he shall sling out as from the hollow of a sling* (ibid.). And in the future, the Holy One, blessed be He, will take hold of the corners of the land of Israel and shake off all that is unclean, as a man shakes his clothes to get rid of all that is inside, and cast them out, for it is said, *so that it might take hold of the skirts of the land, and the wicked be shaken out of it* (Job 38:13). (PRE 34)

Participation in the resurrection in the land of Israel is reserved for all the people of Israel, for those buried in the Land and those buried outside of the Land, the latter of whom do not arrive in the Land by rolling but are simply gathered. The concrete way in which this is supposed to happen is not especially relevant for the author of Pirque de-Rabbi Elie'zer in this context. He appears to be more concerned with how the Land is cleansed in preparation for further eschatological events. Excluded from this privilege and shaken out of the end-time landscape of the land of Israel⁶⁸ are the gentiles with whom the people of Israel have to share the Land in the present.

The last text on the link between the land of Israel and the resurrection in the end time that I would like to discuss briefly here is part of the second Babylonian sugya that focuses on eschatology. This sugya is transmitted in the last chapter of tractate Sanhedrin, and it also conveys a tension between localising future resurrection exclusively in the Land and envisioning it as independent of particular locations. While certain quoted traditions do imply that the locus of the resurrection is the Land,⁶⁹ the Gemara is also concerned with the status of a scriptural account of a resurrection which took place not only in the past, but also in the Exile:

The school of Eliyahu taught [in a baraita]: The righteous whom the Holy One, blessed be He, is destined to resurrect do not return to their dust, for it is said, *Whoever is left in Zion and remains in Jerusalem will be called holy, everyone who has been recorded for life in Jerusalem* (Isa 4:3). Just as

68 This seems to be the reading of the Joban verse, which more probably refers to the Earth than to a specific land.

69 So, for example, bSan 90b: 'Rabbi Jochanan says: Whence [do we derive that] the resurrection of the dead [comes] from the Torah? It is said: *and from them you shall give the Lord's offering to the priest Aaron* (Num 18:28). And does Aaron exist forever and is it not so that Aaron did not enter the land of Israel where they give him heave-offering? Rather, the verse teaches that Aaron is destined to live in the future and Israel will give him heave-offering. Hence [we learn] that the resurrection of the dead is from the Torah.'

the Holy exists for ever, so too will they exist forever. | And if you say: Those years, when the Holy One, blessed be He, is destined to renew His world—for it is said, *and the Lord alone will be exalted on that day* (Isa 2:11)—what will the righteous do then? The Holy One, blessed be He, will make wings like eagles for them and they will fly over the surface of the water, for it is said, *Therefore we will not fear, though the earth should change, though the mountains shake in the heart of the sea* (Ps 46:3). And lest you say there will be suffering for them, it [Scripture] says, *but those who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint* (Isa 40:31). | And we learn from the dead that Ezekiel revived according to him who says: In truth, it was a parable. [This is] as it is taught [in a baraita]: Rabbi Eliezer says: The dead that Ezekiel revived stood on their feet and recited a song and died. What song did they recite? The Lord kills with justice and gives life with mercy. Rabbi Joshua says: They recited this song, *The Lord kills and brings to life; he brings down to Sheol and raises up* (1Sam 2:6). Rabbi Judah says: It was truth in the form of a parable. Rabbi Nehemiah said to him: If truth why [say] parable? And if parable why truth? Rather: In truth, it was a parable. Rabbi Eliezer, the son of Rabbi Jose the Galilean, says: The dead that Ezekiel revived ascended to the land of Israel, married wives and had sons and daughters. Rabbi Judah ben Bathyra stood on his feet and said: I am of their children's children and these are the phylacteries that my father's father left me from them. (bSan 92a–b)

The future resurrection, as the first baraita attributed to the school of Elijah explains,⁷⁰ will take place in the Land and will not be followed by (another) death. It is an act through which humans come to resemble God. The resurrected are depicted as observing the Earth's complete renewal from a bird's-eye view—they are even given wings.⁷¹ For them, events on earth that are usually imagined as cataclysmic do not imply any danger or suffering. If the true

70 The baraita which opens this passage is one of nine traditions in the Bavli that are introduced with the formula *tanna deve eliyahu*. This is one of the names with which scholarship refers to a work otherwise known as Seder Eliyahu—a work which, at least as far as its title goes is a pseudepigraphon, i.e., the attribution to the prophet Elijah appears to be intended. Interestingly it is in Seder Eliyahu itself that we also find arguments for a resurrection in scriptural times and outside of the Land; see n. 52, above.

71 While *arets* in the psalm may have originally meant 'the earth', the further sense of 'the Land' may also be intended in the talmudic midrash.

resurrection will only take place in the future, then the Bavli deduces that the resurrection Ezekiel reports in Ezek 37 must be of a different order.⁷²

The second baraita is introduced to explain this scriptural resurrection as a parable or a scriptural fiction, as opposed to the real resurrection. In answer to the implicit question of what happened to the dead whom Ezekiel resurrected, Rabbi Eliezer claims that they immigrated to the Land. Another sage, Judah ben Bathyra—who was incidentally famous for having emigrated and founded a school in Nisibis—proudly identifies himself as a descendant of these mythical rabbinic immigrants.⁷³ Those whom Ezekiel resurrected may have ascended, but such an immigration within historical time—this sugya argues—must not be confused with the future ingathering of the Jews who have been dispersed.



The sources discussed in this chapter all participate in a joint reflection among the sages and the redactors of classical rabbinic corpora on the Jewish affinity to the Land beyond life as well as the link between the land of Israel and resurrection in the end time⁷⁴—a resurrection that is of a different order than the one described in Ezek 37. They address the notion, based on their reading of a number of scriptural verses, that burial in the Land implies a privilege when it comes to the resurrection. While they discuss scriptural precedents, it is primarily the cases of Babylonian (Huna) or Palestinian (Ulla, Meir) sages who die outside of the Land but wish to be buried in the Land that appear to matter most to the sages and the redactors of rabbinic corpora. They suggest that Jews buried elsewhere need not fear exclusion, for all of Israel will have either subterranean tunnels or other, unspecified ways of returning.⁷⁵ One text

72 Biblical scholarship distinguishes texts that represent the concept of resurrection as the restoration of Israel or Judah, such as for example, Hos 6:1–3 and Ezek 37:1–14, from references in apocalypses, such as Isa 26:19 and Dan 12:1–3, which conceive of resurrection as a liberation from death. See R. Martin-Achard, ‘Resurrection: Old Testament,’ in *Anchor Bible Dictionary*, ed. D.N. Freedman, vol. 5 (New York: Doubleday, 1992), 680–684. For an overview of the concept of resurrection in early Jewish literature, see G.W.E. Nickelsburg, ‘Resurrection: Early Judaism and Christianity,’ in *The Anchor Bible Dictionary*, vol. 5 (New York, NY: Doubleday, 1992), 684–691; Novak, ‘Jewish Eschatology’.

73 See SifDev 80, discussed in chapter 4.1.

74 According to Novak, ‘[t]he centerpiece of classical Jewish eschatology is the doctrine of the resurrection of the dead’.

75 On the notion with which chapter 10 in Mishnah Sanhedrin opens—‘All of Israel possesses a portion in the world to come’—see G. Stemmerger, ‘“Ganz Israel hat Anteil an der kommenden Welt”: Rabbinische Vorstellungen der Scheidung zwischen Gerechten und Ungerechten in Israel,’ in *Q in Context 1 The Separation between the Just and the Unjust in*

is explicit in pointing out that non-Jews in the land of Israel, despite living (or being buried) there, will not have access to the resurrection, but will instead be expelled.

The Palestinian and Babylonian texts discussed in this chapter differ in their agendas, their scope (the number and order of arguments), their use of scriptural prooftexts, their rabbinic dramatis personae (provenance, number),⁷⁶ the characterisation of certain sages (e.g., Ulla), the ways in which they name places other than the land of Israel or even the Land itself, and the wording with which they give textual shape to certain motifs (the dead bodies rolling into the Land). However, with the exception of a few texts, they share a core ideology—namely, that the Land is the privileged setting for the resurrection of the dead—which finds its way into rabbinic amoraic and post-amoraic corpora. The rabbinic agendas underlying these texts may compete with one another,⁷⁷ but they also build Jewish solidarity intertextually, across cultural boundaries, and they are especially keen to address the connections between the sages and their traditions across space and time. The amoraic Palestinian texts address and problematise the fact that the Land accepts the dead from abroad, contrasting this with the way it accepts the living from abroad (Babylonian sages develop a Palestinian identity), and at times reveal a critical position towards the Land in the present that is not directly related to burial practices (e.g., in interpretations of Ps 116:9). More explicit in the way it addresses rabbinic diasporic connectedness is the Babylonian text in tractate Ketubbot, in that its Gemara transmits the voices of Palestinian sages as major tradents in addition to Babylonian positions.⁷⁸ The post-amoraic texts of late midrashim, some of them probably Palestinian in provenance, only tacitly represent this rabbinic connectedness. Their authors may have been acquainted with and responded to Babylonian challenges to the Land's superiority as the ideal burial place with a view to the end time and the resurrection.

Early Judaism and in the Sayings Source, ed. M. Tiwald (Göttingen: V&R unipress Bonn University Press, 2015), 223–236.

- 76 Whereas the Yerushalmi sugya and BerR 96:5 (and less so Tan Va-yechi 3) let tannaim express their opinions on the meaning of burial in the Land, they are not present in the Bavli or in TanB Va-yechi 6, which reduce the focus on amoraic positions.
- 77 As Gafni, *Land*, 93 argues, Babylonian self-assertiveness may have provoked a reaction on the Palestinian side.
- 78 Half of the twenty instances explicitly referring to rabbinic authorities in the passages related to burial are references to Palestinian amoraim. It must be conceded, however, that the Babylonian voices in bKet 111a predominate once the sugya is taken as a whole, and that important Palestinians in the sugya are of Babylonian origin.

The End of History and the New Land

One way of idealising the Land is to conceive of it as the beginning of everything, as the navel of the world. Another is to see it as the epicentre of the end-time events, as the place where final wars will be waged against the nations and where a new era will begin that will fulfil eschatological scriptural traditions. The first three sections of this chapter address this type of conceptualisation: the Land in the end time as *chronotopos* of war and fulfilment, as explicitly stated or tacitly implied future battlefield and the setting for the messiah's coming. Apart from this rather dystopic way of imagining the Land in the end time, a number of texts depict this space in utopian terms, praising its dimensions, its fertility, and the moral character of its inhabitants. In speaking about the Land of the future along both of these avenues, eschatological statements and narratives envision the Land of the present as incomplete and awaiting the fulfilment that comes with the culmination of history.*

7.1 Messianic Footsteps and Battles

What could be described as a historical appendix to the last mishna in tractate Sotah includes the following two consecutive statements, which touch on the end time:

Rabbi Eliezer the Great says: From the day the Temple was destroyed, the sages began to be like scribes, scribes like synagogue attendants, synagogue attendants like common people, and common people became more and more debased. And nobody seeks. On whom shall we rely? Upon our father who is in heaven. In the footsteps of the messiah insolence will increase and the cost of living will go up greatly; the vine will yield its fruit, but wine will be expensive; the government will turn to heresy, and there will be no one to rebuke; the meeting-place [of schol-

* Part of chapter 7 is a revised version of an article published as 'Of Siblings, Kingdoms, and the Days of the Messiah: Jewish Literary Responses to the New Order in the Land of Israel in the First Muslim Period,' in *Late Antique Responses to the Arab Conquests*, ed. J. van den Bent, F. van den Eijnde, and J. Weststeijn, Cultural Interactions in the Mediterranean 5 (Leiden: Brill, 2022), 212–244.

ars] will be used for licentiousness; Galilee will be destroyed, the Galban will be desolated, and the dwellers on the frontier will go about [begging] from place to place without anyone to take pity on them; the wisdom of the learned will rot, fearers of sin will be despised, and the truth will be lacking; youths will put old men to shame, the old will stand up in the presence of the young, *For son spurns father, daughter rises up against mother, daughter-in-law against mother-in-law, a man's own household are his enemies* (Mic 7:6). The face of the generation will be like the face of a dog, a son will not feel ashamed before his father. On whom shall we rely? On our father who is in heaven. | Rabbi Pinchas ben Yair says: Heedfulness leads to cleanliness, cleanliness leads to purity, purity leads to separation, separation leads to holiness, holiness leads to modesty, modesty leads to fear of sin, fear of sin leads to piety, piety leads to the Holy Spirit, the Holy Spirit leads to the resurrection of the dead, and the resurrection of the dead comes through Elijah, blessed be his memory, Amen. (mSot 9:15)

Alternating between Hebrew and Aramaic, the first of these statements, attributed to Rabbi Eliezer, describes the end time by referring to it with an expression that echoes Ps 89:52: 'the footsteps of your messiah'. This time is imagined as the culmination of a process of general decay which begins with the destruction of the Temple and of which further evidence may be found in the Land. Even though the text does not explicitly refer to the Land as the setting for the events it describes, the aggregate mention of the Temple and four further spatial references—the location of an institution and three place names—may be interpreted as connoting the Land.

The second statement, attributed to the younger Rabbi Pinchas ben Yair, describes how different types of positive conduct culminate in three moments that are usually associated with the end time: the Holy Spirit as a metaphor for the restoration of prophecy, the resurrection, and Elijah's coming.¹

1 This second statement is expanded upon in a passage in the Yerushalmi, which is less eschatologically oriented (at least in the sense of a future eschatology) and more evidently a propagandistic effort to promote a life in the present land of Israel: 'It was taught in the name of Rabbi Meir: Whoever lives permanently in the land of Israel, speaks the Holy Tongue, eats his produce in purity, recites the Shema in the morning and evening, let him be given the good news that he belongs to the world to come' (ySheq 3:3 [47c]). For more on how the Yerushalmi thereby downplays the messianism of the mishnaic statement, see Alexander, 'Rabbis and Messianism,' 236.

This is an exceptional passage in the Mishnah,² which is itself exceptional in the context of early rabbinic literature in that it has moved away from the utopianism and apocalypticism which are characteristic of the Jewish literature in the previous period. With its idealisation of the Land and its pre-70 CE institutions, and its rulings concerning a Jewish life in the Land—which are given as if these institutions were still intact—the Mishnah may be understood as indirectly advocating a restorative type of eschatology.³

One of the two major texts in the Babylonian Talmud that include eschatological subject matter is found in the last chapter of tractate Sanhedrin.⁴ This passage, which one scholar describes as ‘the most extended and systematic rabbinic treatise on the messiah’⁵ we have from the talmudic period, is an elaboration on a mishnah that opens with the words: ‘All Israel have a portion in the world to come’ and goes on to quote Isa 60:21: ‘Your people shall all be righteous; they shall possess the land for ever. They are the shoot that I planted, the work of my hands, so that I might be glorified’ (mSan 10:1).⁶ Few of the numerous traditions in this lengthy passage in tractate Sanhedrin are explicit about the land of Israel as the main geographical setting for the events of the eschaton. One such tradition is a shorter version of the passage of mSot 9:15 quoted above, which the Bavli cites in the form of baraitot, attributing them to Rabbi Judah and Rabbi Nehemiah, and replacing the temporal reference to ‘the footsteps of the messiah’ with ‘the generation in which the son of David comes’ (bSan 97a).

We may also find allusions to the Land in the end time in statements that refer to the entire kingdom as turning to heresy, which is usually interpreted to mean Christianity (bSan 97a); that compare the time before the coming of the messiah to a pregnancy at the end of which a new order or a new life begins (bSan 98b); and that link Israel’s return to their territory with a recovery of sov-

2 Schremer, ‘The Christianization of the Roman Empire and Rabbinic Literature,’ 349, refers to it as ‘pseudo-mishnaic’. These two statements are not transmitted in MS Kaufmann, but in MS Cambridge of the Mishna. Maimonides does not comment on them. In the Yerushalmi they are transmitted in reverse order; see ySotah 9:15 (23b); in the Bavli they are not transmitted together: Rabbi Eliezer’s statement is found in bSotah 49a and bSan 97a; Rabbi Pinchas’ in bAZ 20b.

