



D. THE TORAH AND ITS COMMENTATORS ON LAND ACCESS

Bamidbar, or Numbers, is the fourth book in the Torah. It is concerned with how the Israelites became a nation after leaving Egypt and details their exploits while wandering in the desert. At this point in the book, G-d is telling Moses how he should organize the Israelite state. In Chapter 34, G-d tells Moses about the borders of the Israelite nation and names those who will lead the people upon their arrival. In Chapter 35, G-d tells Moses how to care for the Levites, the landless community of Israel. The instructions focus on the creation of communal land near urban centers, to which the Levites will have access.

<p>D1. Bamidbar 35:2-5</p> <p>²Instruct the Israelite people to assign, out of the holdings apportioned to them, towns for the Levites to dwell in; you shall also assign to the Levites pasture land around their towns. ³The towns shall be theirs to dwell in, and the pasture shall be for the cattle they own and all their other beasts. ⁴The pasture that you are to assign to the Levites shall extend a thousand cubits outside the town wall all around. ⁵You shall measure off two thousand cubits outside the town on the east side, two thousand on the south side, two thousand on the west side, and two thousand on the north side, with the town in the center. That shall be the pasture for their towns.</p>	<p>במדבר ל"ה:ב-ה</p> <p>ב צו את בני ישראל ונתנו ללוים מנחלת אֲחֻזָּתָם עָרִים לְשִׁבְתָּ וּמִגְרָשׁ לְעָרִים סְבִיבֹתֵיהֶם תִּתְּנוּ לְלוֹיִם: ג וְהָיוּ הָעָרִים לָהֶם לְשִׁבְתָּ וּמִגְרָשֵׁיהֶם יִהְיוּ לִבְהֵמָתָם וְלָרֶכֶשׁם וְלִכְל חֵיָתָם: ד וּמִגְרָשֵׁי הָעָרִים אֲשֶׁר תִּתְּנוּ לְלוֹיִם מִקִּיר הָעִיר וְחוּצָה אֵלָּהּ אַמָּה סְבִיב: ה וּמִדְּתָם מִחוּץ לְעִיר אֵת פֶּאת קִדְמָה אֶלְפִים בְּאַמָּה וְאֵת פֶּאת נֹבֵב אֶלְפִים בְּאַמָּה וְאֵת פֶּאת יָם אֶלְפִים בְּאַמָּה וְאֵת פֶּאת צָפוֹן אֶלְפִים בְּאַמָּה וְהָעִיר בְּתוֹךְ זֶה יִהְיֶה לָהֶם מִגְרָשֵׁי הָעָרִים</p>
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Rabbi Moshe ben Maimon (1135-1205), better known as Maimonides or Rambam, lived in what are now Spain, Morocco, Israel and Egypt. A prolific philosopher, physician, commentator and legalist, Rambam is best known for composing the Mishneh Torah—the first attempt to assemble a comprehensive catalogue of the laws that appear in the Torah, the Mishnah and the Talmud, arranged according to Rambam’s own topical system. Whereas the Mishnah and the Talmud are characterized by debate, the Mishneh Torah was meant to offer a set of universal norms for Jewish law and practice.



<p>D2. Rambam, Mishneh Torah: Laws of Shmita and Yovel 13:2-3</p> <p><i>Halakbah 2</i> [The extent of] the open land of the cities [to be given to the Levites] is already specified in the Torah as being three thousand cubits [approximately 0.85 miles] in every direction from the city wall outward, as it is said: “A thousand cubits outside the town wall all around,” [Bamidbar 35:4] and elsewhere, “You shall measure off two thousand cubits outside the town on the east side...” [Bamidbar 35:5]. The first thousand [cubits] are open land, and the two thousand [cubits] that are measured outside the open land are for fields and vineyards.</p> <p><i>Halakbah 3</i> They should place the cemetery for each city outside this boundary, for they do not bury their dead within their cities, as it is said: “Their pasture shall be for their cattle, their livestock [i.e., their property] and their animals [i.e., their sustenance]” [Bamidbar 35:3]. They gave [these lands] “for sustenance,” not for burial.</p>	<p>רמב"ם משנה תורה הלכות שמיטה ויובל פרק י"ג</p> <p>הלכה ב מגרשי הערים כבר נתפרשו בתורה שהם שלשת אלפים אמה לכל רוח מקיר העיר וחוצה שנאמר מקיר העיר וחוצה אלף אמה סביב, ולהלן הוא אומר ומדותם מחוץ לעיר את פאת קדמה אלפים באמה וגו'; אלף הראשונים מגרש ואלפים שמודרין חוץ למגרש לשדות וכרמים.</p> <p>הלכה ג ונותנין לכל עיר בית הקברות חוץ לתחום זה, שאין קוברין מתיהם לתחום עריהם שנאמר ומגרשיהם יהיו לבהמתם ולרכושם ולכל חייתם לחיים נתנו ולא לקבורה</p>
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Discussion Questions

