

The Soncino Babylonian Talmud



SHEVI'IS

TRANSLATED INTO ENGLISH
WITH NOTES

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Chapter 1

MISHNAH 1. UNTIL WHEN MAY AN ORCHARD¹ BE PLOWED IN THE SIXTH YEAR?² BETH SHAMMAI SAY: AS LONG AS SUCH WORK WILL BENEFIT THE FRUIT;³ BUT BETH HILLEL SAY: TILL PENTECOST.⁴ [IN FACT] THE VIEWS OF ONE [SCHOOL] APPROXIMATE THE OTHER.⁵

MISHNAH 2. WHAT CONSTITUTES AN ORCHARD? ANY FIELD TO WHICH THERE ARE AT LEAST THREE TREES TO EVERY SE'AH.⁶ IF EACH TREE BE CAPABLE⁷ OF A YIELD OF A TALENT OF PRESSED FIGS, BEING SIXTY MANEH⁸ OF THE ITALIAN [SYSTEM] IN WEIGHT, THEN THE ENTIRE AREA MAY BE PLOWED FOR THEIR SAKE.⁹ IF LESS THAN THIS AMOUNT,¹⁰ THEN ONLY SUCH AREA MAY BE PLOWED THAT IS ACTUALLY OCCUPIED BY THE GATHERER WHEN HIS BASKET¹¹ , IS PLACED BEHIND HIM.¹²

MISHNAH 3. WHETHER THEY BE FRUIT-BEARING TREES OR NON-FRUIT-BEARING TREES,¹³ THEY ARE TREATED AS FIG-TREES; AND IF THEY ARE ABLE TO YIELD A CAKE OF PRESSED FIGS, SIXTY MANEH OF THE ITALIAN [SYSTEM] IN WEIGHT,¹⁴ THEN THE WHOLE AREA OF THE SE'AH MAY BE PLOWED ON THEIR ACCOUNT.¹⁵ IF NOT, ONLY SUCH AREA MAY BE PLOWED THAT IS ESSENTIAL FOR THEM.¹⁶

MISHNAH 4. IF ONE TREE IS CAPABLE OF BEARING A CAKE OF DRIED FIGS, AND THE OTHER TWO UNABLE; OR, IF TWO CAN DO SO, BUT ONE CANNOT, THEN PLOWING IS PERMITTED ONLY WITHIN SUCH AREA ESSENTIAL FOR EACH OF THEM [THIS IS THE RULE IF THE NUMBER OF TREES IS] FROM THREE TO NINE;¹⁷ BUT IF THERE WERE TEN TREES OR MORE, THE WHOLE AREA MAY ON THEIR ACCOUNT BE PLOWED, IRRESPECTIVE OF THE FACT WHETHER THEY BEAR FRUIT OR NOT.¹⁸ BECAUSE IT SAYS: 'IN PLOWING-TIME AND IN HARVEST, THOU SHALT REST'.¹⁹ NOW IT WAS UNNECESSARY TO SPEAK OF

PLOWING AND HARVESTING IN THE SEVENTH YEAR,²⁰ BUT [WHAT IT MEANS IS] THE PLOWING OF THE YEAR PRECEDING, WHICH ENCROACHES ON THE SABBATICAL YEAR, AND THE HARVEST OF THE SEVENTH YEAR WHICH EXTENDS INTO THE YEAR AFTER. R. ISHMAEL SAYS:²¹ JUST AS PLOWING IS AN OPTIONAL ACT,²² SO HARVESTING REFERS TO SUCH AS IS OPTIONAL, THUS EXCLUDING THE HARVESTING OF THE OMER²³ [WHICH IS OBLIGATORY].

MISHNAH 5. IF THREE TREES BELONG TO THREE PERSONS, THEY ARE INCLUDED TOGETHER AND THE WHOLE AREA OF THE SE'AH MAY BE PLOWED ON THEIR ACCOUNT.²⁴ WHAT SPACE SHOULD THERE BE BETWEEN THEM?²⁵ R. GAMALIEL SAID: SUFFICIENT FOR THE DRIVER OF THE HERD²⁶ TO PASS THROUGH WITH HIS IMPLEMENTS.²⁷

MISHNAH 6. IF TEN SAPLINGS ARE SCATTERED OVER THE ENTIRE AREA OF A SE'AH, ONE MAY PLOW THE WHOLE SPACE OF THE SE'AH,²⁸ EVEN UNTIL THE NEW YEAR;²⁹ BUT IF THEY WERE ARRANGED IN A ROW AND SURROUNDED BY A FENCE,³⁰ THEN ONLY SUCH PLOWING IS PERMITTED THAT IS ESSENTIAL TO THEM.³¹

MISHNAH 7. SAPLINGS AND GOURDS MAY BE INCLUDED³² WITHIN THE SE'AH'S SPACE. R. SIMEON B. GAMALIEL SAYS: ONE MAY PLOW THE WHOLE SPACE UNTIL THE NEW YEAR WHEN THERE ARE TEN GOURDS TO THE SE'AH.³³

MISHNAH 8. TILL WHEN ARE THEY TERMED SAPLINGS?³⁴ R. ELEAZAR B. AZARIAH SAYS: UNTIL THEY ARE PERMITTED FOR COMMON USE;³⁵ BUT R. JOSHUA SAYS: UNTIL THEY ARE SEVEN YEARS OLD. R. AKIBA SAYS: [THE WORD] SAPLING MUST BE TAKEN LITERALLY.³⁶ IF A TREE HAD BEEN FELLED AND PRODUCED FRESH SHOOTS OF ONE HANDBREADTH OR LESS, THEY ARE REGARDED AS SAPLINGS;³⁷ IF OF MORE

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THAN A HANDBREADTH THEY ARE REGARDED AS TREES. SO R. SIMEON.

- (1) Lit., 'a field with trees'; opp. To שדה לבן, 'a field of white', 'a bright, shadeless field, sown with grain or vegetables.
- (2) Lit., 'on the eve of the seventh year'. Like the weekly Sabbath, the Sabbatical year also cast a foreglow of sanctity on the preceding year. This was to safeguard the inviolability of the holy day or year itself.
- (3) That will ripen in the sixth year; but all work must cease as soon as the fruit of the sixth year no longer needs attention.
- (4) All work after this period being considered as intended to benefit the crop of the seventh year. Were it a vegetable field (שדה לבן) work could only be done until Passover, v. infra II, 1. This is the earlier teaching; later legislation enacted for post-Temple times, however, permitted labor till the New Year itself.
- (5) Though Beth Hillel's view would still be the more lenient, in accordance with their usual tradition.
- (6) An area of 2,500 square cubits. Normally, such a space contains ten trees, each within a square of sixteen cubits.
- (7) Considering its size, and even if not actually bearing such a crop. Maim, and others interpret: 'If the three trees together are capable'.
- (8) A gold or silver weight equal to a hundred common, or fifty sacred, shekels; v. Bek. 5a.
- (9) Till Pentecost.
- (10) Viz., than sixty maneh in the Italian system.
- (11) In which figs picked were placed.
- (12) Lit., 'outside' him'. More space is thus needed than if he had placed the basket in front of him; i.e., between him and the tree. Outside this area, the orchard is placed in the category of a vegetable field, to be plowed until Passover.
- (13) Namely, the three trees above-mentioned. The phrase אילן טרק is defined in Kil. VI, 5 as fruitless trees.
- (14) The fruit of the fig-tree is large and abundant, hence this seemingly large criterion.
- (15) The stems of fruitless trees are made thicker by plowing.
- (16) I.e., for the gatherer and his basket, when deposited behind him.
- (17) Within a se'ah's area.
- (18) Even if they do not yield the amount above stipulated.
- (19) Ex. XXXIV, 21. Context is Sabbath observance, but since there was no point in saying that one must not plow on the Sabbath, when all kinds of work are forbidden, the verse was applied to plowing and harvesting of the seventh year, and even of the sixth year after periods duly prescribed.

- (20) Since this is specifically stated in Lev. XXV, 3ff.
- (21) That verse quoted applies indeed to the Sabbath.
- (22) Neither plowing nor harvesting are found as obligatory commands, and therefore are never permitted on Sabbath.
- (23) And consequently overrides even the Sabbath; Men. X, 9; Mak. 8b.
- (24) As if there were only one proprietor; supra I, 2.
- (25) Between each tree.
- (26) Reading בקר nomen agentis. Aliter: for oxen and yoke to pass through; reading בקר 'herd'.
- (27) About four cubits; 'Er. III, 1. If less than this space separates each tree, it is obvious that trees are needed more for their wood than for their fruit. The more space that exists, the better will be the quality of the fruit.
- (28) Whereas three trees constituted an orchard (supra I, 2). of saplings there must be ten in this area, and each equidistant from the other.
- (29) In order to safeguard the saplings that they might not wither. V. Ta'an. 3a.
- (30) Being thus arranged and fenced in, work done would be interpreted as intended not for the trees but for the soil, for the purpose of the Sabbatical year.
- (31) Namely, sufficient space for the gatherer and his basket behind him; the rest is treated as a vegetable field.
- (32) To complement the number of saplings required in the preceding Mishnah. The Greek gourd is meant, which is as large as a young tree. Bert. stipulates that saplings have to be in a majority of 6:4.
- (33) With no saplings whatsoever; regarding the gourds as tantamount to saplings.
- (34) So that plowing should be allowed for the whole area until New Year.
- (35) In the fourth year, when they cease to be 'Orlah (v. Glos.) Lev. XIX, 23. They are then 'redeemed', their equivalent in money plus one fifth of their value being set apart. After this, they were then fit for common use. The fruit had to be consumed in Jerusalem, wherever possible; but should distance prevent, then their money equivalent was spent there. Fruit not redeemed in the fourth year, automatically became fit for common use in the fifth year.
- (36) I.e., if in its first year; maintaining that after this it is called a tree.
- (37) Both as regards plowing in the seventh year and also with regard to 'Orlah.

Chapter 2

MISHNAH 1. UNTIL WHEN MAY A GRAIN-FIELD₁ BE PLOWED IN THE SIXTH YEAR?

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UNTIL THE MOISTURE HAS DRIED UP IN THE SOIL;² OR AS LONG AS MEN STILL PLOW IN ORDER TO PLANT CUCUMBERS AND GOURDS.³ SAID R. SIMEON: IN THIS CASE YOU ARE PLACING THE LAW IN THE HANDS OF EACH MAN?⁴ NO; [THE PRESCRIBED PERIOD] IN THE CASE OF A GRAIN-FIELD⁵ IS UNTIL PASSOVER, AND IN THE CASE OF AN ORCHARD,⁶ TILL PENTECOST.⁷

MISHNAH 2. BEDS OF CUCUMBERS AND GOURDS MAY BE MANURED⁸ AND HOED⁹ UNTIL THE NEW YEAR;¹⁰ SO, TOO, MAY FIELDS THAT MUST BE IRRIGATED.¹¹ ONE MAY REMOVE PARASITIC EXCRESCENCES FROM TREES,¹² STRIP OFF LEAVES,¹³ COVER ROOTS WITH POWDER,¹⁴ AND FUMIGATE PLANTS.¹⁵ R. SIMEON SAYS: ONE MAY ALSO REMOVE LEAVES¹⁶ FROM A GRAPE CLUSTER EVEN IN THE SEVENTH YEAR ITSELF.¹⁷

MISHNAH 3. STONES MAY BE CLEARED AWAY UNTIL THE ADVENT OF THE NEW YEAR.¹⁸ TREES MAY BE TRIMMED,¹⁹ NIPPED,²⁰ AND THE DRY TWIGS LOPPED OFF UNTIL THE NEW YEAR. R. JOSHUA SAYS: JUST AS ONE MAY TRIM AND SNIP IN THE FIFTH YEAR [TO AID GROWTH IN THE SIXTH]. SO MAY ONE PERFORM THIS WORK IN THE SIXTH YEAR [IN PREPARATION FOR THE SEVENTH];²¹ BUT R. SIMEON SAYS: AS LONG AS I MAY LEGALLY TEND THE TREE ITSELF, SO LONG MAY I LOP OFF THE BRANCHES THEREOF.²²

MISHNAH 4. SAPLINGS MAY BE BESMEARED, ²³ WRAPPED ROUND,²⁴ AND TRIMMED,²⁵ AND UNTIL THE NEW YEAR ONE MAY ALSO CONSTRUCT FOR THEM SHELTERS²⁶ AND IRRIGATE THEM.²⁷ R. ELEAZAR B. ZADOK SAYS: THE FOLIAGE MAY EVEN BE WATERED IN THE SEVENTH YEAR ITSELF, BUT NOT THE ROOTS THEMSELVES.²⁸

MISHNAH 5. UNRIPE FIGS MAY BE SMEARED WITH OIL²⁹ OR PIERCED³⁰ UNTIL

THE NEW YEAR; BUT THOSE OF THE SIXTH YEAR³¹ WHICH REMAIN UNPLUCKED UNTIL THE SEVENTH YEAR, OR OF THOSE OF THE SEVENTH YEAR WHICH REMAIN UNPLUCKED UNTIL THE EIGHTH, MUST NOT BE SMEARED OR PLUCKED.³² R. JUDAH SAYS: IN PLACES WHERE IT IS THE CUSTOM TO DO SO,³³ ONE MAY NOT SMEAR [THE FIGS], SINCE THAT WOULD BE CONSIDERED WORK; BUT WHERE THIS WAS NOT DONE, THEN PERMISSION WAS GIVEN TO ONE TO DO SO. R. SIMEON PERMITTED ANY KIND OF WORK IN CONNECTION WITH THE TREE ITSELF,³⁴ BECAUSE ALL WORK BENEFITING THE TREE WAS LEGAL.

