

## THE REHOV INSCRIPTION

by ZE'EV SAFRAI

In 1974 the remains of an ancient synagogue near Tel Rehov in the Beisan Valley were excavated. In the course of the excavation a mosaic floor was discovered and on it a lengthy inscription (twenty-nine lines) dealing with the definition of the geographical boundaries of historical settlements in certain halakhot. The length of the inscription and its subject matter is important for the study of the *Yishuv* in Eretz Israel and the development of Talmudic literature. The inscription was published by Y. Sussmann<sup>1</sup> with extensive commentary, and has subsequently been dealt with by various scholars.<sup>2</sup> The purpose of this article is to survey the halakhic background of the inscription and to summarize the major conclusions which can be drawn from it. It is not possible here to deal with the entire spectrum of the many details mentioned in the inscription and, therefore, we will touch upon only the main points limiting ourselves to a general description of the inscription.

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1. Y. Sussmann, "A Halakhic Inscription from the Bet-Shean Valley," *Tarbiz* 43 (1973-1974) pp. 88-158. The author deals mainly with textual and philological problems and excludes, for the most part, geographical-historical issues from his discussion.

2. See, for example, S. Lieberman, "The Halakhic Inscription from the Bet-Shean Valley," *Tarbiz* 45 (1975-1976) pp. 54-63 and Z. Safrai, "The Territories of Sebaste and Tyre in the Rehov Inscription," in the forthcoming *Zion*.

## THE HALAKHIC BACKGROUND

The motif in Talmudic literature that “the Land of Israel is holier than any other land,” (Mishnah Kelim 1:6) is well known, this holiness is not only an abstract religious concept but also an active and practical one resulting in many halakhot. The halakhic – normative uniqueness is expressed in two major areas:

- 1) Eretz Israel is “pure” while the “country of the gentiles” is impure, thus everyone who resides there is defiled and prevented from observing the commandments which require ritual purity.
- 2) There is a series of commandments known in literature as “commandments dependent upon the land.” These commandments do not deal with the deeds of man but rather the produce which grows in Eretz Israel. Understandably, commandments like the sabbatical years, the setting aside of tithes and priestly dues, the proscription against mixed-kinds and similar halakhot are obligatory only in Eretz Israel.

The Sages dealt with the question of the establishment of the exact boundaries of Eretz Israel. These clarifications in defining the exact borders were necessary in order to determine the extent of the force of these commandments. A resident of a border district, for instance, had to know with certainty if his fields were included in the boundaries of Eretz Israel or not. The basic criterion according to which the extent of the land was determined was the supposed extent of settlement by “those who came up from Babylon.” Today we know that in the days of the return from the Babylonian Exile, Jewish settlements extended only over a limited area. The Sages, however, understood this concept as referring to the extent of Jewish settlement in their days.

This can be understood further through the Palestinian Talmud in Sheviit VI 36d where: “R. Huna wished to permit (the eating of the seventh year produce in) Yavlonah (Golan?) He came before R. Mana and said to him, ‘sign this’ (writ of permission), but R. Mana did not agree to sign. On the morrow, R. Hiyya bar Midya came to him and said, ‘you did well that you did not sign, for your father R. Jonah used to say that Antoninus gave Rabbi (R. Judah the Prince) two thousand *dishniv* (choice areas) in land tenancy . . .” Thus in the mid-fourth century, R. Huna saw the Golan as being outside of Eretz Israel. Other Sages opposed him on the grounds that the place was Jewish in the days of Rabbi (a hundred and fifty years before). From this we learn that the boundaries of Eretz Israel were established in a manner in which areas recognized as being Jewish, or which were considered Jewish in the past, were deemed part of Eretz Israel. Thus, the Sages did not recognize the fact that there was a gap between the historic boundaries of “those who came up from Babylon,” and the extent of settlement in their days. As far as they were concerned, those who came up from Babylon resided in the same areas as Jews did in their days and, therefore, the Golan which was Jewish in the time of Rabbi was included within the boundaries of Eretz Israel, although at the time of these partic-

ular Sages its Jewish nature was in doubt. It is possible, also that there is no disregard of historic processes here, but that the concept "those who came up from Babylon" turned into a type of legal fiction which symbolized the area considered to be Jewish.