3 See Schiffman, ‘Messianism and Apocalypticism in Rabbinic Texts,’ 1063–1064. On the idea of restorative messianism as opposed to a utopian or apocalyptic messianism, see G. Scholem, ‘Towards an Understanding of the Messianic Idea in Judaism,’ in *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (London: Allen & Unwin, 1971), 1–36.

4 See chapter 6.3 for a discussion of a passage in this sugya.

5 Alexander, ‘Rabbis and Messianism,’ 237.

6 Stemberger, ‘Ganz Israel,’ 223–224, points out, that precisely this apodictic statement, followed by the quotation from Isaiah, were probably *not* part of the original mishna.

ereignty (e.g., bSan 91b, bSan 98b).⁷ Most of the statements in this Babylonian sugya, however, are concerned with the question of *when* rather than *where* these events will take place, including the following story about the encounter between a Palestinian amora, Rabbi Joshua ben Levi, and the prophet Elijah:

Rabbi Joshua ben Levi found Elijah, who was standing at the entrance of the cave of Rabbi Simeon ben Yochai. He said to him, Will I come to the world to come? He said to him, If the Master wishes. Rabbi Joshua ben Levi said, Two I saw and the voice of three I heard. He asked him, When will [the] messiah come? He said to him, Go ask him. [He asked,] And where is he sitting? [He said to him,] At the entrance of the city. [He asked him,] And what are his [identifying] signs? [Elijah answered,] He sits among the poor who suffer from illnesses. And all of them untie their bandages and tie them all at once, but he [the messiah] unties one bandage and ties one at a time. He said, Should I be needed, I will not be delayed. He went to him and said to him, Greetings to you, my rabbi and my teacher. He said to him, Greetings to you, son of Levi. He said to him, When will the Master come? The messiah said to him, Today. He came to Elijah, who said to him, What did he say to you? Greetings to you, son of Levi. He said to him, He assured you and your father of the world to come. He said to him, He told me a lie, as he said to me, I am coming today, and he did not come. He said to him, This is what he said to you, *today you would listen to his voice!* (Ps 95:7). (bSan 98a)

This narrative about two supernatural encounters presents motifs that connote the end time—Elijah, the prophet who never died and who will accompany the messiah; a burial cave in the Land; and a suffering messiah waiting among the ill somewhere other than in the Land. The first encounter takes place at the entrance to a burial cave in the Land, where a sage meets Elijah and expects to find out from him when the messiah will come. He is told to ask the messiah himself, who is said to be sitting at another entrance—the entrance to a city, usually identified as Rome. Here the second encounter takes place. In a third encounter, again with Elijah, the rabbi is told that he has not understood the messiah's message to him.⁸ The narrative is far from explicit about the idea that

7 These motifs are also transmitted in tannaitic corpora, in which only some of them address the land of Israel as a location of subjugation and the inversion of power relations. See, e.g., SifDev 317.

8 On this messiah–narrative, ‘the earliest post-Christian evidence for Jewish use of Isaiah 53 for the messiah’, see M. Himmelfarb, *Jewish Messiahs in a Christian Empire: A History of the Book of Zerubbabel* (Cambridge, MA: Harvard University Press, 2017), 66–69.

the messiah is waiting abroad to come to the Land when the time is right, especially if we compare this text to other versions of the story. What is interesting about the perspective this text reveals is that although the entire passage in the Bavli is spoken by a Babylonian voice that depicts the end-time events taking place in the Land, the verb used to predicate the messiah's appearance in the end time is 'to come'.⁹

Particularly explicit with regard to the question of the messiah's whereabouts in the narrated time is the late Hebrew apocalypse *Sefer Zerubbabel*. The narrator of this text is Zerubbabel, who experiences a vision about the events of the end time while he is in exile. The pseudepigraphic intention behind this choice of name is to link this narrator with a figure who leads the returning exiles.¹⁰ His vision commences in Babylonia, on the Chebar river, which is also the location of Ezekiel's first vision, but Zerubbabel's vision takes place for the most part in a city referred to as Ninive, the city of blood, as well as Rome the Great, which may be identified as Constantinople. The narrative shows how Zerubbabel is transported to this city and, more specifically, to a place described as a 'house of disgrace/filth' in 'the market district', where he is addressed by a wounded, despised man who identifies himself as messiah son of Hezekiah, and claims to be imprisoned there until the end time. It is not from him, but from the angel Michael—whom the text prefers to call Metatron—that Zerubbabel in a lengthier dialogue learns about this messiah (now referred to as Menachem ben Ammiel, messiah son of David), his mother (Hepzibah),¹¹ another messiah (Nehemiah ben Hushiel, messiah son of Joseph), and their

9 Hebr. אב; Aram. יאא. This is all the more surprising insofar as the Bavli is keen to refer to the land as 'there' or 'the West'. In the second major Babylonian text on the eschatological future, Abaye explicitly links the tribulations of the pre-messianic period with the land of Israel, even as he claims that none of this will be felt in Babylonia: 'We maintain [that] Babylonia does not see the pangs of the messiah. He explained this [of] Hutzal of Benjamin which they call "Corner of safety"' (bKet 111a). On the Babylonian academies in particular as spared the pangs of the messiah, see Tan Noah 3.

10 According to Ezra 2–3, Zerubbabel returned with the first group of exiles and was involved in the construction of the Second Temple. On the choice of Zerubbabel as the authorial persona for this apocalypse, Himmelfarb, 1, writes: 'It is presumably his association with this great moment of restoration that made Zerubbabel seem an appropriate recipient of revelation in a work concerning the final restoration.'

11 A rabbinic narrative about a baby messiah by the name of Menachem ben Ammiel being carried away from his place of birth in Bethlehem by a whirlwind is transmitted in yBer 2:4 (5a)—a passage that expands on the Amidah's fourteenth blessing, the most explicit of all the blessings in the prayer with respect to eschatological space—and EkhaR 1:51. See P. Schäfer, *The Jewish Jesus: How Judaism and Christianity Shaped each Other* (Princeton, NJ: Princeton University Press, 2012), ch. 8; Himmelfarb, *Jewish Messiahs*, 39–47.

arch-enemy Armilos, the last of ten kings who will have ruled over Israel, and whose dominion is said to extend from one end of the earth to the other.¹² The land of Israel, which is explicitly mentioned only twice, and about which the text speaks from the visionary's external perspective in Constantinople, is depicted primarily as the arena for messianic wars.

There will be three wars in the land of Israel. One to be waged by Hepzibah against Shiroi, king of Persia; one to be waged by the Lord God of Israel and Menahem ben Ammiel against Armilos, the ten kings who are with him, and Gog and Magog; and one to be waged at Zela ha-Elef by Nehemiah ben Hushiel.

The specific settings of the first and second wars are explicitly mentioned elsewhere: the former takes place in or around Jerusalem, the latter in the Valley of Arbel.¹³ Here Israel's enemies will all die. The key elements in the descriptions of these wars are who is involved on each side and when, i.e., in which month or during which festival,¹⁴ these wars will supposedly take place. Following the messianic wars, the narrative turns to resurrection—corpses are described as emerging from the Great Sea (the Mediterranean); the first messiah is resurrected to continue fighting—and to judgement, with the valleys of Jehoshaphat and Shittim as settings. The Mount of Olives features especially prominently: It is twice split open as God descends upon it while the messiah enters Jerusalem on foot.¹⁵ A further supernatural aspect of this apocalyptic account concerning the location of the end-time events is a brief dialogue between a personified Jerusalem, baffled at the number of exiles ascending in her direction, and Nehemiah and Zerubbabel, who explain to her that these are her own children.¹⁶ Sefer Zerubbabel describes the new Jerusalem and the new

12 On the figure of Armilos, 'the eschatological opponent of the Jews', as equivalent to the Christian anti-Christ and the Muslim Dajjāl, see Himmelfarb, ch. 1; Greisinger, 'Apocalypticism'.

13 This is a location rabbinic literature associates with future salvation; see *yBer* 1:1 (2c).

14 The month of Av, which came to be associated with the destruction of the Temples and the fall of Bethar, is the most frequent chronological reference.

15 While the latter motif may be a response to the depiction of Jesus entering Jerusalem riding a donkey (see *Matt* 21:7), the former, even as it echoes *Zech* 14:3–7, may also be read as an anti-Christian response to the tradition of Jesus' ascension into heaven precisely from this mount (see *Luke* 24:15; *Acts* 1:12). On the Mount of Olives and other loci within Jerusalem that hold particular eschatological import for Judaism, Christianity, and Islam, see Limor, 'Jerusalem and Eschatology', 351.

16 For an elaborate midrashic elaboration on the motif of Jerusalem as a mother, see *PesR* 26, the Jeremiah homily.

temple of the end time—according to the text’s narrated time, this would be the Second Temple—as enlarged:

Again I began to ask Metatron, the commander of the Lord’s host, Sir, show me Jerusalem, how long it is and how wide, and its buildings. So he showed me the walls around Jerusalem, walls of fire, from the great wilderness to the western sea to the Euphrates River. He showed me also the temple building. The temple was built on five mountain tops that the Lord chose to bear his sanctuary: Lebanon, Mount Moriah, Tabor, Carmel, and Hermon.

After the Land has been depicted as the battlefield for the messianic wars, Sefer Zerubbabel idealises it by imagining an Euphratic Jerusalem (rather than an Euphratic land of Israel).¹⁷ Sefer Zerubbabel contrasts this positive view of the Land in its vision of Jerusalem with a number of end-time dystopic non-places. Apart from the above-mentioned Chebar river (or canal), a metonym for Babylonia, and the allusions to Constantinople (‘Nineveh, city of blood’, ‘Rome the Great’, also deictically referred to with ‘here’ and ‘this place’ as well as metonymically as the ‘house of disgrace’¹⁸), the world at large is represented by the names of the polities associated with each of the nine kings who precede Armilos; these are Sepharad/Aspamia, Gitnia, Plavis, Galia, Moditikha, Italia, Dormis, Aram-naharaim, and Persia. Armilos is said to fight in alliance with the kings of Qedar and the children of Qedem¹⁹ in a campaign that begins in Riblah or Antioch.

We should note that, prior to Sefer Zerubbabel, the land of Israel as a battlefield was also imagined *without* the agency of a messiah and his helpers. The following passage in the Palestinian homiletical midrash Pesiqta de-Rav Kahana, for instance, depicts God himself fighting against the nations to defend the people and the land of Israel:

Another interpretation: *you have covered my head in the day of battle* (Ps 140:8). The Holy One, blessed be He, said, So will I in the time to come

17 On the concept of the Euphratic land, see Vos, ‘Land,’ 2.1. On the expansion of Jerusalem and the Land as strategy to cope with the number of returnees to the Land in the end time, see chapter 7.4 below.

18 Some scholars identify this expression as a reference to a church.

19 In later sources these companions of the Jewish eschatological antagonist Armilos function as an allusion to Islam, but here it is likely simply biblical name-dropping based on Jer 49:28; see Reeves, *Trajectories*, 65n176. A parallel version of the eschatological scenario in Sefer Zerubbabel, probably also composed in the seventh century, is found in the piyyut ‘Oto ha-yom (‘That day’); see Sivertsev, *Judaism and Imperial Ideology*, 114–116.

when all the nations are destined to enter the land of Israel and make war upon them [its people], *For I will gather all the nations against Jerusalem to battle* (Zech 14:2). What does the Holy One, blessed be He, do [then]? He goes forth and fights against the nations, for it is said, *Then the Lord will go forth and fight against those nations* (Zech 14:3). How? As in the day of Pharaoh, for it is said, *as when he fights on a day of battle* (Zech 14:3). And what does he do? He shelters the heads of Israel as in a sukkah, for it is said, *you have covered my head in the day of battle (nasheq)* (Ps 140:8). What is [the meaning of] ‘battle’? Rabbi Samuel bar Nachmani said: The day, as it were, on which two worlds are brought into contact (*yashiqu*), this world and the world to come. On this day, *See, a day is coming for the Lord* (Zech 14:1). (PesRK Suppl. 2)

7.2 The Four Kingdoms

In Scripture the prophet Daniel recounts Nebuchadnezzar’s dream of a statue (Dan 2:31–45) and explains it in terms of the four world kingdoms: Babylonia, Media, Persia, and Greece. This interpretation has a rich reception history in Jewish and Christian literature. Scholars refer to the ensuing model of world history in terms of a succession of world kingdoms as the ‘four kingdom doctrine.’²⁰ In the context of later, post-classical rabbinic and quasi-rabbinic elaboration on this doctrine, the land of Israel features as an end-time setting. One of the post-classical rabbinic texts that adapts the four kingdom doctrine from earlier traditions is Pirque de-Rabbi Elie’zer. This work reinterprets the list of

²⁰ Dan 7, with its account of Daniel’s vision of the four beasts, is also related to the interpretation of the dream in Dan 2 in terms of the kingdoms that will rule the world until the end time. On the four kingdom doctrine or scheme, see J.W. Swain, ‘The Theory of the Four Monarchies: Opposition History under the Roman Empire,’ *Classical Philology* 35 (1940): 1–21; S. Wendehorst, ‘Four Kingdoms,’ in *Encyclopedia of Early Modern History Online*, ed. G. Dunphy and A. Gow (Stuttgart: Metzler, 2015). On the book of Daniel—which transmits the only apocalypse in the Hebrew Bible—as apocalyptic literature, and on its reception, see M. Steinschneider, ‘Apokalypsen mit polemischer Tendenz,’ *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 28 (1874): 647–659; M. Steinschneider, ‘Apokalypsen mit polemischer Tendenz,’ *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 29 (1875): 163–166; J.J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature*, 2nd ed. (Grand Rapids, MI: Eerdmans, 1998); J.J. Collins and P.W. Flint, eds., *The Book of Daniel: Composition and Reception*, 2 vols., *Vetus Testamentum Supplements* 83 (Leiden: Brill, 2001); G. Stemberger, ‘Die jüdische Danielrezeption seit der Zerstörung des zweiten Tempels am Beispiel der Endzeitberechnung,’ in *Judaica Minora 1: Biblische Traditionen im rabbinischen Judentum* (Tübingen: Mohr Siebeck, 2010), 203–220.

kingdoms or ‘future’ rulers of classical rabbinic literature from a Palestinian perspective of the early Muslim period, adding rule by the ‘children of Ishmael’ and sovereign Israel or the messiah to the list.²¹ Thus in the exegetical narrative context of Abraham’s trials, specifically as part of the seventh trial, Pirque de-Rabbi Elie’zer quotes an interpretation of Gen 15:9 attributed to Rabbi Aqiba. The sage interprets each of the animals God asks Abraham to bring to him as referring either to a kingdom which will rule over Israel or to the children of Israel themselves.²²

Although it does not address the issue of how kingdoms succeed one another, Aggadat Bereshit—a late midrash probably redacted in southern Italy which tends to be dated to the ninth century at the earliest²³—is very much concerned with the problem of Israel’s relation to the world kingdoms, and particularly with the latter ruling over and inhabiting Israel’s land.²⁴ The following parable illustrates how Israel are said to perceive foreign rule both outside of the Land and in the Land:

Rabbi Acha said: The Holy One, blessed be He, said, I only created a dwelling place for you to do my will and fear me on these conditions. And so it [Scripture] says, *I said, Surely you will fear me, take my lesson and the dwelling place will not be destroyed* (Zeph 3:7). *He drove out the enemy before you, and said, Destroy!* (Deut 33:27). *At that time, Israel lives in peace* (Deut 33:28). Whenever the kingdoms of the world dwell in safety, Israel does not dwell in safety. This can be compared to a partridge that sang in the house of its master. When he sat down to dine, the partridge would sing. After a while, its master brought a falcon. When the partridge saw it,

21 BerR 76:6 mentions three kingdoms and the wicked kingdom. A related tradition and probable source is BerR 44:15.

22 See PRE 28. The text reverses the order of the kingdoms in the probable source: Babylon (= heifer), Media (= she-goat), Greece (= ram), and Edom/Rome (= turtledove and pigeon) (BerR 44:15). It replaces the kingdom of Babylon with rule by the children of Ishmael, so the list comprises three kingdoms and the children of Ishmael. The period of foreign rule over Israel appears to be modified. As Reeves, *Trajectories*, 15, argued, Pirque de-Rabbi Elie’zer thus covers the first eight centuries of the Common Era, alluding to Roman (Edom), Byzantine (Greece), Sasanian (Media and Persia), and Arab (the children of Ishmael) rule.