MISHNAH 6. ONE MAY NOT PLANT, ENGRAFT³⁵ TREES, NOR SINK [VINE-SHOOTS]³⁶ IN THE SIXTH YEAR³⁷ WITHIN THIRTY DAYS OF THE NEW YEAR. IF HE HAS DONE SO, HE MUST UPROOT THEM ALL. R. JUDAH SAYS: ANY GRAFTING THAT HAS NOT TAKEN ROOT WITHIN THREE DAYS WILL NEVER DO SO. R. JOSE AND R. SIMEON SAY: TWO WEEKS.³⁸

MISHNAH 7. RICE, MILLET, PANIC³⁹ AND SESAME⁴⁰ THAT HAD TAKEN ROOT BEFORE THE NEW YEAR MUST BE TITHED⁴¹ ACCORDING TO THE PREVIOUS YEAR,⁴² AND BECOME PERMISSIBLE IN THE SEVENTH YEAR.⁴³ IF THEY DID NOT,⁴⁴ THEN THEY ARE FORBIDDEN IN THE SEVENTH YEAR, AND ARE TITHED ACCORDING TO THE YEAR FOLLOWING.⁴⁵

MISHNAH 8. R. SIMEON SHEZURI⁴⁶ SAID: EGYPTIAN BEANS SOWN ORIGINALLY AS SEED ONLY,⁴⁷ FOLLOW A LIKE PROCEDURE.⁴⁸ R. SIMEON SAYS: ALSO LARGE BEANS⁴⁹ FOLLOW A LIKE PROCEDURE; BUT R. ELIEZER SAYS: [THIS IS SO] IN THE CASE OF LARGE BEANS ONLY IF THEY BEGAN TO FORM PODS⁵⁰ BEFORE THE NEW YEAR.

MISHNAH 9. SEEDLESS ONIONS⁵¹ AND EGYPTIAN BEANS⁵² FROM WHICH WATER HAS BEEN WITHHELD FOR THIRTY DAYS

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PRIOR TO NEW YEAR⁵³ ARE TITHED IN ACCORDANCE WITH THE YEAR PRECEDING,⁵⁴ AND BECOME PERMITTED IN THE SEVENTH YEAR. IN OTHER CASES THEY ARE FORBIDDEN IN THE SEVENTH,⁵⁵ AND ARE TITHED IN ACCORDANCE WITH THE YEAR FOLLOWING. [A SIMILAR PROCEDURE IS FOLLOWED] SAYS R. MEIR, IN THE CASE OF A NATURALLY-WATERED FIELD⁵⁶ FROM WHICH TWO SEASONS⁵⁷ OF RAIN HAVE BEEN WITHHELD; BUT THE SAGES SAY: THREE.

MISHNAH 10. IF GOURDS HAD BEEN KEPT FOR SEED⁵⁸ AND THEY HAD HARDENED BEFORE THE NEW YEAR, THUS BECOMING UNFIT FOR HUMAN FOOD, THEY MAY BE LEFT GROWING DURING THE SEVENTH YEAR; OTHERWISE, THEY MUST NOT BE KEPT IN THE SEVENTH YEAR.⁵⁹ THEIR BUDS⁶⁰ ARE FORBIDDEN IN THE SEVENTH YEAR.⁶¹ THE SOIL OF 'A WHITE FIELD' MAY BE IRRIGATED;⁶² SO R. SIMEON; BUT R. ELEAZAR B. JACOB FORBIDS. THE SOIL OF A RICE FIELD MAY BE STIRRED⁶³ IN THE SABBATICAL YEAR [WITH WATER]. R. SIMEON SAYS: BUT [THE RICE-PLANTS] MAY NOT BE TRIMMED.⁶⁴

- (1) Lit., 'field of white'; v. supra I, 1, n. 1.
- (2) After Passover, when rains cease.
- (3) That need much moisture in order to expedite their ripeness before the dawn of the seventh year. After this period work is forbidden.
- (4) For one person will claim that the moisture in his soil has dried up and the other will claim to the contrary; not all soil being of even nature.
- (5) Sown after plowing requiring more moisture.
- (6) Which does not need much plowing, and all that is required is to enable the rain to descend to the soil.
- (7) V. supra I, 1, n. 4.
- (8) Manure is formed from the garbage of foliage that had been piled up.
- (9) I.e., to dig around the roots of the trees. Only such work being permitted at the approach of the Sabbatical year as is essential for the fruit of the sixth year. Work calculated to improve the tree itself is forbidden, unless it be such work that is prohibited in the seventh year by Rabbinical decree.
- (10) The Biblical prohibition of Sabbatical year only embraces such labor as plowing, sowing,

reaping, pruning and gleaning. According to Maim., plowing itself is only of Rabbinical origin.

(11) בית השלחין. Opp, to בית הבעל, a naturally irrigated field; v. M.K. 2a. Cucumbers must have plenty of moisture in the soil.

(12) Heb. יבלת, a withered excrescence on trees, or a wart on the skin.

(13) To lighten the burden of the tree.

(14) To enhance fertility of plants.

(15) So as to stay the worms gnawing around them.

(16) That had withered.

(17) If it would damage the cluster itself. R. Simeon is of the opinion that such work does not directly benefit the tree itself.

(18) Even if the stones were piled one on top of the other to resemble some construction: loose, isolated stones could of course be removed without the slightest qualms; infra III, 7.

(19) V. Ps. LXXX, 14. Maim. translates: Cut the ears off, leaving only the stems.

(20) When shoots abound, they are clipped to accelerate and strengthen their growth.

(21) Could proof be clearer that his work is intended solely for the sixth year?

(22) Namely, until Pentecost.

(23) With rancid oil to ward off vermin. According to last, it means 'to cover a wound in a tree with dung and tie it up'.

so that the tree improves and becomes strong.

(24) With rags as protection against heat and cold.

(25) מקטמין Suk. 29b. Aliter: And covered with powder washes; cf. supra 2.

(26) A booth-construction whereby to protect tender saplings from spells of heat and cold, heavy downpours or storms that might blight the fruit. Others: a fence-like arrangement, a cubit in height, filled with soil, to aid the tree's growth.

(27) By pouring water on them so that their roots may receive the needed moisture. Because such work, even in the seventh year, was only due to Rabbinical prohibition, no ban was placed on it being performed in the sixth year.

(28) For this would be to encourage work in the Sabbatical year ordinarily performed in the sixth year, and it is essential that distinction should be made.

(29) To accelerate their ripeness.

(30) Either to lubricate them from within, or to expedite growth by allowing rain to soak them thoroughly.

(31) That usually ripen in Tishri of the seventh year.

(32) Since they had not ripened in the seventh year even after oiling in the sixth, they must not be oiled in the seventh to facilitate their full growth in the eighth year.

(33) To smear or pierce unripe figs in the sixth year.

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(34) Refers to unripe figs of the seventh year that are still on the tree in the eighth year. Though such work in the eighth year was permitted, yet fruit of the seventh year could not be eaten till the fifteenth of Shebat of the eighth year.

(35) Lit., 'to form a tree'; viz., to bend a vine by driving it into the ground, and making it grow forth as an independent plant.

(36) Lit., 'causing one branch to ride on another of the same kind'; another form of engrafting.

(37) Even after Temple times. Laws of the Sabbatical year must not be forgotten.

(38) These periods are apart from the thirty days before the New Year within which no work may be done.

(39) Lat. panicum; a genus of grasses including Italian millet. According to Bert. it is a kind of pomegranate, filled with seed which can be heard rattling from within.

(40) Very copious in Palestine.

(41) In an ordinary year.

(42) Thus if the previous year was the first, second, fourth or fifth of the Sabbatical cycle, the First and Second Tithe must be given; and if it was the third, then both the First Tithe and the Poor Man's Tithe must be given; R.H. 14a.

(43) Since they took root in the sixth year, the sanctity of the seventh year does not apply to them.

(44) Take root before the New Year.

(45) I.e., of the year they are plucked. Should this be the seventh year itself, they are not to be tithed at all, since the sanctity of the Sabbatical year already applies to them. Tithing is due in the case of trees from their moment of blossoming, of vegetables as soon as they had been picked, and in the case of grain and olives after they had become a third ripe, but in the case of rice, etc. the time is when they have taken root. Being planted at the same time, the flowering of roots is also identical.

(46) So named after his birth-place, Shezur.

(47) Never intending to use them as food.

(48) Described in the Mishnah preceding; i.e., when they have taken root, and not when plucked, as in the case of vegetable and edible produce.

(49) Kil. III, 2 includes them with vegetables.

(50) Tithing is due when beans harden, and appear encased in a kind of bag.

(51) Lit., 'eunuchs'. Unlike other species of onion that are kept in the soil in order to yield seed, the shallot onion is the fruit itself, and is seedless.

(52) Sown for food, and grown after irrigation. Had they been sown for seed, tithing would have been due from the time of taking root, even if they had not been watered; cf. supra 8.

(53) They now become as naturally watered fields dependent on rain.

(54) Following the practice of trees and grain, and not of vegetables that are watered by hand and tithed according to the year when they are

gathered. This law is derived from a comparison of phrase between 'threshing-floor' and 'wine-press' (גרן ויקב), produce of which depends on rainfalls and tithed in accordance with the preceding year. Vegetables that need hand-irrigation are regarded as naturally watered fields if water has been withheld from them.

(55) Since they are still moist when the New Year dawns, it would seem as if they had been watered in the Sabbatical year. Other vegetables do not share this distinction.

(56) Independent of hand-irrigation, but relying on the winter rainfalls. The term נעל is still correct among the Arab felaheen.

(57) I.e., the two usual spells when rain might normally have been expected, a period longer than thirty days.

(58) Left growing in the soil

(59) Even for seed. All Sabbatical year produce must be 'removed'; they may be kept only when they become unfit for human food.

(60) Lit, 'palms'; the efflorescence on gourds resembles palm-leaves; Suk. 33a.

(61) Like all other things that grow of their own accord in that year; cf. infra IX, 1.

(62) In the sixth and seventh years, so that vegetables may ripen before the dawn of the Sabbatical year. The law was modified in the case of damage accruing to the former, so that irrigation was allowed in the seventh year to enable vegetables to ripen in the eighth year.

(63) A rice-field requires a good soaking, so that the soil becomes well-kneaded; cf. Yoma 43b.

(64) Calculated to benefit the growth of the rice.

Chapter 3

MISHNAH 1. WHEN MAY MANURE BE BROUGHT OUT TO THE DUNG-HEAPS?¹ R. MEIR SAYS: TILL SUCH TIME WHEN THE LABOURERS HAVE CEASED;² BUT R. JUDAH OPINES TILL THE MANURE³ HAS DRIED UP.⁴ R. JOSE SAYS: TILL [THE DUNG DRIES] INTO KNOTTY EXCRESCENCES.⁵

MISHNAH 2. WHAT QUANTITY OF DUNG MAY BE DEPOSITED?⁶ THREE DUNG-HEAPS TO EVERY SE'AH, [CONSISTING OF] TEN BASKETS [OF FOLIAGE]⁷ OF A LETHEK⁸ EACH. YOU MAY ADD TO THE NUMBER OF BASKETS,⁹ BUT NOT TO THE NUMBER OF HEAPS.¹⁰ R. SIMEON SAYS: ALSO TO THE NUMBER OF HEAPS.¹¹

MISHNAH 3. A MAN MAY DEPOSIT IN HIS FIELD THREE DUNG-HEAPS TO EVERY SE'AH-SPACE, SO R. SIMEON;¹² MORE THAN

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THIS,¹³ HE MUST ARRANGE IN THE FORM OF A TRIPOD.¹⁴ THE SAGES FORBID UNLESS HE DEPOSITS [THEM] THREE [HANDBREADTHS] BELOW OR ABOVE.¹⁵ A MAN MAY PILE UP ALL THE MANURE INTO ONE [LARGE] STORE;¹⁶ R. MEIR FORBIDS, UNLESS HE DEPOSITS [THEM] EITHER THREE [HANDBREADTHS] BELOW OR ABOVE [THE SOIL].¹⁷ IF HE HAD A LITTLE PILE, HE MAY CONSTANTLY ADD TO IT.¹⁸ R. ELEAZAR B. AZARIAH FORBIDS¹⁹ UNLESS HE DEPOSITS [IT] THREE [HANDBREADTHS] BELOW OR ABOVE THE SOIL, OR HE DEPOSITS [IT] ON ROCKY GROUND.²⁰

MISHNAH 4. HE WHO ALLOWS CATTLE TO CHANGE FOLDS WITHIN HIS FIELDS,²¹ MUST MAKE AN ENCLOSURE TWO SE'AH'S IN AREA.²² HE THEN PULLS OUT THREE SIDES THEREOF,²³ AND LEAVES THE MIDDLE SIDE; HE WILL THEN POSSESS A FOLD OF FOUR SE'AH'S SPACE²⁴ R. SIMEON B. GAMALIEL SAYS: EVEN ONE OF EIGHT SE'AH'S [MAY BE USED].²⁵ IF HIS ENTIRE FIELD IS ONLY FOUR SE'AH'S IN AREA, HE MUST ALLOW A PORTION THEREOF TO REMAIN [UNENCLOSED] FOR APPEARANCE'S SAKE.²⁶ AND HE MAY TAKE THE DUNG²⁷ FROM THE ENCLOSURE, AND SPREAD ACROSS HIS FIELD IN THE MANNER OF THOSE WHO MANURE THEIR FIELDS.²⁸