The conclusion drawn from this halakhic principle is that every place where there is a Jewish majority is considered to be Eretz Israel and, its fruits are therefore, governed by the obligations of the sabbatical year and the setting aside of tithes while those areas outside of Eretz Israel are not obligated to fulfil these commandments and were thus exempted from tithes. All fruit grown in Eretz Israel is considered to be "*Demai*" (because of the doubt as to whether the tithes had been set aside), this would of course apply only to those fruits grown within the boundaries of Eretz Israel. The halakhic equation is: A permitted area = outside Eretz Israel = an area of non-Jewish settlement. Forbidden fruits or *demai* = Eretz Israel = an area of Jewish settlement.

From a pure halakhic point of view, it was necessary that the rule be established that every place which is exempt from tithes (outside Eretz Israel) is subject to "the defilement of the nations." However, this was not the case. For example, in the Palestinian Talmud Sheviit VI 36d it is written that Ascalon was considered to be outside of Eretz Israel as far as tithes were concerned but was not considered impure because of 'the defilement of the nations.' The reason for this was that the Sages sought to free areas from the obligations of the sabbatical year because of the great economic burden this commandment represented.<sup>3</sup> There was a desire to purify many areas for the sake of religious convenience because of "local honor or self esteem." Thus these halakhot were separated one from the other and the legal reasoning, in a manner of fashion, turned into legal fiction. The buffer areas between the Jewish area of settlement and the non-Jewish one enjoyed the benefits of "both worlds," although from a formal point of view this appeared to be strange.

It was sometimes possible to include in Eretz Israel settlements within an area designated as being outside of Eretz Israel. These settlements were usually near the border and since they were part of a contiguous chain of Jewish settlements were able to be included. Likewise, a cluster of non-Jewish settlements within the heart of Israel could be considered outside of it. It was possible to remove the entire area from Eretz Israel or to remove single settlements. Thus, if an entire area or single settlement within Israel is considered as being outside of Eretz Israel it is possible to conclude that a non-Jewish settlement is implied.

## CONTENT OF THE INSCRIPTION

The inscription is twenty-nine lines written in Hebrew letters, alternating between Hebrew and Aramaic. Spelling and grammatical forms are early Palestinian; we

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3. S. Safrai, "The Practical Implementation of the Sabbatical Year after the Destruction of the Second Temple," *Tarbiz* 35 (1966) pp. 304-328; *Tarbiz* 36 (1967) pp. 1-21.

therefore have before us an early proto-text of the language of Eretz Israel. The letters are mostly clear and the inscription is almost complete except for some minor damaged areas. The surprising element is its content; for the first time we have before us an inscription whose entire content is halakhic. The inscription for the most part consists of pericopae found in the Palestinian Talmud and the Tosefta.

The inscription itself did not innovate the halakhot or the details connected to them, but serves as an early and dependable version which has forced us to alter our previous understanding which was based on textual errors.

## PERICOPAE 1-2 – THE CITY BEISAN

1) “The fruits forbidden in Beisan.” We have here a list of fruits brought from Jewish areas which, fall within the jurisdiction of the commandments dependent upon the land. The list is from the Amoraic period found in Palestinian Talmud Demai II 22d.

2) “The permitted areas of Beisan. The author was especially interested in this section because it dealt with the area in which he lived. In the Palestinian Talmud Demai (ibid) this section appears in an abridged form and in a corrupted order. It is possible that the author of the inscription set up the detailed description before us. The description is built according to geographical order and is uniform in style:

רמן... שהיא פילי... עד...

“From (the direction is then given) . . . which is the gate . . . until . . .

Sussmann is of the opinion that only a small area is permitted. In my opinion this is not possible. Since we cannot identify the names of the settlements, it is difficult to know the boundary line. In any event, the mentioning of the name of the gate does not signify anything since it does not appear as the starting point of the legal release but as a point of clarification. There was a suspicion that not everyone knew exactly what was North and South and the mentioning of the gate was to accentuate this general definition and thus it is explicitly written in the inscription ... רמן הצפון שהיא פילי ד... “From the North which is the gate of . . . etc.” No purpose is served in permitting a small area around the city, because the deciding factor is the place where the fruit is grown. If the produce did not come from a permitted area they were forbidden, thus permitting the city without permitting the agricultural area surrounding it is an act void of all meaning as we see from many sources.