23 L.M. Teugels, ‘The Provenance of Aggadat Bereshit: A reassessment of the origins of the work as a “Tanchuma satellite,”’ in *Studies in the Tanchuma-Yelammedenu Literature*, ed. R. Nikolsky and A. Atzmon (Leiden: Brill, 2021), 202–221.

24 On several occasions Aggadat Bereshit has especially harsh words for Ishmael and the children of Ishmael, we may presume that these figures refer to Muslim rule, but as in earlier tradition, they are not identified as a kingdom.

it fled under the bed to hide, and did not open its mouth anymore. The king came to dine and said to his house-servant, Why does the partridge not sing? He said, Because you brought a falcon to it; it sees it and is afraid and therefore does not sing. Take the falcon away and it will sing. Likewise it is with Israel in this world when they are placed outside of the land of Israel while the kingdoms of the world live in their land.²⁵ [...] Also the Holy One, blessed be He, is, as it were, not visible in the world, until the moment that He uproots the kingdom of Edom, for it is said, *God is king over the nations* (Ps 47:9), and at that time God sits on his holy throne. (Aggadat Bereshit 58)

This parable is told as a means of interpreting Deut 33:28²⁶ in the light of Zeph 3:7, verses that are understood to evoke Israel's perception of foreign rule. The parable addresses a *Sehnsucht* for the Land and explicitly addresses the fact that foreign rule in the land of Israel implies that the people of Israel are dispersed not just abroad, but even in their own ancestral homeland.²⁷ The amora Rabbi Acha's words tend to be interpreted as an expression of a Jewish wish for the end of Roman rule—a wish usually read as a reflection of anti-Christian sentiment.²⁸ However, the time when this work was presumably redacted, after the Arab conquest of Palestine in the seventh century, as well as the wider context of the text quoted above²⁹ may suggest that this late midrash is not simply responding to the Christian Byzantine context in which the work probably emerged.³⁰ Instead the midrash—which was written outside of the Land and beyond the borders of the Islamicate world—may express a desire for the end of any foreign rule in the Land, i.e., including that of the Muslim caliphate. The midrash suggests that the latter's rule, or indeed the rule of any kingdom living in Israel's land, both past and present, contributes to Israel's dispersion

25 MS Oxford 2340 reads: 'As long as they are in the lands of their enemies, they are like a pigeon standing in fear in front of a falcon. [...] Moses said to Him: Master of the worlds, as long as Israel are among the peoples and the peoples are in Your Land, Israel are not visible in the world.'

26 Teugels translates this verse as: 'The ancient God is a dwelling place' in accordance with the exigencies of the midrash, which follows an oriental reading (Or).

27 In this respect, the parable in Aggadat Bereshit stands out within a corpus of Land-parable I examine in Cordoni, 'Land of Israel in Rabbinic Parables'.

28 See L.M. Teugels, *Aggadat Bereshit: Translated from the Hebrew with an Introduction and Notes* (Leiden: Brill, 2001), xxx.

29 This text is part of a homily based on Gen 37:1. Here we read that Jacob settled in the land of Canaan, where Isaac had lived as an alien.

30 Or for that matter, ex post facto, the end of Roman rule in the land of Israel.

and makes them invisible. Not only that, but even God is said to be invisible when foreign kings rule over the Land.

In a lengthy exposition on the meaning of the four species in Mishnat Rabbi Eliezer, a text pseudepigraphically attributed to the tanna Eliezer the Galilean, the final redaction of which can be dated to the early Muslim period,³¹ we find three passages related to foreign rule over Israel and the concomitant dispersion of the Jews from their Land. These species are said to correspond to 'the four kingdoms that have scattered Israel and conquered their Land'³²—as in earlier rabbinic corpora, they are identified here as Babylonia, Persia, Greece, and Edom—and to the four righteous men whom God appointed to save Israel and spread the Torah during the reign of each of these four kingdoms. The midrash adds that God will not forget his children after the kingdom of Edom's rule ends, even though no righteous men are named in relation to this 'future' time.³³ As part of a description of the signs Israel can rely on to be sure of their salvation in the end time, the midrash introduces yet another kingdom:

Rather, three signs the Holy One, blessed be He, gave with them. And on all three of them Israel rely, to wit: The sign of the toes, for it is said, *there was a man of great size, [who had six fingers on each hand, and six toes on each foot, twenty-four in number; he too was descended from the giants.]* (2 Sam 21:20); [the sign of] reproaching and reviling, for it is said, *When he taunted Israel* (2 Sam 21:21); and then [the sign of] the song, for it is said, *David spoke to the Lord the words of this song* (2 Sam 22:1). Israel will also be saved in the final days by these three signs. By the reign of the kingdom of the toes, this is the kingdom of Ishmael, for it is said, *As the toes of the feet were part iron* (Dan 2:42). By reproaching and reviling, for it is said, *how your enemies flung abuse* etc. (Ps 89:52), and after that, they will be redeemed and they will sing the song, for it is said, *Blessed be the Lord forever. Amen and Amen* (Ps 89:52). (Mishnat Rabbi Eliezer 5)

While the text from Pirque de-Rabbi Elie'zer discussed above does not refer to the children of Ishmael explicitly as a kingdom, mentioning them at the end of

31 On the composition date of this midrash, also known as the Midrash of Thirty-Two Hermeneutic Rules and as Midrash Agur, see Stemberger, *Einleitung*, 34.

32 H.G. Enelow, ed., *The Mishnah of Rabbi Eliezer or the Midrash of Thirty-Two Hermeneutic Rules* (New York: Bloch Publishing Company, 1933), 103.

33 Enelow, 103–104.

a list of world kingdoms is nevertheless a way of acknowledging Muslim rule.³⁴ The text in Mishnat Rabbi Eliezer goes a step further: The iron toes of the statue in the king's dream in Daniel 2 are interpreted as referring to the 'kingdom of Ishmael', which thus takes up a place that earlier midrashim had reserved for Byzantine Rome. Although Mishnat Rabbi Eliezer does not appear to be complimenting Muslim rule by referring to it as the 'kingdom of the toes', it concurs with Pirqe de-Rabbi Elie'zer in that both identify the time of Muslim rule as the time immediately preceding Israel's future deliverance.³⁵ In sources of the apocalyptic genre, Muslim rule is more consistently identified as the kingdom of Ishmael and as the power that rules over Israel's land in the end time.

7.3 The Kingdom of Ishmael's Rule over the Land

The sources discussed in the previous section demonstrate that, in different interpretive contexts and with different strategies, Jewish authors of post-classical rabbinic works composed during the early Middle Ages adapted a tradition that had evolved into a four kingdom doctrine, according to which Rome was identified as the oppressive ruling power preceding the end time, to accommodate the ruling power of their own time, namely Muslim rule, in a framework of *Reichschatologie*.³⁶ From a Palestinian perspective, Rome had

34 In the same chapter of Pirqe de-Rabbi Elie'zer, in another interpretation of Gen 15:9, the text draws a line between the kingdoms on the one hand and the Abrahamic children of Ishmael and of Israel on the other; see Cordoni, 'Siblings, Kingdoms, and the Days of the Messiah,' 223–224.

35 Another anomalous source related to the four kingdom theory that refers to Muslim rule as a kingdom is transmitted in a manuscript family and in the printed edition of the exegetical midrash Ekhah Rabbah. The passage in question (EkR 1:42) interprets Lam 1:14, with reference to a list of pairs of kingdoms—Babylon and the Chaldeans, Media and Persia, Greece and Macedon, Edom and Ishmael. The pairs are depicted as differing in rigidity—probably following Dan 2:42, according to which a kingdom is in part strong and in part fragile. The pairs Babylon/the Chaldeans and Greece/Macedon are portrayed as severe, while Media/Persia and Edom/Ishmael are characterised as lenient. In line with the fact that each of the first three pairs of names are synonyms denoting one nation in each case, the other textual witnesses of Ekhah Rabbah read Edom and Seir (both names which connote Rome). However, even though the midrash is evidently not concerned with accurately characterising the different foreign rules, but rather with making a point of the expressions *niseqad* ('bound') and *yistaregu* ('fastened together', 'interlaced') of Lam 1:14, it is telling nevertheless that this version replaces Seir with Ishmael, thus acknowledging his royal status.

36 See P. Magdalino, "All Israel will be saved"? The forced baptism of the Jews and imperial eschatology, in *Jews in Early Christian Law: Byzantium and the Latin West, 6th–11th centur-*

been vanquished, so even if they continued to call it 'the fourth kingdom' and 'the wicked kingdom', they had to account for the fact that another type of kingdom had succeeded Rome. Certain texts suggest that their authors were at odds with calling the Ishmaelites or the children of Ishmael a kingdom and with viewing them as another oppressor whose rule heralded the days of the messiah and the end time.

It is not possible to determine the extent to which this latter identification may be regarded as indicative of a widespread messianic fervour beyond the text. However, there is ample evidence of a resurgence of interest in the events of the eschaton in early medieval Jewish apocalyptic literature. Apart from the presence of other, Abrahamic historical dramatis personae unknown to the apocalyptic literature of the Hellenistic and Roman imperial periods, and possible references to historical events in the second half of the first millennium CE, what is most conspicuous in late Hebrew apocalyptic literature is a language shared with its Christian and Muslim counterparts. The remarkable commonalities in structure and style between a number of Jewish apocalypses of the Islamic period attest to a sort of early medieval literary fashion.³⁷ Their more or less stable *fabula*, in combination with a highly coded language, are of interest for the history of early medieval culture and ideas in general and for an appreciation of Jewish responses to early Islam in particular.³⁸

ies, ed. J.V. Tolan et al. (Turnhout: Brepols, 2014), 231–242, who translates this expression as 'imperial eschatology'.

37 This shared discourse may be described, following Reeves, *Trajectories*, 17, as a 'textual commerce' of claims and counterclaims about a certain set of topoi and competing exegeses of scriptural texts.

38 A. Jellinek, ed., *Bet ha-Midrash: Sammlung kleiner Midraschim und vermischter Abhandlungen aus der ältern jüdischer Literatur*, 6 vols. (Leipzig: Nies, 1853–1857, 1873–1877), 3:xvii–xviii, already noted this interest as one of his major motivations for producing an edition of a number of minor midrashim in the nineteenth century. See also R. Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam* (Princeton, NJ: Darwin Press, 1997), 258, who observed that 'though their usefulness in reconstructing events is limited, particularly as one needs to know the historical context in order to be able to cite and interpret them, apocalypses are extremely effective and sensitive indicators of a people's hopes, fears and frustrations.' In the same vein, Reeves, *Trajectories*, 4, has pointed out that reading apocalyptic texts for the sake of extracting references or allusions to historical events does not do justice to the genre, though he conceded that, like cultural artefacts in general, such texts are embedded in a specific historical context, which they reflect to a certain extent: 'Oppression, hardship, and perseverance under adverse circumstances were the tangible conditions of life for Jews under both Christian and Muslim rule, and being one of the approved cultural expressions of those experiences (among others), apocalyptic literature reflects the emotional peaks and valleys engendered by the seemingly hostile forces of history.'

This literary corpus refers to the collective character of the children of Ishmael and the kingdom of Ishmael, as well as to individual figures of Muslim rulers (designated as kings)—all of whom, in different ways, are involved in shaping these Jewish end-time narratives set in the land of Israel. Before we turn to late Hebrew apocalyptic sources proper, let us consider selected passages from *Pirque de-Rabbi Elie'zer* that relate the name Ishmael and his children to end-time events. The meaning of the name is explained as alluding to the fact that God will hear (*ishma'el*) Israel's complaint about the children of Ishmael's rule, especially in the land of Israel:

Ishmael. Whence do we know about Ishmael? For it is said, [*Now you have conceived and shall bear a son;*] *you shall call him Ishmael* (Gen 16:11). Why was his name called Ishmael? Because in the future the Holy One, blessed be He, will hear (*ishma'*) the voice of the people groaning about what the children of Ishmael will do in the land of Israel³⁹ in the last days. Therefore, his name is called Ishmael, for it is said, [*God*] *will hear, and will humble them* (Ps 55:20). (PRE 32)

Instead of reading a clear distinction between the scriptural Ishmael and his children, whose rule is said to precede the end time, it may be the case that the author of *Pirque de-Rabbi Elie'zer* attempted to link them in this text. The argument appears to be as follows: Israel's chosenness is evident even in the etymology of Abraham's firstborn's name. The theophoric name Ishmael foreshadows the way in which God will eventually confirm Israel's chosenness by humbling Ishmael's descendants in the land of Israel.⁴⁰

A spatial concern also arises in connection with scriptural Ishmael's after-life. The problem posed by the Ishmael narrative in Scripture, and later by its elaboration in Muslim tradition, gave the Jewish authors of post-classical rabbinic works the chance to respond to Islam with midrashic imagination and a series of counter-narrative steps—for instance, articulating an essential dissimilarity between Abraham's children with Hagar and with Sarah. Thus they stress not only the superiority of the second-born son Isaac and his offspring, but also the fact that Abraham's firstborn belongs *somewhere* other than where the children of Israel belong.⁴¹ Whether in the desert of Paran or in the land of Hagar's ancestors, the texts in *Pirque de-Rabbi Elie'zer* and *Aggadat Bereshit*

39 This is the reading in the Warsaw edition and MS JTS Enelow 866.

40 *Pirque de-Rabbi Elie'zer* expands on tannaitic and amoraic sources here; see MekhY Pischa 1; BerR 45:8; yBer 1:6 (4a). See also Bakhos, *Ishmael on the Border*, 98.

41 In a similar way, Jacob's and Esau's places are also distinct; see chapter 2.2 above.

expel Ishmael from Canaan all over again.⁴² In texts composed after the advent of Islam, rewriting the expulsion in this way is hardly insignificant.

Pirque de-Rabbi Elie'zer is at its most explicitly eschatological in an apocalyptic passage—a mini-apocalypse, as Katharina Keim calls it—transmitted in the last part of chapter 30:⁴³

Rabbi Ishmael said: The children of Ishmael are destined to do fifteen things in the Land in the latter days, and they are: 1) They will measure the land with ropes;⁴⁴ 2) they will change a cemetery into a resting-place for sheep, into a dunghill; 3) they will measure with them and from them upon the tops of the mountains; 4) falsehood will multiply 5) and truth will be hidden; 6) the law will be removed far from Israel; 7) sins will be multiplied in Israel; 8) worm-crimson will be like [white] wool, 9) and it will wither paper and pen; 10) the coinage of the government will be deemed useless;⁴⁵ 11) and they will rebuild the desolated cities 12) and sweep the ways; 13) and they will plant gardens and parks, 14) and fence in the broken walls of the Temple;⁴⁶ 15) and they will build a building in the Holy Place. And two brothers will arise over them, princes at the end; and in their days the Branch, the son of David, will arise, for it is said, *And in the days of those kings the God of heaven will set up a kingdom that shall never be destroyed* (Dan 2:44). Rabbi Ishmael also used to say: Three wars of trouble are the children of Ishmael destined to wage in the Land in the latter days, for it is said, *For they have fled from the swords[, and from the stress of war]* (Isa 21:15). *Swords* mean but wars, one *in the forest of Arabia* (Isa 21:13), for it is said, *from the drawn sword* (Isa 21:15); another on the sea, for it is said, *from the bent bow* (Isa 21:15); and one in the great city which is in Rome, which will be more grievous than the other two, for it is said, *and from the stress of war* (Isa 21:15). From there shall the son of

42 See PRE 30; AgBer 37.

43 See K.E. Keim, *Pirquei deRabbi Eliezer: Structure, Coherence, Intertextuality*, Ancient Judaism and early Christianity 96 (Leiden: Brill, 2017), 42.