MISHNAH 5. A MAN MAY NOT OPEN A STONE-QUARRY WITHIN HIS FIELD FOR THE FIRST TIME,²⁹ UNLESS THERE BE THEREIN THREE LAYERS [OF HEWN STONES], EACH THREE [CUBITS LONG], THREE WIDE AND THREE HIGH, TOGETHER MAKING TWENTY-SEVEN STONES.³⁰

MISHNAH 6. A WALL OF TEN STONES, EACH A LOAD FOR TWO MEN, MAY BE REMOVED [PROVIDED] THAT THIS WALL IS [AT LEAST] TEN HANDBREADTHS HIGH;³¹ LESS THAN THAT,³² IT IS REGARDED AS A QUARRY, AND IT IS TO BE RAZED³³ WITHIN ONE HANDBREADTH OF THE GROUND.³⁴

THIS REFERS ONLY TO [THE REMOVAL] FROM HIS OWN FIELD;³⁵ BUT FROM THAT OF ANOTHER, HE MAY REMOVE WHATEVER HE WISHES.³⁶ THIS APPLIES ONLY TO A CASE WHERE THE REMOVAL [OF THE STONES] WAS NOT BEGUN BEFORE THE SIXTH YEAR; BUT IF HE HAD BEGUN IN THE SIXTH YEAR, HE MAY REMOVE WHATEVER HE PLEASES.³⁷

MISHNAH 7. STONES WHICH THE PLOWSHARE HAS STIRRED UP,³⁸ OR WHICH HAD BEEN HIDDEN AND ARE NOW LAID BARE, MAY BE REMOVED IF THERE BE AMONG THEM AT LEAST TWO, [EACH] THE LOAD OF TWO MEN.³⁹ HE WHO REMOVES⁴⁰ STONES FROM A FIELD MAY REMOVE ONLY THE TOP LAYERS, BUT MUST LEAVE THOSE TOUCHING THE GROUND.⁴¹ AND LIKEWISE IN THE CASE OF A HEAP OF PEBBLES, OR A PILE OF STONES; HE MAY REMOVE THE TOP LAYERS BUT MUST LEAVE THOSE TOUCHING THE GROUND. IF, HOWEVER, THERE IS BENEATH THEM ROCKY SOIL OR STUBBLE,⁴² THEY MAY BE REMOVED.

MISHNAH 8. STEPS⁴³ LEADING TO RAVINES MUST NOT BE CONSTRUCTED IN THE SIXTH YEAR AFTER THE CESSATION OF THE RAINFALLS; FOR THIS WOULD BE [A CASE OF] IMPROVING THE FIELDS FOR THE SEVENTH YEAR. IN THE SEVENTH YEAR ITSELF, THEY MAY BE BUILT EVEN AFTER THE RAINS HAVE CEASED, SINCE SUCH AN ACT WILL BENEFIT THE FIELD IN THE EIGHTH YEAR. THEY [THE STEPS] MAY NOT BE BLOCKED WITH EARTH,⁴⁴ BUT ONLY MADE IN A LOOSE EMBANKMENT.⁴⁵ ANY STONE WHICH CAN BE TAKEN BY THE MERE STRETCHING OUT OF A HAND,⁴⁶ MAY BE REMOVED.⁴⁷

MISHNAH 9. SHOULDER-STONES MAY BE REMOVED FROM ANY PLACE,⁴⁸ AND THEY MAY BE BROUGHT BY A CONTRACTOR⁴⁹ FROM ANYWHERE.⁵⁰ THESE ARE SHOULDER-STONES: SUCH AS CANNOT BE HELD WITH ONE HAND;⁵¹ SO R. MEIR. BUT R. JOSE SAYS: THE NAME IS TO BE TAKEN

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LITERALLY, NAMELY, SUCH STONES AS CAN BE CARRIED ON A MAN'S SHOULDER, EITHER TWO OR THREE AT A TIME.

MISHNAH 10. IF ONE MAKES A FENCE BETWEEN HIS OWN PROPERTY AND THAT BELONGING TO THE PUBLIC DOMAIN, HE IS ALLOWED TO DIG DOWN TO ROCK LEVEL.⁵² WHAT SHOULD HE DO WITH THE SOIL? HE MAY PILE IT UP IN THE PUBLIC DOMAIN,⁵³ AND AFTERWARDS REPAIR IT.⁵⁴ SO R. JOSHUA. R. AKIBA SAYS: JUST AS NO DAMAGE MAY BE DONE TO A PUBLIC DOMAIN, SO MAY ONE NOT RESTORE IT TO ORDER.⁵⁵ THEN WHAT SHOULD HE DO WITH THE SOIL [DUG UP]? HE HEAPS IT UP IN HIS OWN FIELD IN THE MANNER OF THOSE WHO BRING OUT DUNG [FOR MANURE].⁵⁶ IT IS LIKEWISE WHEN ONE DIGS A WELL, A TRENCH OR A CAVE.⁵⁷

(1) Till what time in the seventh year may the field be manured to benefit the produce of the eighth year? Manure used to be collected in one spot during the seventh year, and when it became a huge pile was scattered across the field.

(2) עובדי עבודה, work in the fields. Var. lec. עובדי עברה, referring to those who contravene the Sabbatical laws.

(3) Lit., 'sweetness', because it imparts flavor and ripeness to the fruit; infra IX, 6; Job XXI, 33.

(4) When all work ceases, since the manure is no longer of any use to the soil.

(5) Manure is said to be dried up as soon as an uppermost protuberance is noticeable.

(6) Without the semblance of infringing upon the Sabbatical law.

(7) Used for dung; Kel. XIX, 10.

(8) Fifteen se'ahs, or half a kor.

(9) To be placed on dung-hills, and add to the number of ten.

(10) One may not exceed three, for this would come into the actual category of manuring.

(11) Since they are all piled in one heap, it will not be interpreted as manuring.

(12) Amplifying his statement in the previous Mishnah.

(13) I.e., more than three heaps.

(14) מהציב, an unusual word; here connected with a stand for a pitcher, triangular in shape, and not in a row, so as to avoid the appearance that he is measuring his field. Var. lec.: מיתר.

(15) Ground level; an action clearly designed to show that his purpose is not actually to manure.

(16) I.e. heap. Viz., even one hundred baskets on one dung-heap; for this is not the same as placing more than three dung-heaps in a se'ah's space.

(17) For in the event of this huge pile covering the extent of the field, the suspicion will be aroused that he is actually manuring the soil

(18) Of smaller quantity than those above mentioned; hence insufficient to take into the fields.

(19) He may not procure more manure, and the little he has would give the impression of actually manuring the soil. He must then wait until he has dung below, or until it has been piled on high.

(20) Unfit for sowing and hence impervious to manure. Being rocky soil it need not be raised three handbreadths.

(21) By allowing his cattle to abide there, manure is collected. The case is of one who has no other place to keep his cattle; for had his intention been deliberately to gather manure, it would have been forbidden in the seventh year.

(22) I.e., 100 X 50 cubits.

(23) After that area has been filled with dung.

(24) Having set up the three sides uprooted around the adjoining two se'ah's space.

(25) On this device; without being suspected of manuring in the Sabbatical year.

(26) Lest it appear that his primary intention was to manure his field.

(27) After the enclosure had been filled.

(28) Viz., three dung-heaps to every se'ah's space; supra III, 3.

(29) In the seventh year.

(30) For a smaller quantity would excite suspicion that he is merely clearing his field in order to sow it in the Sabbatical year an act forbidden with the advent of the seventh year; v. supra II, 3. Only when the quarry has sufficient stones for building purposes was the act allowed.

(31) Such heavy stones are obviously for building purposes.

(32) Than ten stones, each two men's burden, and ten handbreadths high.

(33) Heb. גמז, 'to peel', or 'raze'; applicable to cases where no complete uprootal takes place.

(34) Still regarded as unfit for sowing. Greater precaution was taken in the case of a stone quarry, whose soil was natural and lent itself to sowing.

(35) Where there is the fear lest his intention be to do work forbidden on the eve of the seventh year.

(36) For why should one be so eager to perform work in the field of another?

(37) Even from his own field may he do so, since he had begun to clear away the stones when such action was perfectly lawful still.

(38) Or loosened from the soil, so as easily to be removed.

(39) An essential stipulation for the removal of stones.

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(40) Heb. לָקַח Piel in Heb. has the effect of the alpha in Greek; cf. Isa. V, 2.

(41) For all to see that his intention is to build, and not to plant.

(42) Unfit for sowing, even after the removal of stones.

(43) To convey the water for irrigation during the rainfalls. These steps were built along mountain slopes to lead the water into the valleys.

(44) To prevent the water from flowing away. Such a completed dam would be interpreted as doing work in the seventh year.

(45) I.e., a pile of loose and uneven material, uncemented, forming a rough, extemporized embankment.

(46) Which the builder can grasp just by the mere stretching out of a hand.

(47) Otherwise, it would be deemed work.

(48) Even from his own field; for such heavy stones can only be intended obviously for no other purpose than is building.

(49) For being a building contractor, all will divine that his purpose is for building.

(50) Even from a field of his own.

(51) Cf. supra III, 6; in the case of such stones which two men together could lift, we permit even the smaller stones to be removed.

(52) As it is unusual for one to sow on soil bordering on public property, he will not be suspected of infringing the Sabbatical laws; but if the fence demarcates his field and that of a neighbor's, digging is not allowed lest he afterwards decides to plant thereon.

(53) I.e., he removes afterwards the soil from the public domain to scatter it on his own field. To do so, however, in the first instance is forbidden, lest the impression be given that he is preparing his field for sowing.

(54) I.e., remove soil piled up in the public domain to fill up therewith holes in public ways.

(55) For every respect must be paid to public property, lest the slightest damage accrue to it (Bert.).

(56) I.e., three heaps to every se'ah's space; supra III, 2.

(57) In such cases, too, the same dispute occurs between R. Joshua and R. Akiba as to what he should do with the soil dug out.

Chapter 4

MISHNAH 1. AT FIRST IT WAS THE PRACTICE TO ALLOW A MAN TO GATHER THE LARGEST¹ WOOD, STONES AND HERBS FROM HIS FIELD AS HE WAS ALLOWED TO DO FROM THE FIELD OF HIS FELLOW.² WHEN THE TRANSGRESSORS MULTIPLIED,³ PERMISSION WAS ONLY

GIVEN TO COLLECT THEM FROM ANOTHER'S FIELD, PROVIDED IT WAS NOT [PRE-ARRANGED] AS BESTOWING A MUTUAL FAVOUR.⁴ IT GOES WITHOUT SAYING THAT NO STIPULATION COULD BE MADE THEREWITH FOR MAINTENANCE.⁵

MISHNAH 2. A FIELD FROM WHICH THORNS HAD BEEN REMOVED⁶ MAY BE SOWN IN THE EIGHTH YEAR; BUT IF IT HAD BEEN IMPROVED UPON,⁷ OR CATTLE HAD BEEN ALLOWED TO LIVE THEREON,⁸ IT MAY NOT BE SOWN IN THE EIGHTH YEAR.⁹ IF A FIELD HAD BEEN IMPROVED UPON IN THE SEVENTH YEAR, BETH SHAMMAI SAY: ITS FRUITS MAY NOT BE EATEN, BUT BETH HILLEL SAY: THEY MAY BE EATEN. BETH SHAMMAI SAY: FRUITS OF THE SABBATICAL YEAR MAY NOT BE EATEN AS A FAVOUR,¹⁰ BUT BETH HILLEL SAY: THEY MAY BE EATEN, WHETHER THEY BE REGARDED AS A FAVOUR OR OTHERWISE. R. JUDAH SAYS: THE STATEMENTS MUST BE REVERSED; FOR THIS IS ONE OF THE INSTANCES WHERE BETH SHAMMAI ARE THE MORE LENIENT AND BETH HILLEL THE MORE RIGOROUS.

MISHNAH 3. NEWLY-PLOWED LAND MAY BE HIRED FROM A GENTILE IN THE SEVENTH YEAR,¹¹ BUT NOT FROM AN ISRAELITE; GENTILES MAY BE ENCOURAGED DURING THE SEVENTH YEAR,¹² BUT NOT ISRAELITES. IN THE INTERESTS OF PEACEFUL RELATIONSHIPS, GREETINGS MAY BE EXCHANGED WITH THEM.¹³

MISHNAH 4. IF ONE THINS OUT HIS OLIVE-TREES [IN THE SEVENTH YEAR].¹⁴ BETH SHAMMAI SAY: HE MAY ONLY RAZE THEM TO THE GROUND;¹⁵ BETH HILLEL SAY: HE MAY COMPLETELY UPROOT. THEY, HOWEVER, CONCUR THAT IF ONE LEVELS HIS FIELD, HE MAY ONLY RAZE IT TO THE GROUND. WHAT IS THE PROCESS OF THINNING-OUT [MODDAL]? THE TAKING OUT OF ONE OR TWO PLANTS. AND LEVELLING?¹⁶ THE REMOVING OF AT LEAST THREE PLANTS CLOSE TO EACH

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OTHER. THIS APPLIES TO HIS OWN PROPERTY ONLY, FOR FROM THE PROPERTY OF ANOTHER, EVEN HE THAT LEVELS MAY UPROOT.¹⁷

MISHNAH 5. IF ONE CUTS DOWN AN OLIVE-TREE,¹⁸ HE MAY NOT COVER UP [THE STUMP] WITH EARTH,¹⁹ BUT HE MAY COVER IT WITH STONES OR STRAW.²⁰ IF ONE FELLS A SYCAMORE TREE,²¹ HE MUST NOT COVER [THE STUMP] WITH EARTH, BUT HE MAY COVER IT WITH STONES OR STRAW. ONE MAY NOT HEW DOWN A VIRGIN SYCAMORE²² IN THE SEVENTH YEAR, FOR THIS WOULD CONSTITUTE ACTUAL LABOUR.²³ R. JUDAH SAYS: IF [CUT DOWN] IN THE USUAL MANNER,²⁴ IT IS FORBIDDEN; BUT HE EITHER CUTS IT TEN HANDBREADTHS ABOVE [THE SOIL], OR HE RAZES IT TO GROUND LEVEL.²⁵

MISHNAH 6. IF ONE TRIMS GRAPE-VINES,²⁶ OR CUTS REEDS,²⁷ R. JOSE THE GALILEAN SAYS: HE MUST LEAVE [UNCUT AT LEAST] ONE HANDBREADTH;²⁸ BUT R. AKIBA SAYS: HE MAY CUT THEM WITH THE AXE, SICKLE OR SAW IN THE USUAL MANNER, OR WITH WHATSOEVER HE PLEASES. A TREE THAT HAD SPLIT MAY BE TIED UP IN THE SEVENTH YEAR, NOT THAT IT MAY HEAL, BUT ONLY THAT IT SHOULD NOT WIDEN.