## PERICOPAE 3-5 – THE FORBIDDEN TOWNS WITHIN THE TERRITORIES OF SUSITA, NAVEH AND TYRE

These pericopae deal with Jewish towns within non-Jewish territories. The towns were part of a contiguous chain of Jewish settlements originating in Eretz Israel

which were added to the Jewish domain. The lists are found with a minimal number of errors in the Palestinian Talmud and Tosefta<sup>4</sup> and the inscription only elucidates certain problems of text.<sup>5</sup>

## PERICOPE 6 – THE BOUNDARIES OF ERETZ ISRAEL

This section is especially problematical, and so Sussmann has deferred his treatment of it to a different article. Here we have a *baraita* which traces the boundaries of Jewish settlements in the various parts of Eretz Israel. The *baraita* appears in a number of sources and many studies in the past have been devoted to it.<sup>6</sup> The text of the inscription elucidates many unknown elements in this matter.

The western boundary line is the coast except that the Hellenized coastal cities of Ascalon, Sharshon (corrupted from Straton, i.e. Caesarea), Dor and Acco were severed from Eretz Israel. From Acco the boundary line turns diagonally north-eastward until the 'Iyyon Valley. From there the boundary turns, including within it part of Mt. Hermon and reaches Caesarea Philippi i.e. Paneas. The continuation of the boundary line is rather difficult. Until now small villages separated by five to ten kilometers from one another have been included. Now more general geographical areas are mentioned like Trachoritis, the Yabbok, and Heshbon. Moreover, a strong influence of Biblical names are felt [Heshbon, Nahal Zared, 'Iggar (Yiggar) Sahaduta]. It should be concluded that this is not a geographic border but only a metaphoric collection of names.

Klein is of the opinion that most of the *baraita* dates from the time of Herod because the most important sections deal with Transjordan which had a Jewish settlement in the time of Herod. This theory is refuted, for the *baraita* deals mainly with the Galilee and not Transjordan. Thus, it would appear that the *baraita* dates after the Bar Kochba revolt for only then did Jewish settlements center in the Galilee. If the *baraita* did in fact reflect an earlier period, it would have expressed this by dealing with the boundary line in relation to Judea. The absence of this district proves the lateness of the *baraita*. That the *baraita* stems from the *Usha* period (135-180) can be proven by many factors, for example: the relationship of the Sages of the *Usha* period to the *baraita* (Mishnah Gittin 1:2) and the status of Dor which appears as a pagan city. In the mid-second century Dor deteriorated into a village. The mentioning of Dor, in the *baraita* reflects then the period before its decline which leads us to accept the proposed time.

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4. Tosefta Sheviit 4:4-8

5. For the geographic identifications see S. Klein, *Ever ha-Yarden ha-Yehudi* (1925), p. 12 and *Eretz ha-Galil* (1946) pp. 152-153 and Y. Berslavski, "The Forbidden Cities of Amon and Mazi in the Territory of Tyre," *Bulletin of the Jewish Palestinian Exploration Society* (1942) pp. 26-27.

6. H. Hildesheimer, *Beiträge zur Geographie Palestinas* (1885); S. Klein, "Das Tannaitische Grenzverzeichniss Palestinas," *HUCA* 5 (1928) pp. 197-259; Y. Sussmann, "The Boundaries of Eretz Israel," *Tarbiz* 45 (1976) pp. 213-257.

Careful scrutiny of the baraita, as it appears in the various sources, points to the possibility that there might have been several versions in existence. In some of these sources, places not included in the inscription appear and there is no doubt that these are not textual corruption but rather places which existed such as "Tapnit" (Tavnin), Mé Sefar and Kerach Debar Soama (the fortress of Soemus, the tyrant of the northern part of the Golan in the first century). It seems that these names were not deleted from the inscription because they do not combine in an orderly fashion with the boundary line proposed by the inscription. The subject requires much study and this is not the proper forum for such an undertaking.

#### PERICOPAE 7-8 – THE FRUITS FORBIDDEN IN PANEAS

The pericopae appear in the Palestinian Talmud Demai II 22d and mention only a few fruits. This is rather interesting since the entire Hulah Valley is considered part of Eretz Israel and its fruits should have been forbidden. It can be assumed that most of the consumed agricultural commodities in the plantations of Paneas came from the northern Golan which was considered non-Jewish except for nuts which grew in the high mountains. The nuts grown, it seems, on the Hermon were forbidden as it is written in the inscription. There is no doubt that this section of the inscription reflects the same conditions as the baraita of the boundaries as is clearly seen from the continuation of this section.

#### PERICOPE 8 – FORBIDDEN FRUITS OF CAESAREA

This pericope likewise appears in the Palestinian Talmud Demai II 22c. We learn from the list that the area of Caesarea supplied itself with grain crops, (*ḥallah* must be set aside from them because the grain of areas outside of Eretz Israel also are governed by the requirement of *ḥallah*) vegetables and plantation fruits with the exception of wine and oil which were brought from the mountains and dates which were brought from the Jordan Valley.