1. In Bamidbar 35:2-5, suggestions are made for the structure of a community of Levites, who were not allowed to be property owners. What was the purpose of these instructions? What was the communal land to be used for? (Building? Farming?) How does this instruction help us understand what needs the Levites had?
2. How does Rambam develop the ideas from Bamidbar? What was the communal land to be used for? What needs do the Levites have, according to this text?
3. How does the allocation of public land work in your community? Who makes these decisions? Who has easy access to this public land?
4. Reflect on the nature of public land in your community (city parks, freeway green strips, the green space on sidewalks) and on reclaimed productive spaces (abandoned lots and urban farm spaces). How does the way that urban public space compare with the way that communal land is dedicated in Bamidbar?



Vayikra, or Leviticus, is the third book of the Torah. Primarily a compilation of legal and ritual material, Vayikra establishes rules for sacrifices, the priesthood, ritual impurity and purification (including the laws of kasbrut), and the so-called Holiness Code, which establishes social and ritual norms for the average Israelite. Chapter 25, which appears toward the end of the Holiness Code, establishes the observance of Yovel (Jubilee): At the end of a 49-year-cycle, any lands sold in Eretz Yisrael must be returned to their original owners. Houses in walled cities are an exception: After a year passes, they become the permanent property of their new owner. Vayikra 25:32-34 establishes that the landless Levites represent an exception to this exception.

<p>D3. Vayikra 25:32-34</p> <p>³²As for the cities of the Levites, the houses in the cities they hold—the Levites shall forever have the right of redemption. ³³Such property as may be redeemed from the Levites—houses sold in a city they hold—shall be released through the jubilee; for the houses in the cities of the Levites are their holdings among the Israelites. ³⁴But the pasture land about their cities cannot be sold, for that is their holding for all time.</p>	<p style="text-align: right;">ויקרא כ"ה:ל"ב-ל"ד</p> <p style="text-align: center;"> כב ויזרעתם את השנה השמינית ואכלתם מן התבואה ישן עד השנה התשיעת עד בוא תבואתה תאכלו ישן: כג והארץ לא תמכר לצמנת כי לי הארץ כי גרים ותושבים אתם עמדי: כד ובכל ארץ אחזתכם גאלה תתנו לארץ: </p>
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Rabbi Samson Raphael Hirsch (1808-1888) was a prominent German rabbi whose writings laid the foundations for much of Modern Orthodoxy. His German-language commentary on the Torah combined a deep command of and commitment to Jewish tradition with elements of modern biblical scholarship and a concern for contemporary Jewish life.

<p>D4. Rabbi Samson Raphael Hirsch on Vayikra 25:34</p> <p>Precisely because it [the city with its open spaces] has been given to them for all the generations, no generation is permitted to change it as it sees fit. The present generation is not the sole ruler over it, but the future generations are equal in their rights, and each is required to bequeath it to future generations in the same state in which they received it.</p> <p>It appears that these laws are designed to maintain an urban population with a connection to agriculture... [They] served to prevent cities from growing into metropolises cut off from the fields [from their agrarian roots].</p>



Discussion Questions

1. What is the conception of property—private property and the public commons—articulated in Vayikra? What values and concerns do you think underlie this conception?
2. Does Rabbi Hirsch's commentary understand the meaning, concerns and values of the biblical text? Do you agree with his interpretation?
3. According to these texts (Bamidbar, Vayikra, and the commentaries by Rambam and Rav Hirsch), who has control over land? What model(s) of land use or land ownership do these texts articulate? How might these different models affect access to food? (What kinds of food? For whom?)
4. According to some of these four texts, why do the Levites need access to land? (For sustenance and cultivation, for lifecycle events, for emotional/spiritual connections to the Earth, etc.?) Do you relate to one of these perspectives over others? Why?
5. Compare Rabbi Hirsch's view of the importance of agriculture to urban populations to the attitudes expressed "Farming the Concrete Jungle." Do current urban farms address Rabbi Hirsch's concerns? Do you think he understands and appreciates the needs of contemporary urban populations?