44 This item may represent one of several measures of 'consolidation of large areas under Islamic rule' that, as M. Rustow, 'Jews and Muslims in the Eastern Islamic World,' in *A History of Jewish-Muslim Relations*, ed. A. Meddeb and B. Stora (Princeton, NJ: Princeton University Press, 2013), 78, notes, fostered geographic mobility within the realm of Islam. Rustow further observes: 'Fresh trade routes opened; the Umayyad and Abbasid caliphs built roads and other transport infrastructure in the interest of taxation, information gathering, and communication with provincial officials.'

45 Other textual witnesses read: 'he will hew down the rock of the kingdom.'

46 Here MS HUC 75 reads: 'the house of study.'

David flourish and see the destruction of these and these, and from there will he come to the land of Israel, for it is said, *Who is this that comes from Edom, from Bozrah in garments stained crimson? Who is this so splendidly robed, marching in his great might?* (Isa 63:1). (PRE 30)⁴⁷

This passage tends to be valued for the fact that it apparently allows us to date the unique narrative midrash that is Pirque de-Rabbi Elie'zer. It is preserved in only some of Pirque de-Rabbi Elie'zer's textual witnesses.⁴⁸ It is attributed to the tanna Rabbi Ishmael,⁴⁹ who is thus depicted as slipping into the role of a visionary who predicts the future in the Land during the time of Muslim rule. The list of things brought about by the children of Ishmael does not reveal a consistently polemical attitude towards Muslim rule in the land of Israel:⁵⁰ The text makes reference to moral decay in the Land, but also to rebuilding destroyed cities and planting gardens.⁵¹ It is the second part of the passage—which may be read as an allusion to the Arab wars of conquest,⁵² and which links the children of Ishmael's time to that of the messiah, who waits for his time outside of the Land, as in Sefer Zerubbabel, in Rome—in which the polemical tone directed against the Ishmaelites is on a par with the traditional invective against Byzantium. Whereas in the version quoted above, the messiah himself is not involved in any war, but rather witnesses the mutual destruction of the Byzantines and the Arabs while he is still in Rome, and the land of Israel is not

47 For this passage I also consulted Reeves, *Trajectories*, 70–75, who provides a version based on four sources, followed by a Hebrew synopsis.

48 This may be due to self-censorship.

49 Like Rabbi Aqiba, Rabbi Ishmael was active in the generation that lived through the second Jewish war, after which, according to Gafni, *Land*, the rabbinic discourse concerning attachment to the land of Israel appears to have initially taken shape.

50 This is also true of the sages' appraisal of Roman accomplishments, as Labendz, 'Rabbinic Eschatology,' 283, points out.

51 A number of scholars have attempted to understand the meaning of some of the items in this list, as well as recurring motifs in other apocalyptic narratives from this period, by trying to elucidate possible references to the time in which the work is presumed to have emerged, which are veiled by the obscure, vague language intrinsic to the apocalyptic genre. See A.H. Silver, *A History of Messianic Speculation in Israel* (Boston, MA: Beacon, 1959), 36–49; B. Lewis, 'An Apocalyptic Vision of Islamic History,' *Bulletin of the School of Oriental and African Studies* 13, no. 2 (1950): 320–338; S.M. Wasserstrom, *Between Muslim and Jew: The Problem of Symbiosis Under Early Islam* (Princeton, NJ: Princeton University Press, 1995), 27–33; Hoyland, *Seeing Islam*, 307–321; U. Rubin, *Between Bible and Qur'an: The Children of Israel and the Islamic Self-Image* (Princeton, NJ: Darwin Press, 1999), 33–34; Reeves, *Trajectories* (including the wealth of literature in the notes to his translations).

52 See Silver, *A History of Messianic Speculation in Israel*, 41–42, for a possible interpretation of the 'three wars'.

explicitly mentioned as the setting for any war, an alternative reading establishes a different order of the clauses, so that the messiah sees the end of Israel's antagonists precisely in the Land: 'and he will come to the land of Israel and behold the destruction of both these and those'.⁵³

Several of the motifs in the passage quoted above are part of a more detailed treatment of the messianic drama in the *Secrets of Rabbi Simeon*,⁵⁴ one of a group of apocalyptic texts attributed to a prominent sage associated with the post-Bar Kokhba period,⁵⁵ whom Jewish literature over the centuries imagined as a hero of mysticism, Rabbi Simeon ben Yochai.⁵⁶ The *Secrets*, which takes the form of a dialogue between Rabbi Simeon and the angel Metatron, opens with a midrash on Num 24:21 that identifies the 'Kenite' with the 'kingdom of Ishmael'.⁵⁷ Metatron explains to Rabbi Simeon that he need not fear the Kenite because they act according to God's will; they are his instruments, as it were.⁵⁸ God will conquer the Land by means of the Kenites—Metatron

53 This reading is transmitted in MS HUC 2043; see Reeves, *Trajectories*, 73.

54 For the text of the *Secrets*, see Reeves, 78–82; for a translation, see Reeves, 78–89.

55 On Rabbi Simeon in this context, see Gafni, *Land*, 64–69, and more generally, B.-Z. Rosenfeld, 'R. Simeon b. Yohai: Wonder Worker and Magician Scholar, Saddiq and Hasid,' *Revue des Études Juives* 158, nos. 3–4 (1999): 349–384. Two other apocalyptic texts attributed to Rabbi Simeon are the *Atidot* (or 'future things') of *Rabbi Simeon ben Yochai* (a variant recension of the *Secrets* preserved as part of the larger Midrash of the Ten Kings) and the *Prayer of Rabbi Simeon ben Yochai*, in which the 'historical' account continues up to the time of the Crusades, when the final redaction of the texts appears to have taken place. The *Prayer* preserves a segment describing the Fatimid invasion of Egypt and Palestine, the brief Carmathian rule in Palestine and Syria (based on a tenth-century CE apocalypse), and an account of the Crusaders capturing Jerusalem in 1099 CE, all in the style of prophetic literary texts. For the text of the *Atidot*, see C.M. Horowitz, ed., *Bet Eqed ha-Aggadot* (Frankfurt am Main: Slobotsky, 1891), 51–55; for that of the *Prayer*, see Jellinek, *Bet ha-Midrash: Sammlung kleiner Midraschim und vermischter Abhandlungen aus der ältern jüdischer Literatur*, 4:117–126. In the mid-twentieth century CE, Even-Shmuel published an anthology of Jewish apocalyptic texts that includes the *Secrets*, the *Atidot*, and the *Prayer*; the third edition of this text is now the standard source book. See Even-Shmuel, Irshai, and Newman, *Midreshei Geula*. English translations of these texts are provided in Reeves, *Trajectories*.

56 The *Zohar*, the major medieval work of Jewish mysticism, is traditionally attributed to Rabbi Simeon. Only two of the fifteen things attributed to the children of Ishmael in *Pirqe de-Rabbi Eliezer* are also quoted in Rabbi Ishmael's name in the *Secrets*, namely measuring the land with ropes and transforming the cemeteries into pasture land. Whereas the first may be an unwelcome measure from a Jewish perspective, the second directly affects the Land's ritual purity. The *Secrets* also incorporates material from earlier sources, such as *Sefer Zerubbabel*.

57 The *Prayer* later dissolves this identification, whereby the Kenites stand first for a ruling power that precedes Muslim rule, but then also for the Crusaders.

58 See Silver, *A History of Messianic Speculation in Israel*, 43.

goes on to explain—and they will restore its splendour. Furthermore, and as the prophet Isaiah anticipated, the kingdom of Ishmael does not precede the messiah's arrival but is contemporary with him and therefore comparable to him in its contribution to Israel's salvation.⁵⁹ In connection with the rule of a number of unnamed Ishmaelite kings, whose treatment appears to confirm the text's Palestinian perspective, the Secrets prophesy deeds such as repairing the Temple⁶⁰ and reshaping Mount Moriah,⁶¹ planting saplings and constructing irrigation systems,⁶² or building a Jordan canal. The apocalypse further claims that during the reign of yet another king, the Land will be at peace. Statements pertaining to the rule of a king identified as Marwān and the end of the kingdom of Ishmael have been interpreted as an allusion to the end of Umayyad rule.

Another passage in the Secrets singles out the last king in a list of rulers which probably alludes to individual Umayyad caliphs,⁶³ and in one case a group of four. In this context the name Ishmael is associated both with a faith, which has its own place of worship in Damascus, and with a rule that, unlike the previous statements concerning the Land's improvement, is here depicted as wicked and justly punished.⁶⁴

59 It has been argued that this reflects familiarity with a Muslim interpretation of Isa 21:7 as prophesying Muhammad's rise; see Reeves, *Trajectories*, 7–12; S. Bashear, 'Riding Beasts on Divine Missions: An Examination of the Ass and Camel Traditions,' *Journal of Semitic Studies* 37 (1991): 37–75.

60 This prophesy relates to the 'second king who will arise from Ishmael [who] will love Israel'.

61 This prophesy relates to a king whose rule is described with recourse to an interpretation of Num 24:21: The king will 'build for himself a place of prayer (lit. 'prostration') upon the site of the foundation stone, for it is said, *and set your nest on the rock* (Num 24:21).'

62 This is attributed to the sixth monarch in the list, a 'great king', whose physiognomy is described in detail: 'reddish-hued and cross-eyed, with three moles, one on his forehead, one on his right hand, and one on his left arm'.

63 The list of kings is merely a selection of rulers, probably representative ones in the eyes of our author, rather than, as Silver, *A History of Messianic Speculation in Israel*, 44, put it, the 'whole history of Islam from the rise of Mohammed through the line of Omayyad caliphs to the last of the dynasty.' Lewis, 'An Apocalyptic Vision,' 328, has pointed out that the specific Palestinian perspective is manifest in the conflation of the patriarchal caliphs with Mu'awiya.

64 The list of rulers in the Secrets is preceded by mention of measuring the land with ropes and the defilement of the land as a consequence of turning cemeteries into pasture land, as well as a second midrash on Num 24:21. The gentile prophet Balaam, who in the original scriptural context predicts Israel's conquest of the Edomites, Amalekites, and Kenites or Midianites, is here depicted as having rejoiced upon foreseeing the rise of the Kenite (i.e., Ishmael's kingdom). However, the midrash appears to read Balaam's words for the Kenite—'strong (*etan*) is your dwelling place' (Num 24:21)—as conceding that Ishmael and Israel do have a set of commandments in common, e.g., those pertaining to eating cus-

Another king will then arise, a strong [king] and a warrior. A dispute will erupt in the world during his reign. This will be a sign for you: When you see that the western gate (*giron*) has fallen—[the one] at the western side of [the place of] prayer of the children of Ishmael in Damascus—his dominion will have fallen. They will be assembled and marched out to do forced labor, and indeed the kingdom of Ishmael will collapse. Scripture affirms concerning them, *The Lord has broken the rod of the wicked [the sceptre of the rulers [moshlim]]*⁶⁵ (Isa 14:5), where *rod* means Ishmael.⁶⁶

The fall of the Umayyad dynasty is alluded to with the motif of a gate falling, which was already found in the sugya about end-time subject matter in tractate Sanhedrin in the Babylonian Talmud.⁶⁷ As Metatron explains to Rabbi Simeon, the messiah is expected to make his appearance and confront not a king of Ishmael—that is, an Umayyad king—nor for that matter those who vanquished the Umayyads,⁶⁸ but rather the return of the wicked kingdom of Edom and its leader, Armilos.

The Secrets departs from its relatively realistic account of the history of Muslim rule in the Land when it returns to the traditional Jewish messianic narrative, as this is articulated in Sefer Zerubbabel, and the restoration of Roman rule. This narrative had been transmitted over the centuries in Palestinian and Babylonian sources, and it assumed that the next-to-last kingdom in the land of Israel would be Edom, and the last one that of the messiah son of David.⁶⁹

toms, that supposedly can be traced back to Abraham (*Ethan* being a name that rabbinic literature understands as referring to Abraham; see Lewis, 24). As Reeves, *Trajectories*, 81n33, put it, ‘this peculiar exegesis reflects a Jewish accommodation to [Muslim] rhetorical claims’.

65 The midrash may be playing on the possible reading of *moshlim* as ‘Muslim’; see Reeves, 84n52.

66 The text here follows Reeves.

67 In bSan 98a, the early second-century CE Palestinian Rabbi Jose ben Qisma refers to the fall of ‘this gate’ as a sign of the messiah’s imminent coming, which may be understood as a reference to the gate of his hometown, Caesarea Philippi, the fall of which would mean the end of Roman rule in the Land. A Palestinian parallel in TanB Va-yishlach 8 has Tiberias as the setting for this dialogue.

68 Thus the text implies that the Abbasids were not perceived as a continuation of the kingdom of Ishmael.

69 This narrative is represented by texts on the four kingdoms in classical midrash and the sugya of end time theme in tractate Sanhedrin of the Babylonian Talmud, but the Babylonian Hai Gaon also uses in the eleventh century, in his responsum on redemption. There we read: ‘Therefore when we see that Edom has attained ruling authority over the land of Israel, we can affirm that our redemption is beginning, for scripture declares, *deliverers*

For the apocalyptic imagination this text represents, the Land—and more specifically Jerusalem, as the centre of the eschatological events—needed to be cleansed of outsiders, of the ‘uncircumcised foreigners and the impure’,⁷⁰ Christians and Muslims alike, before a heavenly Jerusalem could descend and thereby inaugurate the 2000-year period before the final judgement in the Valley of Jehoshaphat.⁷¹

The text thus appears to attest to a contradictory attitude towards Muslim rule, which is either inherent to the Jewish perception of early Islam or evidence of the text’s composite character and its use of sources from different periods:⁷² While those dating from the mid-seventh century CE would reflect a relatively positive perception of the new order, those from the mid-eighth century CE depict this order as deserving to be defeated.⁷³

Our final example of a late Hebrew apocalypse is concerned not with a king of Ishmael, but with a king of the Arabs. As part of its depiction of events in messianic times, *Pirqe Mashiach*⁷⁴ transmits the following debate between the collective Israel and the king of the Arabs:

will ascend Mount Zion in order to judge the mountain of Esau, and sovereignty will belong to the Lord (Obad 1:21) (Reeves, 134–135).

70 As we have seen above, the motif of cleansing the Land is also found in PRE 34, although the eschatological topic there is resurrection.

71 A baraita with a chronological note attributed to the school of Elijah in bSan 97a–b and transmitted in SER 6–7 reads: ‘For this world exists for six thousand years—two thousand years of chaos, two thousand years of Torah, two thousand years of the messiah. Because of our many sins enslavement has come upon us during the two thousand years of the days of the messiah and more than seven hundred years have passed ... And just as we observe the year of release in the Seventh Year the Holy One, blessed be He, is destined to observe a year of release of the world one day, which is a thousand years [long].’