#### PERICOPE 9 – THE PERMITTED AREAS OF CAESAREA

In the Talmudic literature a number of boundary lines appear which mark off the permitted area of Caesarea. In the baraita of the boundaries only the city is mentioned.<sup>7</sup> From the Palestinian Talmud Demai II 22c we learn of a long strip along the coast (everyone who sees the sea<sup>8</sup>) and in our section of the inscription here, which also appears in the Palestinian Talmud, the permitted area is described as including a wide area which is identical with the administrative boundaries of the territory of the city of Caesarea. This process testifies to the growth and consolidation of pagan settlements along the coast which fits in well with what is known from other sources.

7. The legal release is significant especially concerning the laws of the defilement of the country of the gentiles. This is clear also from the description of the boundaries of the release in Tosefta Ahilot 18:13.

8. כל דחמי ימא Thus in Ms. Vat.

## PERICOPE 10 – PERMITTED TOWNS IN THE TERRITORY OF SEBASTE

This section does not appear in any other source. It makes clear that the entire area of Sebaste was considered part of Eretz Israel, because as far as the obligations of the commandments dependent upon the land were concerned, the Samaritans were considered Jews. The list itself contains the names of nineteen non-Jewish villages all within the administrative boundaries of Sebaste in the northeastern part of Samaria. It dates from approximately the sixth-seventh centuries because of the following considerations:

- a) Certain of the settlements are known from the fifth-sixth centuries as Samaritan centers.
- b) The administrative term *penta komia* (πέντα κώμια) (the administrative district of the five villages) could only have been established at the end of the Byzantine period. The inscription does not testify to a Jewish settlement in Sebaste because the Samaritans were also obligated to set aside tithes. However, it is known that the Samaritans were not strict in their observance of these commandments. Only Jews would have taken the time to deal with the matter. Thus, there were Jews (in the area of Beisan?) who had business connections with farmers from the area of Sebaste and it was important for them to establish the halakhot in these matters.

### THE DATE OF THE INSCRIPTION

As mentioned above, the mosaic floor and the inscription were discovered in the course of excavating the remains of the local synagogue. No precise date, however, has been offered yet by the excavations. The inscription deals with and summarizes the words of the latest Amoraim of Eretz Israel (for example R. Manah l. 12) and, therefore, should not be dated before the fourth century. Sussmann claimed that the inscription was written in the sixth century or perhaps even later based on early literary traditions. For example, the beginning and conclusion<sup>9</sup> “Shalom” and the phrase “חוששין לך רבותיננו” (1.26). An analysis of the list of the territory of Sebaste strengthens and confirms Sussmann’s claim and, his suggestions should be accepted.

If this is correct, the inscription reflects halakhic life and the manner in which this halakah was written in Eretz Israel after the sealing of the Talmud. Some fragments of Palestinian halakhic compositions have been discovered in the Cairo Genizah and from them a narrow window has been opened for us to further our understanding of the history of the Jews in Eretz Israel at the end of the Byzantine period and at the beginning of the Islamic period.

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9. The beginning and conclusion of sections found in the Palestinian Talmud.

## THE PALESTINIAN TALMUD AND THE INSCRIPTION

One of the central questions in the issue is the relationship between the Palestinian Talmud and the inscription.<sup>10</sup> Most of the material dealt with in the inscription is found also in the Palestinian Talmud but there are certain differences in spelling and in assorted halakhic matters. Generally, the inscription shows that the version of the Palestinian Talmud which we have, is reliable enough, and the sum total of changes is much less than expected. However, there is not an insignificant number of variants. The question is centered around those sentences not in the Palestinian Talmud. There are a number of possible ways to understand this matter:

- a) The inscription is not built upon the text of the Palestinian Talmud but upon popular halakhic tradition (the Palestinian Talmud itself also used such traditions). This possibility cannot be accepted since certain sentences of the inscription are summaries of various opinions in the Palestinian Talmud (ll. 12, 13, 21, 24) proving that the dependence upon the literary source is great.
- b) The inscription used our Palestinian Talmud but made certain errors, thus the inscription is a trustworthy text of our Palestinian Talmud. To this text were added new sections (the territories of Beisan and Sebaste).<sup>11</sup>
- c) The inscription used a different text of the Palestinian Talmud which was subsequently lost. This possibility has been raised also in the past in the course of scholarly deliberation concerning the citation of the Palestinian Talmud by medieval scholars.