MISHNAH 7. FROM WHEN MAY ONE BEGIN TO EAT OF THE FRUIT OF THE TREES IN THE SEVENTH YEAR?²⁹ WITH UNRIPE FIGS AS SOON AS THEY HAD ASSUMED A ROSY APPEARANCE,³⁰ ONE MAY EAT THEREOF IN THE FIELD WITH HIS BREAD;³¹ ONCE THEY HAD RIPENED, HE MAY ALSO TAKE THEM HOME. AND SIMILARLY IN THE OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THIS LATTER STAGE HAS BEEN REACHED] THEY ARE SUBJECT TO TITHES.³²

MISHNAH 8. UNRIPE GRAPES³³ AS SOON AS THEY CONTAIN JUICE,³⁴ MAY BE EATEN WITH BREAD IN THE FIELD; BUT AS SOON AS THEY HAVE RIPENED,³⁵ THEY MAY BE TAKEN HOME. AND SIMILARLY IN THE

OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THEY HAVE REACHED THIS LATTER STAGE] THEY ARE SUBJECT TO TITHES.³⁶

MISHNAH 9. OLIVES AS SOON AS THEY PRODUCE³⁷ A QUARTER LOG [OF OIL] TO EACH SE'AH, MAY BE SPLIT³⁸ AND EATEN IN A FIELD; WHEN THEY PRODUCE A HALF-LOG,³⁹ THEN HE MAY CRUSH THEM IN A FIELD AND USE THEIR OIL. WHEN THEY ARE ABLE TO PRODUCE A THIRD,⁴⁰ THEY MAY BE CRUSHED IN THE FIELD⁴¹ AND BROUGHT HOME. AND SIMILARLY IN THE OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THEY HAVE REACHED THIS LATTER STAGE] THEY ARE SUBJECT TO TITHES.⁴² WITH ALL OTHER FRUIT OF TREES [THE SEASON WHEN THEY BECOME DUE TO BE TITHED] IS THE SEASON WHEN THEY ARE PERMITTED IN THE SEVENTH YEAR.⁴³

MISHNAH 10. FROM WHEN CAN TREES NO LONGER BE FELLED⁴⁴ IN THE SEVENTH YEAR?⁴⁵ BETH SHAMMAI SAY: AFTER THEY HAD PUT FORTH LEAVES.⁴⁶ BETH HILLEL SAY: CAROB-TREES AFTER THEY⁴⁷ BEGIN TO DROOP;⁴⁸ VINES AFTER THEY HAD YIELDED BERRIES; OLIVE-TREES AFTER THEY HAD BLOSSOMED, ANY OTHER TREES AFTER THEY HAD PRODUCED LEAVES.⁴⁹ ANY TREE AS SOON AS IT REACHES THE SEASON FOR TITHES MAY BE CUT DOWN.⁵⁰ WHAT QUANTITY SHALL AN OLIVE-TREE YIELD THAT IT BE NOT CUT DOWN? — A QUARTER [KAB]. R. SIMEON B. GAMALIEL SAYS: ALL DEPENDS ON THE OLIVE-TREE.⁵¹

- (1) By selecting only the largest, he makes obvious his intention to use them only for building purposes.
- (2) From which he may collect even the smallest pieces of wood or stones, for none is keen on rendering unnecessary service in a field not his own; supra III, 6.
- (3) Who removed even the smallest stones under the pretence of clearing away only the biggest of their kind.
- (4) For then the fear would be instinctive that the field is being prepared for sowing.

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- (5) To consider them as a reward for labor would be to derive benefit from work done in the Sabbatical year.
- (6) During the seventh year.
- (7) Tilled oftener than is usual; i.e., twice instead of once. Though even one plowing was originally prohibited, yet permission was given during years of persecution when triumphant Emperors would impose a land tax on Israelitish property.
- (8) Thus collecting manure over the extra field; supra III, 4 allowed cattle-folds within a field provided a pen of two se'ah's space was constructed.
- (9) Since no such pen was erected, it seems that the field is being prepared for the seventh year.
- (10) Since all produce grown of its accord in the seventh year is declared ownerless, it is not within the prerogative of the original owner to bestow favors, or rewards; cf. 'Ed. V, 1
- (11) I.e., an Israelite may hire a field in the seventh year to sow in the eighth year, though a Gentile will have plowed it in the seventh.
- (12) By extending them every encouragement and greeting during their work in the seventh.
- (13) Irrelevant to our theme, but to emphasize the desirability of greeting them even in their pagan festivals, a reminder necessitated by Israel's care to steer clear of every association with idolatry.
- (14) When olives are clustered together in too close proximity, several are plucked away to afford the remainder more growing space.
- (15) Only as far as the roots; further would be categorized as forbidden labor.
- (16) A process which leaves a large portion of the soil bare of all trees, and ready for plowing.
- (17) For all will gather that the plants are here wanted for fuel purposes, cf. supra 1, n. 2.
- (18) In the seventh year, for fuel purposes.
- (19) For he would thus be improving the growth of trees through work done in the seventh year.
- (20) To protect it from drying up.
- (21) For building purposes; these trunks grow again after being cut.
- (22) That had not known an axe before.
- (23) Improving the tree, which yields more abundant fruit as a result.
- (24) Lower than ten handbreadths from the soil, constituting work equivalent to pruning in the case of grapes.
- (25) Since he goes out of his way to differentiate between the usual practice; cf. supra I, 8.
- (26) I.e., clipping their ends only; not like pruning which entails an actual clipping of grapes from the top of the trees, a labor forbidden expressly in the Bible.
- (27) That they grow more copiously.
- (28) So that it does not appear as if he is working his field.
- (29) Fruits may not be wantonly destroyed, for the Bible emphasizes לאכלה 'for food'; and to eat them before they are fully ripe would be a sheer waste.
- (30) Lit., 'to glisten', a sign of incipient ripeness.
- (31) For to take them home is forbidden.
- (32) Cf. Ma'as. I, 2. The criterion given above for fruit to be taken home is also the time when other fruits are liable to tithes.
- (33) Not yet the size of a white bean.
- (34) Lit., 'water'; when pressed juice comes out.
- (35) Lit., 'became foul'. Fruits begin to deteriorate when kernels become visible beneath their shells.
- (36) V. supra n. 2.
- (37) When crushed.
- (38) This was done to soften them and sweeten their taste prior to eating them.
- (39) Viz., a third of their usual quantity when fully ripe.
- (40) Of their full quantity.
- (41) This could be done even in the home; our Mishnah just cites an example at random.
- (42) V. supra n. 2.
- (43) Only figs, grapes and olives which were often eaten before becoming fully ripe may be eaten in the seventh year, even before they reached their season for tithes.
- (44) Since the Bible stipulates 'for eating' any wastage is debarred, especially since in the case of ownerless Sabbatical produce it would likewise constitute a deprivation of the poor to enjoy the fruits.
- (45) The Mishnah refers to fruit-trees.
- (46) Usually in Nisan.
- (47) Their branches.
- (48) The leaves become abundant, and droop from the tree like chains. Alter: when carobs begin to assume a round shape.
- (49) When no tree may be cut down.
- (50) For there is no longer any wastage of fruit. A tree may not be cut if the fruit thereof be more valuable than its wood for fuel.
- (51) Cf. Deut. XX, 19; trees of a besieged city may not be destroyed. V. also B.K. 91b. T.J. refers the question to the seventh year, maintaining that if it involves loss it should not be cut down. The better the tree, the more is it forbidden to be felled; cf. Pe'ah VII, 1.

Chapter 5

MISHNAH 1. WHITE FIGS HAVE THE LAW OF THE SEVENTH YEAR,¹ APPLIED TO THEM IN THE SECOND YEAR,² SINCE THEY RIPEN ONCE IN THREE YEARS. R. JUDAH SAYS: PERSIAN FIGS HAVE THE LAW OF THE SEVENTH YEAR APPLIED TO THEM IN THE YEAR FOLLOWING THE SEVENTH YEAR,³ SINCE THEY RIPEN ONCE IN TWO

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YEARS. THEREUPON THEY SAID TO HIM: THIS WAS SAID ONLY OF THE SPECIES OF WHITE FIGS?⁴

MISHNAH 2. IF LOF⁵ IS PLACED IN THE SOIL FOR PRESERVATION DURING THE SABBATICAL YEAR, R. MEIR SAYS: IT MUST BE NOT LESS THAN TWO SE'AHs IN QUANTITY, THREE HANDBREADTHS IN HEIGHT, AND COVERED WITH EARTH ONE HANDBREADTH DEEP.⁶ THE SAGES SAY: IT MUST BE NOT LESS THAN FOUR KABS IN QUANTITY, ONE HANDBREADTH HIGH, AND COVERED WITH EARTH ONE HANDBREADTH DEEP. MOREOVER, IT SHALL BE HIDDEN IN GROUND OVER WHICH MEN MAY TREAD.⁷

MISHNAH 3. IF LOF HAS REMAINED [IN THE GROUND UNTIL] AFTER THE PASSING OF THE SEVENTH YEAR, R. ELIE ZER SAYS: IF THE POOR HAD GATHERED THE LEAVES THEREOF,⁸ ALL IS WELL; IF NOT,⁹ THEN AN ACCOUNT SHOULD BE MADE WITH THE POOR.¹⁰ R. JOSHUA SAYS: IF THE POOR HAD PLUCKED THE LEAVES THEREOF, ALL IS WELL; IF NOT, NO ACCOUNT IS NECESSARY.¹¹

MISHNAH 4. LOF OF THE SIXTH YEAR¹² THAT REMAINS UNTIL THE SEVENTH, SIMILARLY SUMMER ONIONS¹³ AND PU' AH¹⁴ GROWN IN CHOICE SOIL, BETH SHAMMAI SAY MUST BE UPROOTED WITH WOODEN RAKES.¹⁵ BETH HILLEL SAY: [EVEN] WITH METAL SPADES.¹⁶ THEY¹⁷ CONCUR IN THE CASE OF PU' AH GROWN IN STRONG SOIL¹⁸, THAT THEY MAY BE UPROOTED WITH METAL SPADES.

MISHNAH 5. FROM WHEN MAY A MAN BUY THE LOF AFTER THE GOING OUT OF THE SEVENTH YEAR?¹⁹ R. JUDAH SAYS: AT ONCE;²⁰ BUT THE SAGES SAY: [ONLY] AFTER THE NEW CROP HAS APPEARED.²¹

MISHNAH 6. THESE ARE THE IMPLEMENTS WHICH A CRAFTSMAN MAY NOT SELL IN THE SEVENTH YEAR:²² A PLOW AND ALL ITS APPURTENANCES, A YOKE, A

WINNOWING-FAN, AND A MATTOCK;²³ BUT HE MAY SELL A SICKLE USED BY HAND,²⁴ A SCYTHE, AND A CART WITH ALL ITS IMPLEMENTS. THIS IS THE GENERAL PRINCIPLE: ANY TOOLS DESIGNED FOR WORK INVOLVING A TRANSGRESSION IN THE SEVENTH YEAR MUST NOT BE SOLD; BUT IF IT IS USED BOTH FOR A FORBIDDEN AND A PERMISSIBLE PURPOSE, IT MAY BE [SOLD].²⁵

MISHNAH 7. THE POTTER MAY SELL²⁶ FIVE OIL-JARS AND FIFTEEN WINE-JARS. FOR THIS IS THE USUAL AMOUNT ONE COLLECTS FROM OWNERLESS PRODUCE;²⁷ BUT IF HE BROUGHT MORE,²⁸ THIS IS STILL PERMITTED HIM.²⁹ HE³⁰ MAY ALSO SELL [MORE JARS] TO GENTILES IN PALESTINE AND TO ISRAELITES IN OTHER LANDS.³¹

MISHNAH 8. BETH SHAMMAI SAY: ONE MUST NOT SELL HIM³² A PLOWING-COW IN THE SEVENTH YEAR, BUT BETH HILLEL PERMIT, SINCE HE MAY BE SLAUGHTERING IT.³³ ONE MAY SELL HIM FRUIT EVEN AT SOWING-TIME,³⁴ AND ONE MAY LEND HIM A SE'AH MEASURE THOUGH IT IS KNOWN THAT HE HAS A THRESHING-FLOOR.³⁵ ONE MAY GIVE HIM SMALL MONEY IN CHANGE THOUGH IT IS KNOWN THAT HE HAS LABOURERS. BUT IF ALL THESE THINGS [ARE] EXPRESSLY [KNOWN] TO BE REQUIRED FOR UNLAWFUL PURPOSES,³⁶ THEN THEY ARE FORBIDDEN.³⁷

MISHNAH 9. A WOMAN MAY LEND TO HER NEIGHBOUR WHO IS SUSPECT OF TRANSGRESSING THE SABBATICAL LAW,³⁸ A WINNOW,³⁹ A SIEVE, A HAND-MILL, OR AN OVEN; BUT SHE MAY NOT [ACTUALLY] WINNOW OR GRIND [CORN] WITH HER.⁴⁰ THE WIFE OF A HABER⁴¹ MAY LEND TO THE WIFE OF AN 'AM HA-AREZ⁴² A WINNOW AND A SIEVE⁴³ AND MAY EVEN WINNOW, GRIND CORN OR SIFT FLOUR WITH HER;⁴⁴ BUT ONCE SHE Poured OUT THE WATER [OVER THE FLOUR],⁴⁵ SHE SHOULD NOT TOUCH HER, FOR NO HELP MUST BE GIVEN TO THOSE WHO COMMIT

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TRANSGRESSION.⁴⁶ ALL THESE THINGS WERE ONLY ALLOWED IN THE INTERESTS OF PEACE.⁴⁷ TO HEATHENS, ENCOURAGEMENT MAY BE OFFERED IN THE SABBATICAL YEAR,⁴⁸ BUT [ON NO ACCOUNT] TO ISRAELITES. IN THE INTERESTS OF PEACE, ONE MAY ALSO OFFER GREETINGS TO HEATHENS.⁴⁹

(1) With regard to the renunciation of ownership and other regulations.