72 The same appears to be valid for the later Prayer, which, although it is more consistent in its ‘invective against Islam’ (Reeves, 77), still depicts the children of Ishmael and the kingdom of Ishmael as the chronological setting for the rise of the messiah’s kingdom. Here we read: ‘And when he sees riders, horsemen in pairs, riders on asses, riders on camels: riders is the kingdom of Media and Persia, pairs is the kingdom of Greece, horsemen is the kingdom of Edom, riders on asses is the messiah ..., riders on camels is the kingdom of Ishmael, in whose days the kingdom of the messiah will sprout.’ This text, an atomising exegesis of Isa 21:7, has a parallel in the Secrets. There, however, no variation on the four kingdom doctrine is used to explain that the verse refers to the fact that the messiah and Muslim rule happen at the same time.

73 By contrast, when each of the texts in the Rabbi Simeon ben Yochai’s complex is considered on its own, as the coherent product of a different period, then the distinction made by Lewis, ‘An Apocalyptic Vision,’ 323, is of interest: ‘While the text of the Secrets expresses a Messianic hope from these events [i.e., the Arab conquests], the others are subsequent and probably independent reflections of disillusionment.’

74 On *Pirqe Mashiach*, see H. Spurling, ‘A Revival in Jewish Apocalyptic? Change and Continuity in the Seventh–Eighth Centuries with Special Reference to *Pirqe Mashiah*,’ in

Israel will say to the king of the Arabs, The Temple is ours. Take the silver and gold but leave the Temple. The king of the Arabs will reply, There is nothing for you in this Temple. However, if you first choose for yourselves a sacrifice as you used to do in former days, we too will offer a sacrifice and whoever's sacrifice is accepted, we will become a people (*umma*). Israel will offer a sacrifice, but it will not be accepted because Satan will denounce them before the Holy One, blessed be He. The sons of Qedar will offer sacrifices and they will be accepted, for it is said, *All the flocks of Qedar shall be gathered to you[, ... they shall be acceptable on my altar]* (Isa 60:7). At that time, the Arabs will say to Israel, Come and believe in our faith. But Israel will reply, Either we kill or are killed, but we will not commit apostasy.⁷⁵

In this prophetic narrative, the collective Israel are depicted negotiating the possession of the Temple with the king of the Arabs. The text addresses the transition from a Temple-centred Judaism to one that is no longer Temple-centred, but for which the place where the Temple once stood is still meaningful, though not at any price. Once Israel lose the wager proposed by the king of the Arabs, they are not willing to give up their identity and become one with the Arabs and the Muslim faith. Instead the text envisions Jews as ready to defy the Arabs and even to die for the sake of their religious identity.

Some of the texts discussed above, which we presume emerged in the land of Israel, are quite explicit with respect to their depiction of 'future' Muslim rule. Less interested in or hostile towards the changes brought about by this foreign rule in the Land are those texts generally identified as having originated (or as having undergone their final redaction) outside of the Land, such as Seder Eliyahu, Aggadat Bereshit, and the works of Tanchuma-Yelammedenu literature.⁷⁶ While the four-kingdom texts discussed in the previous section, which

Apocalypticism and Eschatology in Late Antiquity: Encounters in the Abrahamic Religions, 6th–8th Centuries, ed. H. Amirav, E. Grypeou, and G.G. Stroumsa (Leuven: Peeters, 2017), 163–186; Reeves, *Trajectories*, 149. For the text: Jellinek, *Bet ha-Midrash: Sammlung kleiner Midraschim und vermischter Abhandlungen aus der ältern jüdischer Literatur*, 3:68–78.

75 The translation follows Jellinek, 3:71.

76 We should note that these texts are presumed to have been redacted or composed outside of the Land precisely because they fail to allude to Islam. A much-discussed passage in Pesiqta Rabbati is interesting in this regard. Following Bernhard Bamberger ('A Messianic Document of the Seventh Century'), Hoyland, *Seeing Islam*, 312–313, suggested reading a passage in Pesiqta Rabbati, a work scholars consider in part to represent Tanchuma-Yelammedenu literature, as a Jewish apocalyptic response to Islam. This passage in PesR 36, which is part of a larger group of homilies on messianic subject matter,

are adaptations of earlier material, accommodate the children of Ishmael at the end of a list of those who rule over Israel and in their Land, the texts I examine in this section narrow the focus and address Muslim rule in more detail, setting it in relation to the end time. Muslim rule is depicted negatively in PRE 32, but this is not the case—at least as far as the Land itself is concerned—in PRE 30 or the Secrets of Rabbi Simeon. The children or kingdom of Ishmael are not depicted as Israel's antagonist, at least not in the same way Rome is. Here the children of Ishmael constitute a meaningful tool with which God implements his divine plan in connection with Israel's salvation in the end time and in their Land.

7.4 End-Time Perfection

In chapter 6 and in the previous sections of this chapter, we have explored how the sages, the redactors of the rabbinic corpora, Jewish authors of post-classical rabbinic works, and authors of late Hebrew apocalypses imagined the land of Israel as the primary setting for the resurrection of the dead, who may arrive in the Land by rolling through subterranean tunnels or come ashore after emer-

mentions a war between the kings of Persia and Arabia in the year of the messiah. On the basis of this mention, Bamberger had dated the entire group of homilies to the five-year period between 632 and 637, when 'Persia and Arabia were both world powers'. The same homilies had previously been dated by J. Mann, *The Jews in Egypt and in Palestine under the Fatimid Caliphs*, 2 vols. (New York: Ktav Publishing House, 1970), 47 ff., to the ninth century due to the fact that they refer to the Mourners of Zion, understood as the earliest reference to a Qaraite movement that flourished in the late ninth and tenth centuries in Jerusalem. A. Goldberg, *Ich komme und wohne in deiner Mitte: Eine rabbinische Homilie zu Sacharja 2,14 (Pesiqta Rabbati 35)*, Frankfurter Judaistische Studien 3 (Frankfurt am Main: Gesellschaft zur Förderung judaistischer Studien, 1978), 20; A. Goldberg, *Erlösung durch Leiden: Drei rabbinische Homilien über die Trauernden Zions und den leidenden Messias Efraim (Pesiqta Rabbati 34.36.37)*, Frankfurter Judaistische Studien 4 (Frankfurt am Main: Gesellschaft zur Förderung judaistischer Studien, 1978), 142–143, dated the four homilies to the fourth century and rejected any link to the Qaraites. Alexander, 'Rabbis and Messianism,' 231–232, mentions these homilies as evidence of a messianic-oriented 'shadowy group known as the Mourners for Zion' in the sixth/seventh century whose relationship to the Qaraites of Jerusalem in the ninth century is disputed. As is the case with other works and recensions of the Tanchuma-Yelammedenu literature, dating material in Pesiqta Rabbati is no easy task. While the core of Pesiqta Rabbati, including those portions which are considered to represent the middle developmental stratum of Tanchuma-Yelammedenu literature, appears to precede the advent of Islam, its final redaction is presumed to have taken place in Europe during the twelfth or thirteenth century. See Ulmer, *A Bilingual Edition of Pesiqta Rabbati 1: Chapters 1–22*, 28–30.

ging from the waters of the Mediterranean, and also as the epicentre of the end of world history. In which other ways do sages, redactors, and authors imagine the Land of the end time? What other eschatological expectations in the rabbinic corpora explicitly address the land of Israel?

The Land of the end time is repeatedly depicted as a *larger version of the land* conquered by Joshua, including the territory of ten rather than of only seven peoples—i.e., the lands of ‘the Kenites, the Kenizzites, the Kadmonites’ mentioned at the beginning of the list of nations whose territory God promises to give to Abraham in Gen 15:19–20.⁷⁷ Such an idealised territorial picture is an eschatological fulfilment of the patriarchal promise tradition and corresponds to the so-called Euphratic land concept: an ideal territory.⁷⁸ The halakhic midrash Sifre Devarim already addresses this land of enlarged borders at length:

Similarly, Rabbi Judah interpreted: *The burden (masa’)* of the word of the Lord in the land of Hadrach and Damascus his resting place, for to the Lord belongs the eye of man as do all the tribes of Israel (Zech 9:1). This [refers to] the messiah who is sharp (*chad*) to the peoples of the world and soft (*rakh*) to Israel. Rabbi Jose ben Durmaskit said to Rabbi Judah son of Rabbi: Why do you distort the verses for us? I call heaven and earth to witness for me that I am from Damascus and there is a place there whose name is Hadrach. He [R. Judah] said to him: And how do you explain, *and Damascus is his resting place* (ibid.)? Whence [do we infer] that Jerusalem is destined to reach as far as Damascus? For it is said, *and Damascus is his resting place*, and his resting place is only Jerusalem, for it is said, *This is my resting place for ever* [; *here I will reside, for I have desired it*] (Ps 132:14). He [R. Jose] said to him: How do you explain, *the city shall be rebuilt upon its mound* [; *and the citadel set on its rightful site*] (Jer 30:8)? He said to him: It [the city] is not destined to move from its place. He [R. Judah] said to him: How do I understand, *The passageway of the side chambers widened from story to story; for the structure was supplied with a stairway all round the temple. For this reason the structure became wider from story to story* (Ezek 41:7)? [This means] that the land of Israel is destined to broaden and

77 See BerR 44:23; yQid 1:19 (61d) par. yShevi 6:1 (36b). This passage in the Yerushalmi is found in a segment which is particularly concerned with the reasons why the territory in the Land where the land-commandments became valid after the exiles’ return under Ezra was a smaller version of the territory conquered by Joshua. For a discussion of this text in the Yerushalmi, see chapter 3.2 above.

78 See Gen 15:18; Exod 23:31; Deut 1:7; Jos 1:4.

rise from all its sides as this fig [tree] which is narrow below and broad above and the gates of Jerusalem are destined to reach until Damascus, and indeed it [Scripture] says, *Your nose is like a tower of Lebanon, overlooking Damascus* (Song 7:5). And the exiles come and rest in her, for it is said, *And Damascus is his resting place* (Zech 9:1). And it [Scripture] says, *In days to come the mountain of the Lord's house shall be established as the highest of the mountains, and shall be raised above the hills; all the nations shall stream to it* (Isa 2:2). And it [Scripture] says, *Many peoples shall come [and say, Come, let us go up to the mountain of the Lord, to the house of the God of Jacob; that he may teach us his ways and that we may walk in his paths. For out of Zion shall go forth instruction, and the word of the Lord from Jerusalem]* etc. (Isa 2:3). (SifDev 1)

Two tannaim debate the meaning of the place names mentioned in the first half of Zech 9:1—Hadrach and Damascus. It is not obvious that Scripture is referring to two places, as the sages assume. Rabbi Judah's words represent an allegorical-eschatological and Rabbi Jose's a literal reading of the verse. They first focus on Hadrach and the first part of the verse, which opens with the term *masa'*, a polysemic expression that can mean 'burden' but also 'oracle, pronouncement'. Rabbi Judah interprets this term and the place name Hadrach, which he divides using the *notarikon* technique, as an allusion to the messiah and his different attitude towards the peoples and towards Israel. Rabbi Jose, who hails from Damascus, objects that Hadrach need not be read eschatologically, for there is an actual place in the vicinity of Damascus that bears this name.⁷⁹ They delve deeper into the meaning of the association of Damascus and God's resting place. Even though it is not evident who speaks which words here,⁸⁰ it is likely that the first to speak is Rabbi Judah, as in the first part, and that here too he is the one who speaks an allegorical reading, this time of the place name Damascus. Rabbi Jose appears to be ill at ease with the apparent contradiction between the wording in Zech 9:1 and verses such as Ps 132:14 and Jer 30:18, which both suggest that Scripture only associates Jerusalem with God's place of rest. The solution Rabbi Judah proposes, interpreting Ezek 41:7, is that the land of Israel—and Jerusalem proportionally—will expand in the eschatological future in breadth and length to incorporate Damascus. Sifre's redactors gave Rabbi Judah's allegorical interpretation, which resolves inner-biblical con-

79 See Reeg, *Ortsnamen*.

80 See R. Hammer, trans., *Sifre: A Tannaitic Commentary on the Book of Deuteronomy, translated from the Hebrew with Introduction and Notes*, Yale Judaica Series 24 (New Haven, CT: Yale University Press, 1986), 391n36.

traditions by means of an eschatological understanding of Zech 9:1, the last word and also more textual space.

Only near the end of this passage does Sifre hint at the reason behind the need to imagine an enlarged end-time land of Israel: It will thus have room for all the returning exiles. The question of how this amplification of the Land's territory will come about is not addressed. A parallel transmitted in the amoraic homiletical midrash *Pesiqta deRav Kahana*—in a homily on Zion as the last of seven mothers who, after a long period of barrenness, are blessed with children—does address this issue:⁸¹ The homily imagines God in the eschatological future asking Jerusalem to enlarge herself to make room for her 'armies'.⁸² Here the amora Rabbi Jochanan first states that Jerusalem will grow to reach the gates of Damascus and quotes Zech 9:1 as a prooftext. Even though the hermeneutic challenge this verse poses for the tannaim Rabbi Judah and Rabbi Nehemiah⁸³ is the same in the halakhic midrash and the later amoraic midrash—namely, what does the mention of Damascus in relation to God's resting place mean—it is only in Sifre that Rabbi Judah argues by explicitly relating Jerusalem to the land of Israel. Unlike the argument in Sifre, the later texts make a point of adducing scriptural proof of how Jerusalem will be enlarged in length, breadth, and height.⁸⁴

Instead of pinpointing specific places such as Damascus or Mount Lebanon as located within the boundaries of a future expanded Land, the later midrash *Devarim Rabbah*, a corpus associated with the *Tanchuma-Yelamdenu* literature, in an interpretation of Deut 12:20, claims that only in the future will the real land of Israel be revealed:

When the Lord your God enlarges [your territory] (Deut 12:20). Is it possible that the Holy One, blessed be He, enlarges the land of Israel? Rabbi Isaac said: [Take] this scroll—no one knows how long and how broad it is; once it is opened it is known how it is. Similarly, the land of Israel [is] for the most part mountains and hills. Whence [do we infer this]? [but the land you are about to cross into and possess,] a land of hills and valleys (Deut 11:1). When the Holy One, blessed be He, lets his Shekhinah rest there, as

81 See *PesRK* 20:7 and its close parallel, *ShirR* 7:5:3.

82 The same argument is used with regard to Sinai in *PesR* 21:22 (Ulmer).

83 Unlike Sifre, the debate here is between two sages of the same tannaitic generation.

84 In these later texts Ezek 41:7—which in Sifre was read as referring to the Land expanding in every direction—is quoted to refer to the future height of Jerusalem. In this respect it is worth noting that apart from the three verses that the early and later midrashim have in common (*Ps* 132:14; *Jer* 30:18; *Ezek* 41:7), the texts make use of different sets of scriptural verses related to Jerusalem's restoration.

you say, *Let every valley be raised, every hill and mount made low. Let the rugged ground become level and the ridges become a plain* (Isa 40:4): in that hour it will be known how it [the land of Israel] is. | The sages said: [With the verse] *When [the Lord your God] enlarges* (Deut 12:20) [Scripture] speaks of Jerusalem. Who can see the contentment of Jerusalem when the Holy One, blessed be He, spreads it? (DevR 4:11)

In the first, longer midrash, the tanna Rabbi Isaac reads the mention of an enlarged territory as a reference to the real but future land of Israel, comparing it to a scroll that needs to be rolled out to be properly appreciated, read, and understood. A second midrash, quoted in the name of the collective voice of the sages, interprets the verse as referring to Jerusalem rather than the Land. As usual in rabbinic midrash, it is not the case that these interpretations exclude one another; rather, they complement each other.