The choice between these two latter possibilities has given us a key to the development of the Palestinian Talmud, its citation and the vast importance of the matter. We have no decisive or clearcut answer but it appears that the last possibility should be preferred on account of the following three considerations:

- 1) The variants are too many to be attributed only to variations in copying and changes in text.<sup>12</sup>
- 2) The territory of Caesarea as it appears in the Palestinian Talmud is set up in a correct geographic order while in the inscription the order is corrupted. It is difficult to believe that in the course of the corruption the places were put into the correct order, therefore, it is to be assumed that this order is the original. On the other

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10. Pericopae 3-6 are found also in the Tosefta but this is not the source of the inscription because included between them is a section proving the Palestinian Talmud was utilized (ll. 12-13). See Sussmann, *Tarbiz* 43 (1973-1974) p. 141.

11. The territory of Sebaste reflects, as we have seen, conditions after the sealing of the Talmud and is, of course, not found in the Palestinian Talmud.

12. Sussmann in *Tarbiz* 43 (1973-1974) p. 143 uses only this proof.

hand, it is not logical to assume that the order was corrupted in the inscription. It is thus necessary to conclude that we have before us two different sources, although to a great extent, similar to one another.

3) As we have already pointed out, the baraita of the boundaries reflects only one of the original versions. If the inscription used any of the Palestinian Talmud at all, it follows that in our Palestinian Talmud there is a version slightly different which is also original, as can be shown by the nature of the names which appear in it.

It is not certain, however, that the inscription used this section of the Palestinian Talmud. The section does not appear in Palestinian Talmud Demai, (where the remaining parts of the inscription appear) but in Palestinian Talmud Sheviit. However, the baraita appears in other Tannaitic sources and it is possible that this section is dependent on one of them. Yet, the fact that most of the inscription summarizes the Palestinian Talmud, strengthens the view that here, too, the Palestinian Talmud was used, although one different than ours.

## CHARACTERISTICS OF THE INSCRIPTION'S UTILIZATION OF THE PALESTINIAN TALMUD

It can be assumed that the copy of the Palestinian Talmud which the inscription used is similar to our Palestinian Talmud, thus, it is possible to comprehend the manner of work of the editors of halakhic compositions in Eretz Israel after the sealing of the Talmud. The following components appear:

1) Citation of the existing halakhot while summarizing the deliberations and controversies (ll.12-13, 21, 24). This method is characteristic of the other halakhic compositions discovered.

2) Editing the halakhah in an order which fits the purposes of the editor. This phenomenon is especially prominent in later Midrashim. Usually there is no new material and the work of the editor is felt only in the connective passages or in the order of the passages.

3) Bringing halakhot up to date (the territories of Sebaste and Beisan). It is clear that the author of the inscription did not innovate these halakhot but used existing material. Moreover, "permitting" certain villages is a daring act from a halakhic standpoint. Proof of this is the fact that the Tannaim and Amoraim refused to participate in such acts. If there were Sages who permitted villages at this time, the continuity of scholarship and halakhic creativity would be established. Yet, certain sections of the inscription could have been changed. For example, the withdrawal of Jewish settlements in the Golan (especially in the Feast) should have resulted in a change in the attitude towards the Jewish villages in the area of Naveh. Likewise, the section dealing with the boundaries of Caesarea makes void and brings up to date part of the baraita of the boundaries. The inscription should be seen both as proof of the continuity of halakhic creativity and of its strong dependence upon earlier traditions. This dualism is characteristic of many areas of Jewish creativity in the Middle Ages.

It is clear that the inscription also served decorative purposes. This is not the ideal manner of propagating halakhic information. Together with this, the choice of topic and details testify to an interest in these halakhot and their observance. In any event, all the 'geographic' halakhot from the Talmud were not collected but only those dealing with the area surrounding Beisan. This proves that we are dealing here with practical halakhot and not only theoretical commandments.

## SUMMARY

The Rehov inscription is an especially important discovery. It sheds light on a number of halakhot dealing with the extent of Jewish settlements in Eretz Israel, provides us with new halakhic fragments and opens the way for understanding the manner of life in Eretz Israel during the end of the Byzantine period. There is no doubt that the inscription will continue to occupy many scholars and will make a great contribution to the understanding of the history of Eretz Israel and the history of the Palestinian Talmud.