(2) Of the Sabbatical cycle. Though the fruit does not actually ripen until the third year, they are already fit to be eaten in the second year.

(3) I.e., the eighth year, which is the first of the new Sabbatical year.

(4) And not in the case of Persian figs; for after much investigation, it was discovered that the latter ripen each year (Tosef.). Moreover, the Rabbis were mainly concerned with such fruit grown in Eretz Israel; Bez. 19a.

(5) A plant resembling colocasia with edible leaves and root, and bearing beans. It is classified with onions and garlic (Jast.). The usual translation is 'arum'. It was placed underground for preservation.

(6) To remove all semblance of sowing.

(7) To avoid it burgeoning forth into fruit.

(8) In the seventh year the leaves of the lof were subject to the law of Removal; v. infra VII, 7.

(9) And the arum had increased in the eighth year.

(10) The owner must give the poor the amount calculated to have grown in the seventh year. The rest he can keep for himself.

(11) Since he himself is also entitled to their possession after they had been liable to the law of Removal, he being of the view that after the removal, the rich too can eat of the fruit; v. infra VIII, 9.

(12) It was perfectly ripe then; had its growth increased in the seventh, it would be forbidden to eat it as all after-growth; v. infra IX, 1.

(13) Either that had been sown in summer, or had been set aside for summer use.

(14) Dyer's madder (Jast.). Madder is an herbaceous climbing-plant with yellowish flowers.

(15) For the usual metal implements would arouse the suspicion that he is cultivating his field in the seventh year.

(16) Since he is using spades he has averted suspicion; for this is not the usual practice.

(17) Beth Shammai.

(18) צלעות. Lit., 'on the ribs (sides) of the fields'. Being an unusual place for sowing, it will not appear suspicious. Aliter: צלעות is the same as סלעות, 'rocky'.

(19) Without fear lest it is Sabbatical produce; i.e., in the case of a seller who is suspect of infringing Biblical laws.

(20) Since the lof had to be uprooted not in the usual way, prohibited Sabbatical produce was not likely to be available in the market immediately after the termination of the seventh year; only in the case of other vegetables requiring no such differentiation was the stipulation made until such new crop could have grown (Bert.).

(21) Usually from the time of Passover of the eighth year; cf. infra VI, 4.

(22) To a man who is suspect only. To one who is not, this may be done, for his intentions are honorable.

(23) A pronged tool.

(24) Being hand-tools, only little could be cut at a time; not enough to pile up a store. One was allowed to give of it to cattle, since it was ownerless property.

(25) Since the purchaser can claim that the tools are going to be used for such work as is permitted.

(26) To one even suspect of disregarding Sabbatical regulations.

(27) Of the seventh year.

(28) I.e., the one who is suspect brought more produce for which he wants jars.

(29) The potter may sell him more jars. Perhaps he desires the other jars for legitimate uses. Wine- and oil-jars were distinctive and could not be mixed.

(30) The potter.

(31) To these he may sell more than the amount prescribed above and we do not fear lest the Gentile or the Israelite, if outside Palestine, will later sell them again to Israelites in Palestine suspected of illegitimate trading in the seventh year.

(32) Who is suspect in regard to the Sabbatical laws.

(33) Beth Shammai were of the opinion that a cow used for plowing would not be slaughtered for food. A heifer used for plowing was one that was barren and whose breasts had dried up. Oxen were used ordinarily.

(34) We assume he needs it for food rather than for sowing.

(35) We do not suspect him of the intention to measure therewith seventh year produce for storage purposes, but assume his intention to be for grinding purposes.

(36) That his intention is deliberately to transgress the Sabbatical laws.

(37) To be an accessory to the infringement of a Biblical law is indefensible.

(38) Namely, eating its produce without removal after the time of its removal has been due. They may be wanted here for legal uses.

(39) The holes of the גפה are smaller than those of the sieve (כברה). One may need them for sifting

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sand, or the mill for spices or drugs, and the oven for dry flax.

(40) Actually to help a violation of the law is not to be thought of.

(41) V. Glos. This statement of our Mishnah is actually more relevant to the laws of purity than to those of the Sabbatical year.

(42) V. Glos.

(43) The hand-mill and oven are omitted, since being large, they are not easily immersed into water for purification purposes; if they were of clay or earthenware, they had to be broken up.

(44) As the majority even of the 'am ha-arez give tithes.

(45) Thus rendering it 'susceptible to uncleanness' (Lev. XI, 34), as was the case of all food that had received contact with liquids like water.

(46) To help her rolling the dough and thus assist her in causing uncleanness to bread that becomes in the process subject to the law of Hallah (v. Glos.). Once the dough is rolled it is liable to Hallah.

(47) Lit., 'ways of peace', cf. prov. III, 17.

(48) Even when actually working in the seventh year; cf. supra IV, 3.

(49) And even on their pagan festivals. It must be remembered that the name of God was used in all greetings, and Jews always had an instinctive shudder at associating His name with anything pagan.

Chapter 6

MISHNAH 1. [PALESTINE IS DIVIDED INTO] THREE COUNTRIES WITH REFERENCE TO THE SABBATICAL LAW.¹ [THE FRUIT OF] THAT TERRITORY OCCUPIED BY THOSE WHO CAME UP FROM BABYLON,² NAMELY FROM ERETZ ISRAEL AS FAR AS CHEZIB,³ MAY NOT BE EATEN,⁴ NOR [MAY ITS SOIL] BE CULTIVATED.⁵ [THE FRUIT OF] THAT TERRITORY OCCUPIED BY THOSE WHO CAME UP FROM EGYPT, NAMELY FROM CHEZIB TO THE RIVER,⁶ AND UNTIL AMONAH,⁷ MAY BE EATEN, BUT [ITS SOIL] NOT CULTIVATED. FROM THE RIVER TILL AMONAH AND INWARDS, [PRODUCE] MAY BE EATEN AND [THE SOIL] CULTIVATED.⁸

MISHNAH 2. IN SYRIA,⁹ ONE MAY PERFORM WORK ON SUCH PRODUCE AS HAD BEEN DETACHED,¹⁰ BUT NOT ON SUCH STILL ATTACHED [TO THE SOIL].¹¹ THEY MAY THRESH,¹² WINNOW, AND TREAD [THE CORN], AND EVEN BIND THEM [INTO

SHEAVES], BUT THEY MAY NOT REAP [THE CROPS], NOR CUT THE GRAPES, NOR HARVEST THE OLIVES.¹³ R. AKIBA FORMULATED THIS PRINCIPLE: THE KIND OF WORK THAT IS PERMITTED IN ERETZ ISRAEL MAY ALSO BE DONE IN SYRIA.¹⁴

MISHNAH 3. ONIONS¹⁵ ON WHICH RAIN HAD DESCENDED AND WHICH HAD SPROUTED FORTH, ARE FORBIDDEN IF THEIR LEAVES HAD TURNED BLACK;¹⁶ IF THEY HAD BECOME GREEN THEY ARE PERMITTED.¹⁷ R. HANINA B. ANTIGONUS SAYS: AS LONG AS THEY CAN BE PLUCKED OUT BY THEIR LEAVES,¹⁸ THEY ARE FORBIDDEN. IN THE YEAR AFTER THE SABBATICAL YEAR, THE LIKE OF THESE¹⁹ ARE PERMITTED.²⁰

MISHNAH 4. WHEN MAY A MAN BUY VEGETABLES AT THE OUTGOING OF THE SABBATICAL YEAR?²¹ WHEN THE CROP OF THE SAME KIND BEGINS [AGAIN] TO RIPEN.²² WHERE FRUIT RIPENS QUICKLY. EVEN THAT WHICH IS LATE IN RIPENING IS ALSO PERMISSIBLE.²³ , RABBI USED TO ALLOW THE BUYING OF VEGETABLES ON THE IMMEDIATE TERMINATION OF THE SEVENTH YEAR.²⁴

MISHNAH 5. ONE MAY NOT EXPORT OIL [OF TERUMAH] THAT HAD TO BE BURNT,²⁵ NOR PRODUCE OF THE SEVENTH YEAR,²⁶ FROM THE LAND [OF ISRAEL] TO OTHER COUNTRIES. R. SIMEON SAID: I HAVE HEARD IT EXPRESSLY STATED THAT THEY MAY BE EXPORTED TO SYRIA, BUT NOT TO ANY OTHER COUNTRY OUTSIDE THE LAND.

MISHNAH 6. TERUMAH MAY NOT BE IMPORTED FROM OUTSIDE THE LAND OF ERETZ ISRAEL.²⁷ R. SIMEON SAID: I HAVE HEARD IT EXPRESSLY STATED THAT ONE MAY BRING FROM SYRIA,²⁸ BUT NOT FROM OUTSIDE THE LAND.

(1) V. infra IX, 2.

(2) Under Ezra and Nehemiah. Our Tanna is of the opinion that the land then became holy for all time.

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- (3) The Biblical Achzib, between Acre and Tyre; Josh. XIX, 29; Judg. I, 31. North of Acre.
- (4) If illegally cultivated, or without the removal of the produce which grew of its own accord.
- (5) In the seventh year.
- (6) The Orontes in Northern Syria; v. Horowitz, Palestine, p. 20.
- (7) Mount Ammanon, N.W. Syria; v. Git. (Sonc. ed.) p. 27. n. 1.
- (8) Since its soil does not possess holiness of the Lord; and in Ex. XXIII, 10 the stress is on 'thy land' (אֶרֶץ), thus implying that only 'thy land' was subject to these laws.
- (9) Conquered by David, Mesopotamia was awarded the character of Eretz Israel in some things, and of other lands in other things. It was conquered before David had yet finally subdued the whole of the land.
- (10) Even with those suspect of disregarding the law; cf. supra V, 9.
- (11) Then no reaping or gleaning may be done in the Sabbatical year. The reason for this precaution was lest people, on account of the difficulties of the Sabbatical observance, forsake the cultivation of the land and settle in Mesopotamia. In the case of detached produce it was permitted, so that the poor of Eretz Israel be able to obtain extra means in Syria, which was quite near.
- (12) Our Mishnah defines the kinds of labor permitted when produce no longer is attached to the Soil.
- (13) Being work on what is still attached to the soil.
- (14) Work, which in Palestine could be performed provided the procedure was different from the usual (supra V, 4), was allowed in Syria in the ordinary way (Bert.).
- (15) That had remained in the soil until the Sabbatical year.
- (16) Not actually black, but a deep green, like all unripe onions. They are forbidden because they had benefited by the seventh year.
- (17) Not having benefited by the seventh year, it is as if they had been plucked before.
- (18) The whole onion following suit. This is evidence of their ripeness in the seventh year. When onions begin to wither, their leaves weaken.
- (19) Viz., onions that had been plucked in the sixth year and re-planted in the seventh, and uprooted again in the eighth year. Since they were almost ripe before the seventh year, the little improvement they received in the Sabbatical year was neutralized by their growth in the eighth year.
- (20) Even when pulled out by their leaves.
- (21) Without being suspect of trading with seventh year produce.
- (22) Until such time that it takes other vegetables to ripen. The quantity of vegetables permitted negative the minority prohibited.

- (23) Since it can be claimed that this belongs to the crop that ripened early.
- (24) Vegetables were not only imported from other lands, where they had grown legally, but could also be grown in the land in two or three days.
- (25) Having become unclean, it had to be burnt in Palestine. On terumah v. Glos.
- (26) The Removal of fruits of the third and sixth years of the Sabbatical period had to be done in Palestine; v. Lev. XXV, 7.
- (27) So that priests be not tempted to go outside the Land to fetch terumah, and thus be defiled by a pagan atmosphere; v. Shab. 16b.
- (28) Since its air was not held to be contaminating; moreover, it showed some of the sanctity of Palestine.