More explicit in its eschatological orientation, a tradition attributed to Rabbi Levi in the first chapter of the late midrash *Pesiqta Rabbati* also relates the future growth of Jerusalem to that of the Land to which Israelites living abroad will be transported—not along subterranean tunnels, but on clouds—so that they may pray twice a day in Jerusalem:

And it will happen that from one New Moon to another [all flesh shall come to worship before Me] (Isa 66:23). And how is it possible that all flesh will come to Jerusalem every New Moon and every Sabbath? Rabbi Levi said: Jerusalem is destined to be like the land of Israel, and the land of Israel like the entire world. And how will they come on the New Moon and the Sabbath from the ends of the world? The clouds [will] carry the [Israelites] and bring them to Jerusalem, and they [will] pray there in the morning. And this is what the prophet said in praise [of the Israelites]: *Who are these who fly like a cloud?* (Isa 60:8). (PesR 1:5 [Ulmer])

Instead of imagining a future definitive *ingathering of the exiles*, this midrash on Isa 66:23 suggests an alternative version of a future immigration to the Land in the sense of a liturgical commuting, as it were.⁸⁵ Even though the verse from

85 The prophecy in Isa 66:23 describes a massive end-time pilgrimage to Jerusalem. Israel's return to the Land in the end time is characteristically expressed in terms of an ingathering of the dispersed. See L.I. Rabinowitz, 'Ingathering of the Exiles,' in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 9 (Detroit, MI: Macmillan Reference, 2007), 786–787. Although the notion is already found in this and other passages in Scripture, the expression *qibbutz galuyot* was coined by the rabbis and is used as a name for the

Isaiah speaks of 'all flesh' and refers to the nations, the redactors of *Pesiqta Rabbati* imagine Jews living in places other than the Land regularly flying on clouds to pray in an enlarged version of Jerusalem—a Jerusalem as big as the Land. Given that the Land itself is as big as the entire world, all Israel are imagined residing in this future Land. Furthermore, as Rabbi Pinchas ha-Kohen goes on to explain in the subsequent midrash (*PesR* 1:6[Ulmer]), this travel is conceived of as an iterative phenomenon. Jews who live abroad are eschatological commuters between their unnamed places of residence and the future Jerusalem; clouds bring them twice a day on every New Moon and every Sabbath so that they may pray in the city, and thus they travel without pain or cost.

In line with the Land's future perfection in terms of size, a passage in *Seder Eliyahu*, an interpretation of one of Babylonia's scriptural names, *Shinar*, depicts the future inhabitants of the Land as undergoing a process of purification during their exile, before they return in purity to the Land:⁸⁶

So you learn that as a reward for Israel's fear of their Father in heaven and as a reward for the faith with which they believed in their Father in heaven, the Holy One, blessed be He, is destined to come and redeem Israel from among the nations of the world, and bring the days of the messiah and the days of salvation, for it is said, *Writhe and groan, O daughter of Zion, like a woman in labour, for now you shall go forth from the city [and camp in the open country; you shall go to Babylon]* etc. (*Mic* 4:10). All of Israel's sins they leave in Babylon and they go up when they are pure to the land of Israel, for it is said, *Again I looked up and saw two women coming forward [The wind was in their wings]* etc. *Then I said to the angel who was talking to me, Where are they taking the basket?* etc. (*Zech* 5:9–10). Why is it called 'Shinar'? Because it shakes off [Israel's transgressions] on it. (*SER* 129)

tenth benediction of the Amidah. The expression is found in *bMeg* 17b, in an elaboration on the Amidah's 'messianic benedictions', where the order of the blessings is explained: first abundance, then the exiles' return, and after this the judgement. The parallel in *yBer* 2:4 (5a) refers to God as 'gatherer of the dispersed' (*Isa* 56:8). In *bPes* 88a Rabbi Jochanan compares the day of the ingathering of the exiles to the day in which heaven and earth were created. As in other rabbinic contexts that address this idea, the Land is presupposed rather than explicitly mentioned.

86 A. Aptowitz, 'Seder Elia,' in *Jewish Studies: In Memory of George A. Kohut, 1874–1933*, ed. S.W. Baron and A. Marx (New York: The Alexander Kohut Memorial Foundation, 1935), 26–31, has argued that this passage establishes a contrast between the Babylonian and Palestinian communities of learning and praises the former.

The exiles return to the Land on their own, but also in the company of the messiah. While Sefer Zerubbabel and other apocalypses depict the messiah in the Land imagined as a battlefield, he is also conceived of as peacefully coming to the Land to bring the exiles back:

Rabbi Chanin said: Israel will not require the teaching of the king messiah in the future, for it is said, *the nations shall inquire of him* (Isa 11:10), not Israel. If so, why does the king messiah come and what does he come to do? To gather the exiles of Israel and to give them thirty precepts. That is as it is written, *I then said to them, If it seems right to you [, give me my wages; but if not, keep them. So they weighed out as my wages thirty shekels of silver]* etc. (Zech 11:12). Rav said: This alludes to thirty mighty men. Rabbi Jochanan said: This alludes to thirty precepts. [Rabbi Jochanan's disciples] said to Rabbi Jochanan: Has Rav not heard that [the verse] only speaks of the nations of the world? [In Rav's view, *I then said to them* (Zech 11:12) [means] Israel; in Rabbi Jochanan's view, *I then said to them* [means] the nations of the world.] In Rav's view, when Israel are worthy, the majority of them are in the land of Israel and a minority of them in Babylon; while when Israel are not worthy, the majority of them are in Babylon and a minority of them in the land of Israel. (BerR 98:9⁸⁷)

Apart from addressing the future ingathering of the dispersed, the passage quoted above, transmitted as part of the classical midrash Bereshit Rabbah, alludes to the historical opposition between the rabbinic centres of learning. The Palestinian Chanin claims that as far as Israel are concerned, the messiah comes only to gather them together and give them thirty precepts—an interpretation he derives from Zech 11:12. The Babylonian Rav and the Palestinian Jochanan agree that the verse does not refer to money,⁸⁸ but disagree on the meaning of the shekels and on the referent of the pronoun 'them' in the words of the prophet. Interestingly, the passage in this Palestinian midrash closes with a rather dubious acknowledgement of Babylonia as the current alternative to the Land or the new Zion. According to Rav, while ideally Israel should deserve to live in their Land, as long as the majority—in the Talmud's discursive present—are in Babylonia, this is evidence that Israel does not merit the reward of return.

87 This chapter numbering follows MS Vat. ebr. 30; in ed. Theodor-Albeck, this is in chapter 99.

88 An echo of this verse is found in the New Testament, in the account of Judas' betrayal of Jesus, who is given thirty pieces of silver (Matt 26:15).

In connection with the future ingathering of the exiles, the rabbis also asked themselves what would become of the Jewish institutions located abroad in the context of the future redemption and return: Will their places of prayer and study be abandoned? A passage in the Babylonian Talmud argues that God accompanied the Jewish people to their two major exilic locations, Egypt and Babylonia, and has the sages interpret Deut 30:3 to mean that Israel will not return from the latter on their own, but in the company of the Shekhinah. For the duration of the Exile, the Shekhinah is thought to inhabit two specific Babylonian synagogues, as the Babylonian Abaye explains.⁸⁹ The Talmud then lets the voices of the Palestinians Rabbi Isaac and Rabbi Eleazar shift the exposition to Babylonian synagogues and houses of study in general, which, they argue, are alluded to with the 'small sanctuary' in Ezek 11:16.⁹⁰ Concerning the future of these institutions, another tanna, Rabbi Eleazar ha-Qappar, states in a baraita:

The synagogues and houses of study in Babylonia are destined to be established in the land of Israel, for it is said, *As surely as Tabor is among the mountains and Carmel is by the sea, so shall this come to pass* (Jer 46:18). Is it not a matter of inference a minori ad majus? Just as Tabor and Carmel, which came only for a moment to study Torah, were established in the land of Israel, how much more must this be the case with the synagogues and houses of study in Babylonia, in which the Torah is read and spread. (bMeg 29a)

Because they represent the major loci of prayer, communal meeting and occupation with Torah, so the argument goes, these synagogues must be imported into the Land in future. Their location outside of the Land in the Talmud's discursive present does not diminish their value. On the contrary, the rest of the sugya suggests they are worthy of comparison to Mount Sinai, against which Mount Carmel and Mount Tabor are deemed to be categorically inferior.

The Talmud envisions the exiles being brought back to the Land not only by the messiah, but also by the nations themselves: In an elaboration on Zech 14:12, 16 the nations are depicted participating in the reinstated annual Sukkot pilgrimage.⁹¹ Another way of conceiving of the exiles' future return, which does

89 On these synagogues, see Boyarin, *Traveling Homeland*, 34–36. As Boyarin points out, this passage in the Talmud would continue to be used in geonic times to legitimise Babylonian supremacy with respect to the emerging centres of learning in the West.

90 In Scripture this sanctuary is located 'in the countries where they have come'.

91 See SER 81.

not involve the messiah's agency, is to portray the people outside of the Land using botanical imagery—as a plant transplanted to its definitive soil. As part of a midrash on Deut 9:1, God promises to do the transplanting himself:

You are to about to cross [the Jordan] this day (Deut 9:1), not I, maybe they would understand and pray for mercy for him, but they would not understand. As they would not understand, He said, I only command you for your own sake, be mindful of the honour of your Father in heaven, for it is said, Revere only the Lord your God etc. (Deut 6:2). God said, In this world the generation[s] yearn for the land of Israel, and because of sins you have been exiled from it. But in the time to come, when you are free from sin and iniquity, I will plant you [therein to flourish as a] perfect (lit. 'undisturbed') plant. Whence [do we infer this]? For it is said, and I will plant them upon their land, and they shall no more be plucked up out of their land (Amos 9:15). (DevR 3:11)

The condition for this transplanting is Israel's absolute righteousness, a metaphor the Amidah also uses to refer to the end-time return. Botanical or rather agricultural imagery in relation to the Land in the eschatological future is used in a number of midrashim on verses from Ps 92, which are transmitted in a chapter of Pirque de-Rabbi Elie'zer that is concerned with the Sabbath.⁹² In this context, we read about the ingathering of the exiles:

They thrive like a cedar in Lebanon; planted in the house of the Lord (Ps 92:13–14). The Holy One, blessed be He, is destined to gather all Israel from the four corners of the world. Like this gardener who transplants [his plants] from one garden-bed to another garden-bed, likewise in the future will the Holy One, blessed be He, gather them from an impure land and [plant them] in a pure land, for it is said, planted in the house of the Lord. Like this grass of the field, they shall blossom and sprout forth in the Temple, for it is said, they flourish in the courts of our God (Ps 92:14). (PRE 19)

92 See PRE 19. For example, the trouble experienced by the children of Israel who reside in the Land in the time prior to the messiah's coming and who witness the fall of their oppressors is compared to fresh olive oil. These midrashim expand on Ps 92:11–12. Though not explicitly linked to the Land, two further midrashim make use of botanical imagery: The palm and the cedar in Ps 92:13 are read as allusions to the beauty and strength of the messiah son of David. This psalm is also read eschatologically in bRH 31a.

This text compares God to a gardener who transplants a plant from bed to bed. Brought from an impure land to a pure one, Israel are imagined as plants or trees which will thrive once they are placed in their own soil in the future Land.

The Land of the end time is expected to fulfil Scripture not only in terms of its extent, but also in terms of its *fertility*. Several passages in the rabbinic corpora depict the future fertility and abundance of the Land in hyperbolic terms—after all, this land flowing with milk and honey is already proverbially fertile in Scripture. For example, the following passage in the halakhic midrash Sifra states:

I will grant you rains in their season (Lev 26:4): not the rains of all the [other] lands. How do I explain, *all the families of the earth shall bless themselves by you and your descendants* (Gen 28:14)? There will be plenty in the land of Israel and famine in the rest of the lands, and they [will] come and buy from you and make you⁹³ rich with money, as in *Joseph gathered in all the money that was to be found in the land of Egypt and in the land of Canaan, as payment for the rations that were being procured* (Gen 47:14); and it [Scripture] says, *and as your days, so is your strength* (*dav'ekha*)⁹⁴ (Deut 33:25): all the [other] lands shall flow (*dov'ot*)⁹⁵ with money and carry [it] to the land of Israel. | *So that the earth shall yield its produce* (Lev 26:4): not as it does now, but as it used to do in the days of Adam. And whence [do we derive that] the Land is destined to be sown and to give fruit on the same day? Scripture says, *He has won renown for his wonders* (Ps 111:4); and so it says, *The earth brought forth vegetation* (Gen 1:11), [which] teaches that on the day that it was sown, it gave forth fruit. | *And the tree of the field its fruit* (Lev 26:4): not as it does now, but as it used to do in the days of Adam. And whence [do we derive that] a tree is destined to be planted and to give fruit on the same day? Scripture says, *He has won renown for his wonders* (Ps 111:4); and it says, *and fruit trees of every kind on earth that bear fruit with the seed in it* (Gen 1:11), [which] teaches that on the day that it was planted, it gave forth fruit. (Sifra Bechuqotai parashah 1, pereq 1:2–4)⁹⁶

93 This is the reading of MS Vat. ebr. 31: אַתְּכֶם. The reading אֹתָם ('them') in ed. Weiss does not make sense here. See also WayR 35:11.

94 Here ed. Weiss reads: דְּאֵבֶךְ.

95 Ed. Weiss: דְּוֹבְאוֹת. MS Vat. ebr. 31 reads דְּוֹאֲבוֹת.

96 The first section of this passage has an anonymous parallel in SifDev 42 and WayR 35:11.

The parallel in SifDev 42 argues: ‘a king rules over treasures of gold, yet he is subject to that which comes out of the field’—here lies the future power of the Land, with its ineffable fertility. The future Land is imagined as the world’s granary, but also as a central market and a future pilgrimage destination for the peoples.⁹⁷ The message of consolation concerning the end of a world history characterised by foreign rule is complemented by this type of less explicitly politically charged reflection on commerce—a type of commerce in which Israel in their Land will act as providers for the rest of the world.⁹⁸

The last sugya in tractate Ketubbot comes to a close with a lengthy section that deals primarily⁹⁹ with the land of Israel’s hyperbolic fertility in the eschatological future, as well as in the past and the present. The passage opens with three statements Rabbi Chiyya bar Joseph makes concerning the future. While the first and second pertain to the future resurrection in Jerusalem and the fact that the dead will be clothed when they come out of the ground, the third explicitly addresses the Land’s future bounty. The Land itself is depicted as an active agent in that it will produce supernatural foods:

And Rabbi Chiyya bar Joseph said: The land of Israel is destined to produce fine bread and silk clothing that will grow from the ground, for it is said, *May there be abundance of grain in the land* (Ps 72:16). (bKet 11b)

Like other amoraim in the same sugya, Chiyya, a Babylonian by birth, is presumed to have immigrated to the Land.¹⁰⁰ Here he addresses the theme of the Land’s fertility in the eschatological future by making use of a verse which, in its original context, does not in fact address the future, but rather Zion’s fertility as it has already been made manifest. The same verse is interpreted in a subsequently quoted tradition, according to which end-time agriculture not only entails no suffering, but even constitutes a sort of utopic Cockaigne, in which its ready-to-use flour falls from wheat as tall as mountains:

The sages taught: *May there be abundance of grain in the land* (Ps 72:16). They said: In the future, wheat will rise up, and grow like a palm tree, and

97 See SifDev 354, where the midrash states that the peoples will then turn to Judaism. On the pilgrimage of the nations as an aspect of the reign of peace theme in scriptural eschatology, see Levenson, ‘Zion Traditions’.

98 The Talmud argues in bSan 98a that both extreme fertility and extreme famine in the Land can be read as indications of the messiah’s imminent coming.

99 A brief intermezzo includes traditions about Rabbi Eleazar and Rabbi Zeira immigrating, as well as other sages kissing the rocks of Akko or rolling in the dust of the Land.

100 For this reason he is known as Rabbi Chiyya, rather than Rav Chiyya.

ascend to the top of the mountains. And lest you say its reaper [will suffer] discomfort, Scripture says, *may its fruit be like Lebanon* (Ps 72:16). The Holy One, blessed be He, brings a wind from His treasury and blows across, and induces the flour [to fall], and a person goes out to the field and brings back a palmful of flour, from which he provides for his livelihood and the livelihood of the members of his household. (bKet 111b)

The exaggerated character of this future fertility continues in the passage quoted below, which interprets two clauses from Deut 32:14, both of which are clearly about the future, though not explicitly about the Land. Statements on this verse as referring to the future frame brief narratives about three incidents from the rabbinic past, which are set the Land.¹⁰¹

With the kidney-fat of wheat (Deut 32:14). They said: [A kernel of] wheat is destined to be as big as the two kidneys of the large ox. And do not be surprised, as there was an incident involving a fox that nested inside a turnip, and they weighed [this turnip,] and discovered that it weighed sixty litra, by the litra of Sepphoris. | It is taught [in a baraita]: Rav Joseph said: It once happened in [the village of] Shichin to one whose father had left him three branches of mustard, that one of these broke. And on this there were nine kav of mustard. And with its wood they roofed a booth for artisans. | Rabbi Simeon ben Tachlifa said: Father left us a cabbage stalk and we would go up and down on it with a ladder. | *From the blood of grapes you drank fine wine* (Deut 32:14). The sages said: Not like this world is the world to come. In this world there is suffering [involved] in picking grapes and in pressing [them]. In the world to come one will bring one grape in a wagon or on a boat and set it down in a corner of his house and supply from it enough to fill about the amount of a large jug, and [with] its wood one kindles a fire under a cooked dish. And each and every grape you have produces no less than thirty full jugs of wine, for it is said, *from the blood of grapes you drank fine wine* (*chamer*)—do not read *chamer* but *chomer* [a measure]. (bKet 111b)

101 These narratives have a parallel in yPea 7:4 (20b). Several other traditions in bKet 111b–112a are also found—in a different order, at times involving other sages, Galilean place names, or types of agricultural produce—in the Yerushalmi passage. One tradition in the Yerushalmi, which was not transmitted in the Babylonian sugya, has Rabbi Chanina acknowledge the Land's fertility. He claims that when he immigrated to the Land, he could find no belt long enough to measure the trunk of a carob tree, and that a single carob pod filled his hand with honey (yPea 7:4 [20a]).

While the grapes in the second part of Deut 32:14 are interpreted in terms of plentiful future wine production, several subsequent statements in the same sugya express the rabbinic view of the land of Israel as already particularly fertile in the rabbinic present when it comes to growing grapes—a motif Scripture first addresses in the episode of the spies (Num 13:23).¹⁰²

The sugya also insists on the notion that the behaviour of the Land's inhabitants has a negative impact on the Land's fertility. Thus, the tutor of Resh Laqish's children is prevented from teaching them Torah for three days because of a vine his father left him, which he saw fit to attend to:

[My] father left me a vine and I harvested from it [on the] first day three hundred grape clusters, [and each] cluster [yielded enough to fill] a jug. On the second day three hundred grape clusters [and every] two clusters [yielded enough to fill] a jug. On the third day I harvested three hundred grape clusters, [and every] three clusters [yielded to fill] a jug and I declared ownerless more than half of it. He [Resh Laqish] said to him: Had you not taken leave from Torah study, [each grape cluster] would have produced more [wine]. (bKet 111b)

Resh Laqish rebukes the teacher for prioritising agriculture over Torah study and claims that the yield would have been even greater had the teacher done his real job—i.e., had he taught his children Torah. In addition, two parallel traditions concerning gigantic peaches and grapes that shrink as time passes, primarily because of what humans do and/or say, once again illustrate that the Land's past and present fertility is contingent on its inhabitants' conduct rather than inherent—at least from a Babylonian perspective.¹⁰³

Rabbi Chelbo, Rabbi Avira, and Rabbi Jose bar Chanina¹⁰⁴ once visited a certain place where they brought before them a peach as large as a

102 Thus the *nachota* Rav Dimi is quoted as follows: 'What [is the meaning of] that which is written, *Binding his foal to the vine* (Gen 49:11)? Each and every grapevine you have in the land of Israel requires no less than a foal to [carry the load of its] harvest; and his donkey's colt to the choice vine (Gen 49:11): Every barren tree you have in the land of Israel produces [fruit] to load upon two donkeys' (bKet 111b).

103 The tone in the Yerushalmi parallel is less disapproving, arguing that changes in the quantity or quality of the Land's produce are due to the passage of time and the fact that the world has changed.

104 Instead of Avira, MSS Munich 95 and St. Petersburg Evr. I 187 read Rabbi Azariah, MS Vat. ebr. 113 Rabbi Eleazar b. Azariah, and MS Vat. ebr. 130 Rabbi Zeira. In the parallel in yPea 7:4 (20a), on both occasions the same sages visit an orchard in Doron (the location of which cannot be determined with certainty) and these are Rabbi Abbahu, Rabbi Jose ben Chanina, and Rabbi Simeon ben Laqish.

stewpot of Kefar Hino. And how big is a stewpot of Kefar Hino? [It has a capacity of] five seah. They ate one-third of it, they declared ownerless one-third of it, and they placed before their animals one-third of it. A year later, Rabbi Eleazar¹⁰⁵ visited there [again] and they brought [a peach] before him. He held it in his hand and said, [*He turns ...*] *a fruitful land into a salty waste, because of the wickedness of its inhabitants* (Ps 107:34). | Rabbi Joshua ben Levi once visited Gavla and saw clusters of grapes standing as [large as] calves. He said, Calves between the grapevines? They said to him, They are clusters. He said, O Land, O Land! Gather in your fruit. For whom do you produce your fruit? For these gentiles¹⁰⁶ who stand over us in our sins? The following year, Rabbi Chiyya visited there and saw clusters of grapes were standing as [large as] goats. He said, Goats between the grapevines. They said to him, Go [away]; do not do to us what your colleague has done. (bKet 112a)

The first narrative depicts a group of sages as witnesses to the Land's fertility, and another as simply ascertaining a decrease thereof; the second narrative has Rabbi Joshua ben Levi first realising the Land's fecundity and then praying to the Land itself, asking it to refrain from being generous towards the Jews' oppressors. In both cases, the Babylonian voice of the Talmud depicts Palestinians finding the Land's present fertility problematic. Does this voice use the enormous cabbages and peaches, and grapes as big as calves or goats, which it appropriates from Palestinian traditions, as a form of praise for the Land's fertility? Or does it rather expose their fabulous, i.e., fictional character, and thereby ridicule the very traditions on which it bases much of what it says? Are these 'tall tales' comparable to the famous fantastical stories attributed to the Palestinian Rabbah bar bar Chanah in bBB 73a–b?¹⁰⁷ Incidentally, the same

105 In the Yerushalmi, the other rabbis return to see a smaller peach a few days after the first visit. While we may imagine how the anecdote of the peach as large as a stewpot could have reached Rabbi Eleazar, as Rubenstein, 'Coping,' 184, points out, it is not simply any sage that the anonymous voice of the Bavli chooses here, but precisely one who has left Babylonia for the Land and has praised the Land repeatedly in the same sugya.

106 With the exception of the Vilna edition which reads '*aravim*' ('Arabs'), the other witnesses read *goyim*.

107 For this narrative complex, see G. Stemberger, 'Münchhausen und die Apokalyptik: Bavli Bava Batra 73a–75b als literarische Einheit,' in *Judaica Minora II: Geschichte und Literatur des rabbinischen Judentums* (Tübingen: Mohr Siebeck, 2010), 299–316; D. Stein, 'The Blind Eye of the Beholder: Tall Tales, Travelogues, and Midrash,' chap. 3 in *Textual Mirrors: Reflexivity, Midrash, and the Rabbinic Self* (Philadelphia, PA: University of Pennsylvania Press, 2012).

sage is one of several who are quoted claiming to be able to chart the land flowing with milk and honey, and to discern its exact dimensions:

Rami bar Ezekiel once visited Bene Berak. He saw goats grazing under a fig tree, and there was honey flowing from the figs and milk dripping from them [the goats], and the two mingled with each other. He said, This is [the meaning of,] *a land flowing with milk and honey* (Exod 3:8). | Rabbi Jacob ben Dostai said: From Lod to Ono [it is a distance of] three miles. Once I rose early in the morning and I walked in ankle-deep honey [oozing] from fig trees. | Resh Laqish said: I myself saw the flow of milk and honey of Sepphoris, and it was [an area that covered] sixteen by sixteen miles. | Rabbah bar bar Chanah said: I myself saw the flow of milk and honey of the entire land of Israel, || and it was [the same in area as that which stretches] from [the city of] Bei Mikse until the fortress of Tulbanke: Its length twenty-two parasangs and its width six parasangs. (bKet 111b–112a)

The first three of these four statements identifies the land flowing with milk and honey of Exod 3:8 with ever-larger areas in Galilee: For the Babylonian Rami bar Ezekiel, this land corresponds to the area underneath a fig tree in Bene Barak; for the Palestinian Jacob ben Dostai, to the three-mile distance between the towns of Lod and Ono; and for Resh Laqish, to an area around Sepphoris described not in terms of a two-point map, but as covering a surface area of sixteen by sixteen miles.¹⁰⁸ It is the Palestinian storyteller Rabbah bar bar Chanah who claims that the entire land of Israel flows with milk and honey, but also that this surface corresponds to the more concrete distance between two Babylonian localities, Be Mikse and the fortress of Tulbanke—the latter of which is mentioned in bQid 71a as a location on the border of the Babylonian territory of pure lineage.¹⁰⁹ This closing statement tells us that—at least by the time the Bavli was redacted, and probably earlier as well—when it comes to spelling out the dimensions of the land Scripture praises for its fertility with the image of flowing milk and honey, Babylonian points of reference (rather than Palestinian Beit midrash geography) are in order.

108 This is larger than the traditional measurements of the Israelite camp under Moses, which are twelve by twelve miles.

109 Concerning the former, Oppenheimer, *Babylonia Judaica in the Talmudic Period*, 91, points out that no location ‘can be proposed due to insufficient data’; the latter he locates at ‘Niyya, a village in the vicinity of Anbar’ (36–38). Resh Laqish’s and Rabbah bar bar Chanah’s statements have a parallel in bMeg 6a.

An important aspect of this section of the sugya is the time it addresses, especially when we compare it with its closest parallel in the Yerushalmi, which never refers to the Land's future fertility, arguably because the eschatological future is not part of that commentary's agenda. The Bavli at times alludes to this future fertility, but it more often addresses this aspect of the Land in the past and the present. Thus, Rav Dimi describes (or praises) the Land's present conditions with a midrash on Gen 49:11,¹¹⁰ and the sages in the passage quoted below compare the land of Israel's fecundity with Egypt's in the biblical past:

The sages taught [in a baraita]: In [the years of] blessings of the land of Israel, [an area of land measuring one] beit seah produces fifty thousand kor; when Zoan was settled, one beit seah there would produce seventy kor. As it is taught [in a baraita]: Rabbi Meir said: I saw in the valley of Beit Shean that one beit seah produced seventy kor. | And you have no more outstanding among all the lands than the land of Egypt, for it is said, *like the garden of the Lord, like the land of Egypt* (Gen 13:10). And you have no more outstanding [region] in all of the land of Egypt than Zoan, where they would bring up kings, for it is written, *for his princes are at Zoan* (Isa 30:4). And you have no rockier ground in all of the land of Israel than Hebron, where they would bury their dead. | Nevertheless, Hebron was seven times as fruitful (*mevunah*) as Zoan, for it is written, *Hebron was built (nivnetah) seven years before Zoan in Egypt* (Num 13:22). What is the meaning of *built*? If we say [it means] actually built [before Zoan], is it possible that a man would build a house for his younger son before he built one for his elder son? For it is said, *The descendants of Ham: Cush, Egypt, Put, and Canaan* (Gen 10:6). Rather, it [Hebron] was seven times as fruitful as Zoan. This refers to rocky ground, but where there are no rocks [a beit seah produces] five hundred kor. And these words [refer to years of] no blessings [in the land of Israel], but about [those of] her blessings, it is written, *Isaac sowed seed in that land, and in the same year reaped a hundredfold* etc. (Gen 26:12). (bKet 112a)¹¹¹

110 Even non-rabbinic Jews and non-Jews are invited to speak about the Land: A Sadducee talking to Rabbi Chanina (in the rabbinic present) and an Amorite talking to a resident of the land of Israel (in a rabbinised biblical past) both acknowledge the Land's special fertility (bKet 112a).

111 With the statements in a different order and as a midrash on Num 13:22, a parallel is transmitted in bSot 34b. The comparison between Zoan and Hebron is already found in a tannaitic midrash that elaborates on Deut 7:12 (see SifDev 37), as well as in later Palestinian sources (see TanB Shelach 14).

According to this collective statement, the least fertile area in the land of Israel, the area of Hebron, is more fertile than Zoan, Egypt's most fertile region.¹¹² Even Beit Shean—which is no longer considered part of the land of Israel proper, in the sense that certain land-commandments do not apply there—has a yield comparable to Egypt's most fertile area.¹¹³

Despite the fact that most of the statements in this segment—which, as a whole, is constantly moving back and forth between past, present, and future—concern the past and the present,¹¹⁴ the closing statement in the sugya reads:

Rav Chiyya bar Ashi said: Rav said: All barren trees in the land of Israel are destined to bear fruit, for it is said, *the tree bears its fruit, the fig tree and vine give their full yield* (Joel 2:22). (bKet 112b)

The Babylonian's dictum, which echoes the words of Rav Dimi earlier in the sugya with respect to the Land in the rabbinic present, is about the Land's future fertility, and it appears to convey the 'last word' given by the redactors of the Talmud. As Jeffrey Rubenstein observes, the statements made by Rabbi Chiyya bar Joseph at the beginning and Rav Chiyya bar Ashi at the end frame the entire segment and set its tone. Furthermore, he points out that 'the constant shifts in perspective and return to eschatological description create the impression that fertility characterizes the ideal Land of the eschaton (or the glorious ages of the past) not the present.'¹¹⁵

It is possible to argue that the segment of the sugya in tractate Ketubbot dealing with the Land's fertility is eschatologically oriented not only in what it actually says about the Land's future and the way in which it neutralises its present fertility. The location of this passage is also especially telling. It is placed at the end of the tractate, where it brings closure to the most explicit rabbinic text on rabbinic attitudes towards the Land.



112 In view of the geographical fact that the Hebron area is one of the most fertile in the Land, Z. Safrai, *Seeking out the Land*, 164, argues that what we have here is "slander" [...] to serve an exegetical purpose'.

113 See Z. Safrai, 119.

114 Most salient when compared to the Babylonian sugya is the one in yPea 7:4 (20a–b), in which the focus of the anecdotes on the Land's fertility is exclusively on the rabbinic present.

115 Rubenstein, 'Coping,' 183.

Writing about Jerusalem in the eschatological imagination, Ora Limor observed that its place in the teachings of the three monotheistic religions ‘can be seen as kind of anchor, a stabilizing factor, fixing in present geography events never experienced by human beings’.¹¹⁶ This appears to be valid not just for Jerusalem/Zion, but also for the concept of the entire future land of Israel, its regions (especially Galilee), and even some of its natural features (valleys, the sea), as we have seen in our examination of these texts that address major themes in Jewish eschatology. Following Jenny Labendz, we may view eschatology as a ‘free space’ in which tradents, redactors, and authors are liberated ‘from the constraints of polite conversation’.¹¹⁷ The texts examined in this chapter attest to different ways of identifying with an idea of a place that one has not experienced, the future Land—strategies of identification that characterise the quoted sages and the anonymous redactors who select and quote the sages’ words and comment on them.