Chapter 7

MISHNAH 1. AN IMPORTANT GENERAL PRINCIPLE WAS LAID DOWN CONCERNING SABBATICAL YEAR PRODUCE. TO ANYTHING THAT MAY BE CONSIDERED FOOD FOR MAN OR CATTLE, OR TO A SPECIES [OF PLANTS] USED FOR DYEING, IF IT IS NOT LEFT GROWING IN THE SOIL,¹ THE LAW OF THE SABBATICAL YEAR IS APPLIED BOTH TO IT² AND TO ITS MONEY SUBSTITUTE.³ [SIMILARLY] THE LAW OF REMOVAL⁴ APPLIES BOTH TO IT AND TO ITS MONEY SUBSTITUTE. WHICH ARE THEY?⁵ THE EDIBLE LEAVES OF THE WILD ARUM,⁶ OF MINT,⁷ ENDIVES,⁸ LEEKS,⁹ PORTULACA,¹⁰ AND ASPHODEL.¹¹ WHAT IS THE FOOD FOR CATTLE?¹² THORNS AND THISTLES. WHAT IS SPECIES OF DYEING MATTER?¹³ AFTERGROWTHS OF WOAD¹⁴ AND MADDER.¹⁵ THE LAW OF THE SEVENTH YEAR APPLIES TO THEM AND THEIR EQUIVALENTS AND THE LAW OF REMOVAL APPLIES TO THEM AND THEIR MONEY [SUBSTITUTES].

MISHNAH 2. YET ANOTHER GENERAL PRINCIPLE WAS ENUNCIATED. EVEN SUCH THINGS NOT FIT FOR FOOD OF MAN OR BEAST, OR THOSE PLANTS NOT USED FOR DYEING PURPOSES, IF THEY HAD BEEN LEFT IN THE SOIL,¹⁶ ARE SUBJECT TO THE SABBATICAL LAW¹⁷ AS ARE THEIR SUBSTITUTES. BUT THE LAW OF REMOVAL DOES NOT APPLY EITHER TO THEM OR TO

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THEIR MONEY SUBSTITUTE. WHICH ARE THESE? THE ROOTS OF THE WILD ARUM, THE MINT, AND THE HART'S TONGUE,¹⁸ THE ASPHODEL AND THE HAZEL-WORT.¹⁹ WHAT IS THE SPECIES OF DYEING MATTER? DYER'S MADDER AND SOW-BREAD.²⁰ THE SABBATICAL LAW APPLIES TO THEM AND TO THEIR MONEY EQUIVALENT, BUT THE LAW OF REMOVAL DOES NOT APPLY EITHER TO THEM OR TO THEIR MONEY EQUIVALENT. R. MEIR SAYS: THE LAW OF REMOVAL APPLIES TO THEIR MONEY SUBSTITUTE UNTIL THE NEW YEAR.²¹ THE SAGES ANSWERED: SINCE THIS LAW DOES NOT APPLY TO THE PLANTS THEMSELVES, HOW MUCH LESS DOES IT APPLY TO THEIR MONEY SUBSTITUTE!²²

MISHNAH 3. THE LAW OF THE SABBATICAL YEAR APPLIES TO HUSKS AND BLOSSOMS OF THE POMEGRANATE, TO SHELLS AND KERNELS OF NUTS, AND ALSO TO THEIR MONEY SUBSTITUTES. THE DYER MAY USE THEM²³ FOR HIMSELF, BUT NOT FOR PAYMENT²⁴ SINCE NO TRADE MAY BE DONE WITH SEVENTH YEAR PRODUCE, OR WITH FIRSTLINGS,²⁵ OR WITH HEAVE-OFFERINGS, OR WITH CARRION, OR WITH TREFAH,²⁶ OR WITH REPTILES²⁷ OR WITH CREEPING THINGS.²⁸ ONE SHOULD NOT GATHER²⁹ WILD VEGETABLES³⁰ AND SELL THEM IN THE MARKET; BUT IF HE GATHERS THEM AND HIS SON SELLS THEM FOR HIM, IT IS WELL.³¹ IF HE GATHERED THEM FOR HIS OWN USE, AND AUGHT REMAINS OVER, HE MAY SELL THEM.³²

MISHNAH 4. IF ONE BUYS A FIRSTLING³³ FOR HIS SON'S [WEDDING] FEAST, OR FOR A FESTIVAL, AND THEN DECIDES THAT HE HATH NO NEED OF IT, HE MAY SELL IT.³⁴ HUNTERS OF WILD ANIMALS, BIRDS AND FISHES, WHO CHANCED UPON UNCLEAN SPECIES, MAY SELL THEM.³⁵ R. JUDAH SAYS: ALSO A MAN WHO HAPPENED TO CHANCE UPON BY ACCIDENT³⁶ MAY BUY OR SELL, PROVIDED THAT HE DOES NOT MAKE A REGULAR TRADE OF IT. BUT THE SAGES DO NOT ALLOW THIS.³⁷

MISHNAH 5. THE LAW OF THE SABBATICAL YEAR IS APPLIED³⁸ TO THE YOUNG SPROUTS OF THE SERVICE-TREE³⁹ AND THE CAROBS AND THEIR MONEY EQUIVALENT; SO ALSO IS THE LAW OF REMOVAL APPLIED BOTH TO THEM AND THEIR SUBSTITUTES. THE LAW OF THE SABBATICAL YEAR IS APPLIED TO BRANCHES OF THE TEREBINTH, THE PISTACHIO TREE AND THE WHITE THORN,⁴⁰ AND TO THEIR SUBSTITUTES; BUT THEY ARE NOT LIABLE TO THE LAW OF REMOVAL, NOR IS THEIR MONEY SUBSTITUTE LIABLE TO THE LAW OF REMOVAL.⁴¹ BUT THE LAW OF REMOVAL APPLIES TO THEIR LEAVES,⁴² SINCE THEY HAD ALREADY FALLEN FROM THEIR STEM.⁴³

MISHNAH 6. THE SABBATICAL LAW APPLIES TO THE ROSE, HENNA,⁴⁴ BALSAM, THE LOTUS TREE AND TO THEIR MONEY SUBSTITUTES.⁴⁵ R. SIMEON SAYS: THE SABBATICAL LAW DOES NOT APPLY TO THE BALSAM, SINCE THIS CANNOT BE REGARDED AS A FRUIT.⁴⁶

MISHNAH 7. IF A NEW ROSE⁴⁷ HAS BEEN PRESERVED IN OLD OIL,⁴⁸ THE ROSE MAY BE TAKEN OUT;⁴⁹ BUT IF AN OLD ROSE⁵⁰ WAS PRESERVED IN NEW OIL,⁵¹ IT IS SUBJECT TO THE LAW OF REMOVAL.⁵² NEW CAROBS⁵⁰ PRESERVED IN OLD WINE, OR OLD CAROBS IN NEW WINE,⁵³ ARE SUBJECT TO THE LAW OF REMOVAL. THIS IS THE GENERAL PRINCIPLE:⁵⁴ IF ONE KIND IS MIXED WITH A DIFFERENT KIND⁵⁵ AND IT HAS THE POWER TO IMPART FLAVOUR [TO THE OTHER], BOTH KINDS ARE SUBJECT TO THE LAW OF REMOVAL; BUT IF IT IS MIXED WITH THE IDENTICAL KIND, THEN [THE WHOLE IS SUBJECT TO REMOVAL] EVEN IF ONLY THE SMALLEST QUANTITY EXISTS.⁵⁶ PRODUCE OF THE SEVENTH YEAR RENDERS SIMILAR KINDS PROHIBITED⁵⁷ EVEN [IF IT EXISTS] IN THE SMALLEST QUANTITY; BUT IF THEY BE OF DIFFERENT SPECIES [PROHIBITION SETS IN] ONLY WHEN FLAVOUR IS IMPARTED.⁵⁸

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- (1) Had it been left rooted, it would have rotted in winter.
- (2) Not to be sold as merchandise, but eaten free.
- (3) Cf. *infra* VIII, 3. Should the produce be exchanged for meat or fish, then the latter become endowed with the sanctity of the former. Should the meat or fish be in turn exchanged for other things, they too become holy.
- (4) Sabbatical produce could be eaten as long as similar produce grew in the country of his domicile, and was available to the beast of the field. Once the produce began to wither and was no longer available to the cattle, all similar produce that had been gathered had to be removed from one's possession; Deut. XXVI, 13 and *infra* IX, 2.
- (5) Plants fit for human food.
- (6) Though these leaves are not subject to food uncleanness ('Uk. III, 4), nevertheless, they have to conform to the Sabbatical rules, since they are human food.
- (7) Or, miltwaste.
- (8) Of endives there are two kinds: those grown in the orchard and those in the field. When the former abound, the latter are not regarded as human food, and hence are not subject to food uncleanness; but in the seventh year, when endives are not found in the orchard, those in the field are food and accordingly are subject to food uncleanness, and the Sabbatical laws apply to them.
- (9) Also of two kinds, as of endives.
- (10) Or purslane; 'Uk. III, 2.
- (11) A bulbous plant. Star of Bethlehem; the plants referred to by poets as 'the immortal flower in Elysium'. Some explain הלל as either referring to the color of the plant, pure white like milk, or by the fact that when cut open, a milk juice pours forth.
- (12) To which the law is applied.
- (13) The Mishnah now demands details.
- (14) *Isatis tinctoria*, producing a deep blue dye.
- (15) A plant used for red dye.
- (16) Over the winter.
- (17) Since the cattle can still eat thereof.
- (18) Prickly creepers on palm-trees.
- (19) *Baccor*, an aromatic plant identified with spikenard.
- (20) Or round-leaved cyclamen; a tuberous rooted plant used for dyeing; a remedy for worms (Bert.).
- (21) Of the eighth year.
- (22) To which R. Meir could retort that greater rigidity was applied to substitutes than to original produce which are easily recognizable, and will not be used in the seventh year. Not so with their substitutes.
- (23) The plants of the seventh year.
- (24) I.e., he must not dye for others with them.
- (25) Ex. XIII, 2, 12. They were not to remain in his possession lest he transgress the law concerning them. When slaughtered, they could be sold, but not in market places.
- (26) Which could neither be eaten nor sold; Pes. 23a (On *trefah*, v. *Glos.*). Trade was forbidden with such animals as are generally used for food, but such as are specially used for work like the camel, the horse and the mule, could be sold; Lev. XXII, 8. *Trefah* signified flesh of clean beasts which had been mauled, or killed by beasts of prey, and thus rendered unfit for Jewish food.
- (27) Lev. XI. 4ff.
- (28) *Ibid.* 29ff.
- (29) In the Sabbatical year.
- (30) Vegetables that grow of their own accord.
- (31) For this does not court the suspicion of trading with Sabbatical produce.
- (32) Namely, those left over, since his primary intention to eat all the wild vegetables he had gathered.
- (33) That was blemished and could, therefore, be eaten by non-priests.
- (34) Only at the price he paid for it.
- (35) Not being forbidden to sell if accidentally acquired.
- (36) *Lit.*, 'according to his way'. Even without hunting for wild game.
- (37) Only the professional hunter was given this concession, since he had a heavy tax into the royal coffers. Where they differ from the first Tanna is that they even make the concession for a huntsman even if his deliberate intention was to catch game of the unclean species (*Tosaf. Yom Tob*).
- (38) Since they are food for cattle.
- (39) Whose interior is eaten as relish.
- (40) Which sprouts a kind of acorn.
- (41) Since they are there even in winter.
- (42) Separated from their branches.
- (43) Since they are now lost even to beasts of the field, they are liable to the law of Removal.
- (44) *Tif. Yis.* identifies it with the cypress tree. *Jast. s.v. כופריא* says: 'the inflorescence of palms, a spike covered with numerous flowers, and enveloped by one or more sheathing bracts called *spathes*'.
- (45) So is the law of Removal applied to them.
- (46) Being used as ordinary wood for fuel, to which the Sabbatical law does not apply. The Torah stresses 'for eating', the prohibition only of such produce as is actually food.
- (47) Of the seventh year.
- (48) Of the sixth year.
- (49) The oil does not become subject to the law of Removal on account of the rose.
- (50) Of the seventh year.
- (51) Of the eighth year.
- (52) Since one flavors the other, they must be removed.

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(53) Of the eighth year. Since flavor is imparted, the wine cannot be drunk after the time of removal.

(54) Applicable to all Sabbatical year produce.

(55) Both the new and the old produce.

(56) Even without the imparting of flavor.

(57) If mixed with a similar kind allowed in the seventh year. The Mishnah refers to after the time of removal period.

(58) An explanation of the opening statement of the Mishnah. This is the determining factor even after the period of removal to render the mixture forbidden.

Chapter 8

MISHNAH 1. AN IMPORTANT PRINCIPLE WAS LAID DOWN CONCERNING SABBATICAL YEAR PRODUCE. OF SUCH PRODUCE AS IS DESIGNATED AS FOOD FOR MAN,¹ ONE MAY NOT MAKE A POULTICE² FOR MAN; AND NEEDLESS TO SAY, FOR CATTLE. SUCH PRODUCE, HOWEVER, THAT IS NOT EXCLUSIVELY USED FOR HUMAN FOOD MAY BE USED AS A POULTICE FOR MAN, BUT NOT FOR CATTLE. SUCH PRODUCE NOT USUALLY DESIGNATED EITHER FOR HUMAN OR FOR CATTLE FOOD, BUT NOW INTENDED³ AS FOOD FOR BOTH MAN AND CATTLE, HAS IMPOSED UPON IT THE STRINGENT LAWS APPLYING BOTH TO MEN⁴ AND BEASTS.⁵ IF HIS INTENTION⁶ WAS TO USE IT [ONLY] AS FUEL, IT MUST BE ACCOUNTED ONLY AS WOOD;⁷ AS, FOR EXAMPLE, SAVORY,⁸ HYSSOP, OR THYME.⁹

MISHNAH 2. SABBATICAL YEAR PRODUCE MAY BE USED FOR FOOD, DRINK AND FOR ANOINTING.¹⁰ THAT USUALLY EATEN SHOULD BE USED FOR FOOD ONLY; THAT USUALLY USED FOR ANOINTING PURPOSES IS TO BE USED AS AN UNGUENT [ONLY], AND THAT USED USUALLY FOR DRINKING IS TO BE USED FOR THIS PURPOSE ONLY.¹¹ ONE MAY NOT ANOINT WITH WINE AND VINEGAR, BUT WITH OIL ONLY.¹² SO IS THE CASE WITH HEAVE-OFFERING AND SECOND TITHE.¹³ GREATER LENIENCY WAS APPLIED TO [OIL OF] THE SEVENTH YEAR, SINCE IT CAN ALSO BE USED FOR LAMP-KINDLING.¹⁴

MISHNAH 3. PRODUCE OF THE SEVENTH YEAR¹⁵ MAY NOT BE SOLD BY MEASURE, WEIGHT OR NUMBER.¹⁶ NEITHER MAY FIGS [BE SOLD] BY NUMBER, NOR VEGETABLES BY WEIGHT.¹⁷ BETH SHAMMAI SAY: THEY MAY NOT BE SOLD, EVEN IN BUNDLES;¹⁸ BUT BETH HILLEL SAY: PRODUCTS USUALLY TIED IN BUNDLES IN THE HOUSE¹⁹ MAY ALSO BE TIED INTO BUNDLES FOR THE MARKET;²⁰ FOR EXAMPLE: LEEKS AND ASPHODEL.²¹

MISHNAH 4. IF ONE SAYS TO A LABOURER: 'TAKE THIS ISSAR²² AND GATHER VEGETABLES FOR ME TO-DAY', HIS PAYMENT IS PERMITTED;²³ [BUT IF HE TOLD HIM THUS:] 'IN RETURN [FOR THIS ISSAR], DO THOU GATHER VEGETABLES FOR ME TO-DAY', THEN HIS PAYMENT IS FORBIDDEN.²⁴ IF ONE BOUGHT A LOAF FROM A BAKER WORTH A PONDION²⁵ [AND SAID:] 'WHEN I HAVE GATHERED VEGETABLES FROM THE FIELD,²⁶ THEN I WILL BRING THEM TO YOU', THIS IS PERMITTED.²⁷ IF, HOWEVER, HE BOUGHT IT OF HIM WITHOUT ANY EXPLANATION,²⁸ HE MAY NOT PAY HIM HIS DEBT WITH THE VALUE OF SEVENTH YEAR PRODUCE;²⁹ FOR NO DEBT CAN BE PAID WITH THE VALUE OF SUCH PRODUCE.

MISHNAH 5. ONE MUST NOT PAY³⁰ A WELL-DIGGER,³¹ AN ATTENDANT AT THE PUBLIC BATH,³² A BARBER, OR A SAILOR; BUT HE MAY GIVE THE WELL-DIGGER [THE PRODUCE] TO BUY THEREWITH TO DRINK. AS A FREE GIFT, HOWEVER, HE MAY GIVE IT TO ALL OF THEM.³³

MISHNAH 6. SABBATICAL FIGS MAY NOT BE CUT WITH A FIG-KNIFE,³⁴ BUT WITH AN ORDINARY KNIFE.³⁵ GRAPES MAY NOT BE TRODDEN IN THE WINE-PRESS,³⁶ BUT THEY ARE TRODDEN IN THE KNEADING-TROUGH.³⁷ OLIVES MAY NOT BE PREPARED IN AN OLIVE-PRESS OR WITH AN OLIVE-CRUSHER.³⁸ BUT THEY MAY BE CRUSHED AND BROUGHT INTO A SMALL OLIVE-PRESS. R. SIMEON SAYS: THEY MAY

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EVEN BE CRUSHED IN THE [LARGER] OLIVE-PRESS, AFTERWARDS TO BE BROUGHT INTO THE SMALLER PRESS.

MISHNAH 7. SABBATICAL VEGETABLES MAY NOT BE COOKED IN OIL OF TERUMAH LEST THEY BECOME INVALIDATED;³⁹ BUT R. SIMEON PERMITS IT.⁴⁰ THE LAST THING EXCHANGED IS ALWAYS SUBJECT TO THE SABBATICAL LAW,⁴¹ AND THE PRODUCE ITSELF⁴² ALSO REMAINS FORBIDDEN.⁴³

MISHNAH 8. SLAVES, PROPERTY, OR UNCLEAN CATTLE MAY NOT BE BOUGHT WITH MONEY REALIZED BY SALE OF SEVENTH YEAR PRODUCTS; IF ONE HAS DONE SO HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT.⁴⁴ BIRD-OFFERINGS BROUGHT BY A MAN OR WOMAN WHO SUFFERED A FLUX,⁴⁵ OR BY A WOMAN AFTER CHILDBIRTH,⁴⁶ MUST NOT BE BOUGHT WITH THE VALUE OF SABBATICAL PRODUCE; AND IF THIS HAS BEEN DONE, HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT. VESSELS MAY NOT BE ANOINTED WITH OIL OF SEVENTH YEAR PRODUCE; WHERE THIS HAS BEEN DONE, HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT.⁴⁷

MISHNAH 9. A HIDE⁴⁸ SMEARED WITH OIL OF THE SEVENTH YEAR, R. ELIEZER SAYS, MUST BE BURNT; BUT THE SAGES SAY THAT HE MUST [BUY AND] EAT [PRODUCE] OF CORRESPONDING VALUE. THEY TOLD R. AKIBA THAT R. ELIEZER USED TO SAY, A HIDE THAT HAS BEEN SMEARED WITH OIL OF THE SEVENTH YEAR MUST BE BURNT. HE REPLIED: 'HOLD YOUR PEACE; FOR I WILL NOT DIVULGE TO YOU WHAT R. ELIEZER ACTUALLY SAID IN THIS CONNECTION'.⁴⁹

MISHNAH 10. THEY ALSO TOLD HIM⁵⁰ THAT R. ELIEZER SAID: 'HE WHO EATS BREAD [BAKED] BY SAMARITANS⁵¹ IS LIKE ONE WHO EATS THE FLESH OF A PIG'.⁵² [TO THIS, TOO] HIS REPLY WAS: 'HOLD YOUR PEACE; FOR I WILL NOT DIVULGE TO YOU

WHAT R. ELIEZER REALLY DID SAY IN THIS CONNECTION'.

MISHNAH 11. ONE MAY WASH IN A BATH HEATED WITH STRAW OR STUBBLE OF THE SEVENTH YEAR;⁵³ BUT IF HE IS A MAN HELD IN HONOUR, HE SHOULD NOT WASH THEREIN.⁵⁴

- (1) Sabbatical produce was not to be wasted; hence if fit for human food it must not be used for healing purposes.
- (2) Greek** (Jast.); an emollient, or plaster.
- (3) At the time of gathering.
- (4) Not to make a poultice thereof.
- (5) Not to cook vegetables if they can be eaten raw.
- (6) At the time of gathering.
- (7) Since they were only used for burning purposes, they are not liable to the law of Removal
- (8) A herb of mint, classified with hyssop, *Satureia thymbra* (Jast.).
- (9) A shrub with pungent aromatic leaves used in cooking. The three shrubs here specified are not usually designated for any particular purpose; hence his intention is respected.
- (10) Such produce as grapes and olives are borne in mind which can be used for all these three purposes.
- (11) No change was allowed in the natural purpose of the food; such food, however, that had become unfit for human consumption could be used for other purposes.
- (12) Wine, being used for drinking, was not to be wasted on an inferior purpose; cf. B.K. 15b.
- (13) Which can only be applied for the abovementioned purposes.
- (14) Whether the oil is clean or unclean. Forbidden, however, in the case of oil of terumah that is clean. Oil of the Second Tithe could be burnt only when clean; but oil of the seventh year could be burnt regardless of its being clean or not.
- (15) Left over after having been gathered to be eaten in one's household; v. supra VII, 3.
- (16) Respect must be attached to Sabbatical produce; accordingly, different methods of sale procedure must be employed.
- (17) In departure from the regular procedure in order to emphasize the sanctity of seventh year products. He can only sell them by approximation.
- (18) To obviate the impression that they are being sold as ordinary wares.
- (19) For private purposes.
- (20) Since this is unusual it will be regarded as different produce entitled to regard.
- (21) Cf. supra VII, I notes.
- (22) Equivalent to eight perutahs.
- (23) The issar can be regarded as a gift, and the work to be done as a favor.

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(24) Being too much like an express wish to perform work for him in the seventh year.

(25) Equivalent to two issars.

(26) That grow of their own accord.

(27) For it is like exchanging gifts. The baker gives his loaf, he his vegetables, with no money crossing their hands.

(28) I.e., on credit.

(29) This would be actually a case of trading with Sabbatical produce.

(30) With Sabbatical year produce.

(31) Who supplies the town with water from the wells he is asked to dig.

(32) Who heats the water to his liking. Though the labor of all these mentioned is for his own personal benefit, yet they must not be paid with produce of the seventh year.

(33) Even though, as a consequence, no reward for labor may be demanded.

(34) The one used specially for this purpose.

(35) Sword-like in shape. The point emphasized is that some different procedure must be followed (שנוי). Aliter:

These figs are not to be cut in the place usually designated for this purpose, thus taking the words מוקצה and חרבה as names of places instead of names of knives.

(36) As usual

(37) To show the nature of the produce.

(38) A small olive-press with a cylindrical beam with which to extract oil from olives in the press. According to Bert. It consisted of a large beam, topped by a large stone, with which oil was extracted from the olives.

(39) Since the oil is susceptible to uncleanness, the vegetables, too, will have to be burnt, and thus willful wastage of Sabbatical produce will accrue. Terumah, with its special sanctity, can suffer impurity at one further remove than ordinary food; and when invalid, must be burnt.

(40) Being of the opinion that dedicated things may be brought to a state of invalidity. Pes. 98b.

(41) The equivalent of the thing exchanged is also regarded as invested with Sabbatical sanctity, and though not all the substitutes are considered Sabbatical, yet the original produce still remains forbidden.

(42) Of the seventh year.

(43) V. Bert. ad loc.

(44) Since sanctity cannot be attached to the things bought, he must eat produce of equal value.

(45) Lev. XV, 14, 29; the sacrifice being two turtle-doves, or two pigeons.

(46) Ibid. XII, 6, 8. These are cited here to show that though they permit the bearer to eat of holy things, nevertheless, they cannot be purchased with Sabbatical produce.

(47) Only man could be anointed with Sabbatical oil. Oil preserves vessels.

(48) Or any other object; a hide is cited as being the more usual object to receive such treatment.

(49) From this it would appear that R. Eliezer held very lenient views which R. Akiba was not eager to discuss (Bert.).

V. however, T.J. ad loc. R. Eliezer b. Hyrcanus was under a ban (v. B.M. 59b), and was forbidden to participate in the discussions and decisions of the court; Yad. IV, 3.

(50) R. Akiba.

(51) Excommunicated by Ezra for their intransigence in disturbing the construction of the Temple.

(52) Not to be taken too literally. Their bread was prohibited as a punishment; v. Hul. 4a.

(53) In pursuance of the policy formulated in supra VIII, 1 that anything not used exclusively for human food can be used for other purposes.

(54) Such a man must impose upon himself added restrictions.