In contrast to the sources discussed in the previous chapter, those pertaining to the end of world history are for the most part either presumed to be of Palestinian origin or to relate in some way to Palestinian rather than to Babylonian tradition. It appears to have made more sense for the authors of these texts to argue citing Palestinian authorities rather than Babylonian ones: Where the texts mention rabbinic authorities, these are primarily well-known Palestinian sages from earlier times.

Some of the texts discussed in the first section depict the future Land as having fallen into a state of utter decay prior to the messiah’s coming; as the place to which the messiah will come from abroad, where he is awaiting his time; and as the space in which either he or God will fight against and triumph over Israel’s oppressors. I adduced another set of texts to illustrate how the doctrine of the four kingdoms that rule over Israel in the Land was adapted to accommodate Muslim rule in later rabbinic and quasi-rabbinic literature.¹¹⁸ The texts that use

116 Limor, ‘Jerusalem and Eschatology’. In connection with the fate of the nations in the end time, Labendz, ‘Rabbinic Eschatology’, 274, argues that the ‘[d]escriptions of the eschaton do not, strictly speaking, reflect or impact upon the rabbis’ own lived experiences and need not capture the inevitable complexity of actual life’.

117 Labendz, 293–294.

118 Because these sources sometimes appropriate motifs from Muslim tradition as well, some of the changes we may ascertain with respect to their probable sources were possible as a consequence of the new cultural landscape in the Islamicate Near East. One possible explanation for the new hermeneutic, more narrative style of works such as *Pirque de-Rabbi Elie’zer* may be exposure to the Muslim system of literary genres. On the transitional character of *Pirque de-Rabbi Elie’zer*, see J. Rubenstein, ‘From Mythic Motifs to Sustained Myth: The Revision of Rabbinic Traditions in Medieval Midrashim,’ *Harvard Theological*

the collective figure of the children of Ishmael to allude to Muslim rule in the land of Israel present this as part of a prophecy set in the Land, the fulfilment of which is pending. While on the one hand the Ishmaelites are as mundane as the kingdoms they succeed—that is, mainly Persia and Rome—on the other their rule is understood to indicate the imminence of a fundamentally new order, the messianic era. For this reason, these texts assign the children of Ishmael to a somewhat different order. They are part of the list of world kingdoms, but are seldom referred to as a kingdom.

In the last section of this chapter, we discussed texts that fashioned a perfect version of the Land. They envision it as unimaginably large, either fulfilling the ideal of an Euphratic land or as big as the entire world. Such versions of the Land may seek to address the question of whether there will be room for all the Jews in the world when they eventually return. In line with the Land's perfect size is the perfection of its future inhabitants, as the Jews will be received in the Land only once they have been cleansed of their sins, particularly while in Babylonia (or more generally while in the diaspora/the Exile). Leaving their exile and their exilic lands, Jews are expected to arrive in the Land as a utopian destination, guided by the messiah or supported by the nations.

The figurative language used to describe this return is conspicuous for its use of botanical imagery: God transplants Israel from an impure to a pure land, to the Land, to a land which Scripture insisted was so fertile that it flowed with milk and honey. Finally, the fertility of the future Land is related to anecdotes about its hyperbolic fertility in the past and the present, which are transmitted in the last segment of the closing sugya in tractate Ketubbot. In keeping with the sugya as a whole, so also the passage on the Land's fertility at times bears evidence of a dubious reverence for the Land in the discursive present of the Talmud.

Review 89 (1996): 131–159; for an examination with a focus on the work's literary forms, see Keim, *Pirquei de Rabbi Eliezer*. The Muslim panegyric genre known as *faḍā'il* ('merits') appears to be incorporated into Jewish apocalypses. See, for example, the praise of Jerusalem and the Temple in *Pirquei Mashiaḥ*. On this genre in Muslim texts concerned with Jerusalem, see Z. Antrim, *Routes & Realms: The Power of Place in the Early Islamic World* (Oxford: Oxford University Press, 2012), 48–55.

Conclusion

Every place is an entire world and every man is a world in himself, and I reached only a few places and a few people, and even then I was able to see and to hear only a little of so much.

AMOS OZ, *In the land of Israel*

This book has been about some of the ways in which a major theme of the Hebrew Bible was treated during the rabbinic period: The land that the God of Israel promises Abraham so that he can give it to his descendants, and towards which Moses leads the Israelites so that they can live a life under the covenant there. The land of the redefined Judaism that emerged in the centuries following the destruction of the Temple in 70 CE is not as central in the literary evidence of the rabbinic period as it is in the Hebrew Bible. After all, the new decentralised, less territorially oriented Judaism replaced the Temple cult with Torah study, a study that in part pertained to that very Temple cult, and that became a portable homeland, as Boyarin has argued concerning the text which epitomises this study, the Babylonian Talmud.¹ However, it comes as no surprise that such a crucial concept as ‘the Land’, as this space continued to be called even as it started to be more consistently referred to as ‘land of Israel’, would retain its significance—evidence of which we find in the entire rabbinic corpus. The concept of the Land was articulated in the rabbinic period by a discourse that was both the product of and itself created a new Judaism: As such, it was bound to acquire new contours when compared to its counterparts in the Hebrew Bible and the literature of the Second Temple period.

The point of departure for the examination in this book was the question of how the homeland of the paradigmatic diaspora was defined precisely in the period that saw the emergence of that very diaspora in late antiquity. To answer this question—with the aid of the literature of the sages, which is the discourse of a literate elite and, if it is representative at all, then is at best representative only of the two areas of Jewish settlement where the sages were active—meant acknowledging from the very beginning that this study would not yield insights on the actual attitudes towards the land of Israel that were held by Jewish men and women in the late antique and early medieval world at large.

As is the case with many a rabbinic concept, the land of Israel as understood by the sages is multifaceted, as Isaiah Gafni observed when he stated that ‘[a]

1 See Boyarin, *Traveling Homeland*.

systematic study of all rabbinic statements on “the Land”, its status, attributes and requirements, serves to temper significantly any sense of a monolithic, unchanging rabbinic approach to the issue.² It would be presumptuous to claim that the present analysis is a systematic study of *all* rabbinic statements on the land of Israel, or of a selection of statements that are representative of *all* the thematic avenues along which the land of Israel was shaped in this formative period of Judaism. In order to shed light on the conceptualisation of the land of Israel in this period, this examination focused on a limited selection of statements. Extensive anthologies aided me in establishing a corpus of excerpts from different periods and genres. Thus this study is based on a selection of statements pertaining to a selection of themes related to the Land, statements that are transmitted in the classical rabbinic corpora (midrash and Talmud); in post-classical rabbinic, early medieval works (late midrash); and also in quasi-rabbinic writings (late Hebrew apocalypses). This literary evidence in turn represents only part of the Jewish literature of the period—piyyut and Hechalot literature or early Karaite writings are not part of this study—which is but part of the system of literary genres of the period more broadly. According to scholarly consensus, the statements examined here represent a selection of male voices, which time and again address scriptural or rabbinic female characters.

The texts selected and discussed in the foregoing chapters all convey the collective, anonymous voice of the sages of the tannaitic period and the voices of named pre- and post-Bar Kokhba tannaim, as well as of Palestinian and Babylonian amoraim. Among the named sages, those associated with the Palestinian centre constitute a clear majority: Out of a total of 114 sages referred to by name, only 22 Babylonians are mentioned. These voices are in turn directed, updated, appropriated, and emulated by the anonymous voice of those who redacted the rabbinic corpora and rabbinic works, as well as the authors of quasi-rabbinic writings. (Some texts include a higher proportion of named authorities than others in which the redactor’s or author’s anonymous voice is predominant.) In view of the fact that so much of rabbinic literature, as Oral Torah that interprets the Written Torah, constitutes explicit scriptural exegesis,³ the voices at work in rabbinic literature—and to a certain extent, this is also valid for quasi-rabbinic writings—are in dialogue with the voice(s) of Scripture, which they more or less explicitly illuminate. Thus the rabbinic and quasi-rabbinic

2 Gafni, *Land*, 62.

3 The Hebrew Bible is the *implicit* foundation of the entire rabbinic corpus. See T. Ilan, L. Miralles-Maciá, and R. Nikolsky, eds., *Rabbinic Literature, The Bible and Women: An Encyclopaedia of Exegesis and Cultural History* 4:1 (Atlanta, GA: SBL Press, 2021), 6.

conceptualisation of the land of Israel emerges as conspicuously multilayered and plurivocal in character.

Scholarly literature on the rabbinic conceptualisation of the land of Israel has been especially interested in highlighting this literature's particular emphasis on the holiness of the Land and some of the implications thereof—prophecy is possible only in the Land, the Land is the setting for the future resurrection of the dead, the intercalation of the Jewish calendar is decided upon in the Land and is communicated to the rest of the Jewish world—as well as the emergence of a pro-land of Israel discourse in the aftermath of the Bar Kokhba revolt. With the present examination I sought to expand on these findings by examining a selection of seven topics with which to illuminate different aspects of the concept of the Land that emerge as important for the sages and their followers. The authors of this literature connect the scriptural narrative of the land of promise and God's land to their time: They ask questions about this land's story and laws, and give answers that combine the haggadic and the halakhic—answers that pertain to the Land's distant historical past; the Land's long-lasting present, in which the rabbinic movement emerged in late antiquity; and a glorious, restored future Land.

The examination started with the land of the patriarchs and the question of how the sages articulated the ancestral character of the ancestral homeland in numerous statements and micro-narratives: What aspects of the land of the patriarchs did they choose to highlight, if not a realistic geography? What makes the patriarchs the first inhabitants chosen by God to single out this land by means of their lives in it? In which ways did they take possession of the Land? How did they demonstrate their attachment to the Land? One of the most important issues in relation to this chapter in the story of the Land appears to have been the question of whether the patriarchs took possession of the promised land and whether it was Israel's before Joshua conquered it.

We then moved on to the strategies with which the sages articulated their ideas of a sanctity that characterised the Land, and which the *Encyclopedia Talmudit*—following medieval authorities—designates as intrinsic holiness on the one hand and holiness brought about by the people of Israel on the other. How do the sages themselves speak about these holinesses and sanctify the Land in their literature before medieval interpreters turn to classifying their statements into distinct concepts? How do they argue for the Land's holiness and go about organising holy space verbally in relation to the Land? According to the sages, apart from being ahistorically holy, the Land is a territory that the people of Israel settled and thereby consecrated twice in biblical times, whereby these sanctifications or possessions implied delimiting the territory within which land-commandments were to be observed, singling it out as the

space where more commandments could be fulfilled than was the case outside of the Land. An important question in connection with such an allegedly privileged territory where more Torah can be observed than elsewhere is where such a distinction leaves Jews who live outside of the Land. In this context we discussed a recurrent statement in the Babylonian Talmud, a variation of a dictum in the Mishnah, concerning a first sanctification of the Land and the question of whether the Land's holiness is contingent on the history of Israel.

We went on to discuss how the sages expressed their notions of the Land as a space which not only confers certain obligations qua privileges on its inhabitants, as a space whose inhabitants have the right to observe commandments dependent on the soil of the Land, but also as a space characterised by two major obligations which constitute the conditions on which Jews have access to said privileges. These commandments—namely, to live in the Land, and to keep it and its real estate in Jewish hands, thus ensuring the land of Israel's Jewish identity—are not spelt out in Scripture. This land of the rabbinic present, shaped by Palestinian and Babylonian sages and anonymous redactors in multilayered texts associated with either centre of rabbinic learning, is oftentimes a literary land. This a land of the mind, a land of *beit midrash* geography (to use Ze'ev Safrai's expression); and it is a land other than that which the Babylonian sages prefer to actually inhabit and view as their homeland, but also other than that which the Palestinian sages inhabit.⁴

The statements with which the sages rule against selling real estate and encourage other Jews to recover real estate in the Land from non-Jews, as well as the narratives about secondary burial in the Land, are the closest the materials we have studied in this book get to the real geography of the Land. Most outspokenly imaginary is the geography of the land of the future, a place that has not (yet) been experienced, with which we brought our discussion of the land of the sages and their followers to a close. In these final chapters, we reviewed statements and narratives about the particular connection between the Land, a burial there (or elsewhere), and the future resurrection of the dead; about the land as the epicentre of the end of world history; and about a perfect land which will be revealed in the eschatological future.

What conclusions can we draw from the multiple and diverse attitudes towards the Land that we identified in the texts discussed in this book? In spite of the selective character of the material on the one hand and the plurality of opinions that is so characteristic of much rabbinic literature on the other, this study demonstrated that a reconfiguration of the concept of the Land was

4 See Z. Safrai, *Seeking out the Land*, 40.

at work during the rabbinic period. Rather than identifying one cogent rabbinic tradition, one macro-narrative, a consistent line of thought underlying the plurality of statements on and narratives about the Land, statements which explicitly address it or presuppose it, this book has shown that the sages and their followers held a wide range of views on the subject of the Land. However, it does not follow that the Land was not a topic of concern.

While the literature of the sages does not know an explicit equivalent to the triad people–God–land which characterises the Hebrew Bible—as Chaim Milikowsky points out, the destruction of the Temple and the ensuing exile changed ‘[t]he nature of the relationship between God, the people and the Land’⁵—and while the Land is not one of the core concepts in what scholars who sought to describe the Jewish thought of the rabbinic period called Jewish theology,⁶ it is clear that the idea of the land of Israel mattered to the sages, beginning with their foundational document.⁷ It occupied them and those who quoted and arranged their words, and continued to occupy those who emulated them, in a different way than what we know from the Hebrew Bible and the literature of the Second Temple period. Neither historiographical nor philosophical, this literature nevertheless testifies to historical Jewish thought about the Land and about Jewish ties to this Land, as well as to other places where the sages and other Jews were at home in history. It is a significant witness to Jewish cultural history in the first millennium CE. Reconfiguring the Land with their dicta and their stories, the Jewish intellectuals who were responsible for the literature examined in this book gave shape to the homeland at the origin of the most classical of all diasporas. This reconfiguration was thus constitutive of the rabbinic worldview—a worldview that constituted the first mode of diaspora thinking.

5 Milikowsky, ‘Notions of Exile,’ 284.

6 See L. Jacobs and E.M. Umansky, ‘Theology,’ in *Encyclopaedia Judaica*, 2nd edition, ed. M. Berenbaum and F. Skolnik, vol. 19 (Detroit, MI: Macmillan Reference, 2007), 694–699. For the works of rabbinic theology, see S. Schechter, *Some Aspects of Rabbinic Theology* (London: Black, 1909); G.F. Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim* (Cambridge, MA: Harvard University Press, 1927–1930); M. Kadushin, *Organic Thinking: A Study in Rabbinic Thought* (New York: The Jewish Theological Seminary of America, 1938).

7 Even though it is not explicit when it comes to its ruling Jewish life in the Land, one-third of the first document of rabbinic literature is clearly connected to agriculture in the Land and the Temple cult, while the rest presupposes Jewish life there. See Davies, *Gospel and the Land*, 56.

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Constanza Cordoni

Reconfiguring the Land of Israel
A Rabbinic Project

This book is about ways in which the land of Israel, the homeland of the most paradigmatic of all diasporas, was envisioned in late antiquity and the early Middle Ages in the literature of the sages. It is about the Land according to the redefined Judaism that emerged in the centuries following the destruction of the Jerusalem Temple in 70 CE. This Judaism replaced the temple cult with Torah study—a study that pertained in part to that very temple cult, that became a portable homeland, and that reconfigured the Land.

Constanza Cordoni received her Ph.D. in Jewish studies (2016) and her *venia legendi* in Jewish Studies (2021) from the University of Vienna. She is the author of *Seder Eliyahu: A Narratological Reading* (Berlin: De Gruyter, 2018).

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