Chapter 9

MISHNAH 1. RUE,¹ GOOSEFOOT,² PURSLANE,³ HILL CORIANDER,⁴ WATER-PARSLEY,⁵ AND MEADOW-BERRIES, ARE EXEMPT FROM TITHES,⁶ AND MAY BE PURCHASED⁷ FROM ANY MAN⁸ DURING THE SABBATICAL YEAR, SINCE SUCH PRODUCE IS NOT USUALLY WATCHED. R. JUDAH SAYS: AFTERGROWTHS OF MUSTARD ARE PERMITTED, SINCE TRANSGRESSORS ARE NOT SUSPECTED CONCERNING THEM.⁹ R. SIMEON SAYS: ALL AFTERGROWTHS ARE PERMITTED,¹⁰ WITH THE EXCEPTION OF THE AFTERGROWTHS OF CABBAGE,¹¹ SINCE SUCH CANNOT BE PLACED WITHIN THE CATEGORY OF WILD VEGETABLES. BUT THE SAGES SAY: ALL AFTERGROWTHS ARE FORBIDDEN.¹²

MISHNAH 2. THERE ARE THREE DISTINCT COUNTRIES¹³ IN RESPECT OF THE LAW OF REMOVAL.¹⁴ [THESE ARE]: JUDAH, TRANSJORDANIA, AND GALILEE, EACH OF THESE IS [IN TURN] DIVIDED INTO THREE TERRITORIES.¹⁵ THUS [GALILEE¹⁶ IS DIVIDED INTO] UPPER GALILEE, NETHER GALILEE, AND THE VALLEY; FROM KEFAR HANANIAH UPWARDS, [NAMELY], THE REGION WHERE SYCAMORES DO NOT GROW,¹⁷ IS UPPER GALILEE; FROM KEFAR

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HANANIAH DOWNWARDS, WHERE THE SYCAMORES DO GROW, IS NETHER GALILEE; THE NEIGHBOURHOOD OF TIBERIAS IS THE VALLEY. THOSE OF JUDAH ARE: THE MOUNTAIN REGION, THE SHEPHELAH,¹⁸ AND THE VALLEY.¹⁹ THE PLAIN OF LYDDA²⁰ IS LIKE THE PLAIN OF THE SOUTH, AND ITS MOUNTAIN REGION IS LIKE THE KING'S HILL-COUNTRY.²¹ FROM BETH-HORON TO THE SEA IS CONSIDERED AS ONE DISTRICT.²²

MISHNAH 3. WHY DID THEY SPEAK OF THREE COUNTRIES?²³ SO THAT THEY MAY EAT IN EACH COUNTRY UNTIL THE LAST OF THE SEVENTH YEAR PRODUCE IN THAT COUNTRY IS ENDED.²⁴ R. SIMEON SAID: THEY HAVE SPOKEN OF THREE COUNTRIES ONLY IN THE CASE OF JUDAH, BUT ALL OTHER COUNTRIES²⁵ ARE TO BE REGARDED AS ROYAL HILL-COUNTRY;²⁶ AND ALL OTHER COUNTRIES RECEIVE EQUAL TREATMENT WITH REGARD TO THE OLIVE AND DATE.²⁷

MISHNAH 4. ONE MAY EAT²⁸ [ONLY SO LONG AS] SIMILAR PRODUCE IS STILL REGARDED AS OWNERLESS²⁹ [IN THE FIELDS], BUT NOT WHEN IT IS BEING WATCHED.³⁰ R. JOSE, HOWEVER, PERMITS IT ALSO WHEN [SIMILAR PRODUCE] IS FOUND GUARDED.³¹ ONE MAY CONTINUE TO EAT³² SO LONG AS THERE IS STILL GROWTH BETWEEN THE GRASS,³³ OR BY VIRTUE OF THE TREES THAT YIELD BI-ANNUALLY;³⁴ BUT ONE MUST NOT EAT BY VIRTUE OF WINTER-GRAPES.³⁵ R. JUDAH PERMITS [EVEN BY VIRTUE OF THE LATTER] PROVIDED THEY BEGAN TO RIPEN BEFORE THE SUMMER [OF THE SEVENTH YEAR] HAD ENDED.

MISHNAH 5. IF THREE KINDS OF VEGETABLES³⁶ WERE PRESERVED IN ONE JAR, THEY MAY BE EATEN ONLY SO LONG AS THE FIRST STILL REMAINS;³⁷ SO R. ELIEZER. BUT R. JOSHUA SAYS: EVEN SO LONG AS THE LAST REMAINS.³⁸ RABBAN GAMALIEL SAYS: WHEN THE LIKE KIND IS NO LONGER TO BE FOUND WITHIN THE

FIELD, THE CORRESPONDING KIND IN THE JAR MUST BE REMOVED.³⁹ AND THE HALACHAH AGREES WITH HIM. R. SIMEON SAYS: ALL VEGETABLES ARE REGARDED AS ONE [KIND] IN RESPECT OF THE LAW OF REMOVAL. PURSLANE⁴⁰ MAY BE EATEN AS LONG AS VETCHES⁴¹ ARE STILL FOUND IN THE VALE OF BETH NETOPHA.⁴²

MISHNAH 6. IF ONE GATHERED FRESH VEGETABLES,⁴³ HE MAY EAT THEM UNTIL THE [GROUND] MOISTURE IS DRIED UP;⁴⁴ AND IF HE GATHERED DRY [VEGETABLES] [HE MAY EAT THEM] UNTIL THE SECOND RAINFALL.⁴⁵ LEAVES OF REEDS AND OF THE VINE⁴⁶ [MAY BE EATEN] UNTIL THEY FALL FROM THE STEMS; BUT IF THEY HAVE BEEN GATHERED DRY, THEY MAY BE EATEN ONLY UNTIL THE SECOND RAINFALL. R. AKIBA SAYS: IN ALL CASES,⁴⁷ [THEY MAY BE EATEN] UNTIL THE SECOND RAINFALL.

MISHNAH 7. SIMILARLY, IF ONE HIRES TO ANOTHER A HOUSE 'UNTIL THE RAINFALL', [HE IMPLIES THEREBY] 'UNTIL THE SECOND RAINFALL'; OR IF ONE HAD VOWED NOT TO DERIVE ANY BENEFIT FROM HIS FELLOW 'UNTIL THE RAINS'. [THIS LIKEWISE IMPLIES] 'UNTIL THE SECOND RAINFALL'. UNTIL WHEN MAY THE POOR ENTER THE GARDENS?⁴⁸ UNTIL THE SECOND RAINFALL.⁴⁹ AND WHEN MAY ONE BEGIN TO ENJOY OR BURN THE STRAW AND STUBBLE OF SABBATICAL PRODUCE?⁵⁰ AFTER THE SECOND RAINFALL.⁵¹

MISHNAH 8. IF ONE HAD SABBATICAL PRODUCE [AT HOME] AND THE TIME OF REMOVAL HAD COME,⁵² HE MAY APPORTION FOOD FOR THREE MEALS TO EVERY ONE.⁵³ R. JUDAH SAYS: THE POOR⁵⁴ MAY EAT THEREOF, EVEN AFTER THE REMOVAL, BUT NOT THE RICH;⁵⁵ BUT R. JOSE SAYS: THE POOR AND THE RICH ALIKE MAY EAT THEREOF.⁵⁶ [EVEN AFTER THE TIME OF] THE REMOVAL.

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MISHNAH 9. IF ONE HAD INHERITED SEVENTH YEAR PRODUCE, ⁵⁷ OR HAD RECEIVED THEM AS A GIFT, R. ELIEZER SAYS: THEY MUST BE GIVEN⁵⁸ UNTO ALL WHO WISH TO EAT THEREOF.⁵⁹ BUT THE SAGES SAY: THE SINNER MUST NOT BENEFIT,⁶⁰ BUT THE PRODUCE SHOULD BE SOLD TO THOSE WHO WOULD EAT THEREOF,⁶¹ AND ITS PRICE DIVIDED AMONG THEM ALL.⁶² IF ONE EATS OF DOUGH OF THE SEVENTH YEAR [PRODUCE] BEFORE THE HALLAH⁶³ WAS TAKEN FROM IT, HE HAS INCURRED THEREBY THE DEATH PENALTY.⁶⁴

- (1) A perennial ever-green shrub with bitter, strong-scented leaves frequently used in medicine.
- (2) A kind of asparagus, says Bert. Goosefoot is so named from the shape of its leaves.
- (3) A low succulent herb used in salads and pickled.
- (4) Annual plants with aromatic fruit used for flavoring. Kil. I, 2.
- (5) An umbelliferous plant.
- (6) Tithes are only taken from owned produce; those above-mentioned generally grow in ownerless property and are not deemed of much value.
- (7) For food.
- (8) Even from such that are suspected of trading with Sabbatical produce; for the law does not embrace ownerless produce.
- (9) To guard them in the seventh year.
- (10) Since they are usually ownerless.
- (11) Which are not generally ownerless and do not grow wild.
- (12) As a precaution against transgressors who will sow things in secret, and then claim that they are after-growths. Those of vegetables were permitted, according to all, since it was not usual to sow them at all.
- (13) Though they are all in the Land, they differ with regard to the application of this law; the reason being that produce ripens at different seasons in each of these territories.
- (14) Sabbatical produce stored in the house may be eaten as long as similar produce still abounds in the fields of the country of his domicile; as soon as this produce begins to wither or disappear from the fields, the time has come for him to remove that which he has stored up at home. The object of this law was to enable man and beast alike to have equal access to seventh year produce. This stipulation was based on the words in Lev. XXV, 7 (לבהמתך ולחיה) as long only as cattle can eat thereof in the field, may man eat thereof in his house.

- (15) Though three territories, yet each is part of one country-Galilee.
- (16) The three partitions of Galilee are given.
- (17) These grow in the plain; I Kings X, 27.
- (18) Maritime Plain.
- (19) From Engedi to Jericho; Josh. X, 40. The three partitions 'If Transjordan seem to be inadvertently omitted; these are outlined in Josh. XV and in Tosef Shebi'ith, and also consist of hill-country, plain and valley. Machwar, Gador and the rest are the hill-country, Heshbon with its surrounding towns constitute the plain, and the valley is Beth Haran and its environs.
- (20) Continuing the description of Judah's territories.
- (21) Viz., the mountain region of Judah, in the region of Lydda, Sabbatical produce could be eaten until similar produce declines in the Judean hill-country, where, owing to its altitude, it is late in ripening.
- (22) As long as the cattle of that region still find food in the fields, one can continue to eat at home food stored.
- (23) Since each, in turn, is again partitioned into three, there are really nine in all. Why then three?
- (24) Viz., if produce in Judah's hilly region has ended in the field, but is still found in the plain; or if it has ceased in the fields of the plain and hill-country, but is still to be found in the valley, then the whole country of Judah may still eat. Similarly with Transjordan and Galilee. One cannot, however, eat in Judah because produce is still found in the fields of Galilee and Transjordan, for each of the three countries is perfectly autonomous with regard to the law of Removal.
- (25) I.e., Galilee and Transjordan.
- (26) Where there is always an abundance of fruit, even late in the year, and as long as there is produce to be found there, it may be eaten also in Galilee and Transjordan.
- (27) As long as they are still to be found in one place, they may be eaten in those even where they have ceased from the fields, be it Judah, Galilee, or Transjordan.
- (28) Stored Sabbatical produce.
- (29) Regardless of the fact whether it be attached or plucked from the soil.
- (30) Symbol of private ownership, as for example, produce from one's garden. From the words ולבהמתך ולחיה we deduce that men cannot eat from produce of which the beasts cannot avail themselves; viz., from one's garden.
- (31) And still attached to the soil; but once detached, and guarded, the produce is forbidden.
- (32) Sabbatical produce.
- (33) So Jast. Bert. explains it as 'a pitcher-shaped vessel, put up in walls and crevices as a bird's nest'. As long as grain is found in these pitchers, so long may one eat similar grain stored at home. Aliter: 'poor, stunted grain kept in soil'; also, 'the

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ledges placed on roofs of houses, where crumbs were scattered for birds to pick'; cf. I Kings VII, 9.

(34) I.e., as long as there is on the tree fruit of the second crop.

(35) Late fruits remaining on the edges of the trees till the approach of winter. I.e., one may not eat of the summer grapes by virtue of the grapes that will ripen in the winter of the eighth year.

(36) The time of Removal of each being different.

(37) In the field. I.e., as soon as one of them has ceased from the fields, the other two will then be forbidden, though their like is still in the fields.

(38) Though the other two kinds similar to those in the jar have ceased from fields, those preserved can still be eaten by virtue of the one which is still in the fields with which they are intermixed.

(39) And each vegetable may be eaten as long as that kind of vegetable is still found in the fields.

(40) In the seventh year.

(41) Of the artichoke genus, a plant of which the base of the flower and the scales thereof are edible. Those grown in the Holy Land were species of sunflower with edible tuberous roots.

(42) Purslane, which after being plucked, lasts longest, owing to the moisture within, may be eaten as long as the vetches last in Beth Netofa, where on account of its fertility and plentiful supply of water, the crop remains longest in the field. Beth Netofa has been identified with the El Battof valley in Galilee, v. Klein, Beitrage, p. 83.

(43) Of the seventh year.

(44) After this drying up, those left in the field are no longer fit for food, and therefore those in the house must be removed. The word for 'moisture' (מתוק) is lit., 'sweetness', since it is this that makes them palatable. Cf. supra III, 1.

(45) Usually the twenty-third Heshwan (November) of the eighth year. Plants in the field then become unfit even for beasts in the fields.

(46) Eaten as long as they were still attached to their stems.

(47) Of plants enumerated in the Mishnah. The Halachah is not in agreement with Akiba.

(48) To gather gleanings, the Forgotten Sheaf and Pe'ah every year, and in the seventh year, the produce; Pe'ah VIII, 1.

(49) But not afterwards; for they will then harm the soil that has become soft on account of the rain; B.K. 81b.

(50) During the seventh year the produce can only be food for the cattle of the field not for man's profit; Lev. XXV, 7. Straw and stubble were eaten by cattle, hence they must not be used for any other purpose until such time when they cease to be fit for them.

(51) When nothing left in the field is fit for food, and henceforth the Sabbatical law no longer applies to things stored at home.

(52) Of each species, according to its place and season; Pes, 53a.

(53) Of his household, and friends and neighbors; the rest must be removed, after he had issued an open invitation to all to partake thereof.

(54) Who gathered ownerless produce.

(55) Who had gathered from their own fields v. Tif. Yis.

(56) Maim. reads: 'may not eat'.

(57) Legally gathered, but now the period of Removal had come.

(58) Free.

(59) This is in accordance with Beth Shammai, supra IV, 2, who forbid the eating of Sabbatical produce when bestowed by the owner as a favor. The beneficiary consequently must share the produce he had received with others (Bert.).

(60) For he has been the recipient of a forbidden gift, and if allowed to eat himself and bestow favors on others, he will be deriving benefit from forbidden gifts.

(61) So that he be not the bestower of favors.

(62) Perhaps by the Beth din (v., however, Tif. Yis).

(63) Lit., 'cake'; Num. XV. 18 — 21 Though we deduce from לאכלה ('for eating'), ולא לשרפה, ('and not for burning'), and the dough-offering if rendered unclean had to be burnt, still Hallah had to be taken from seventh year produce.

(64) The 'heavenly' penalty (בידי שמים) for such an offence, no distinction being made in the dough from which Hallah had to be taken.

Chapter 10

MISHNAH 1. THE SABBATICAL YEAR CANCELS A CASH DEBT,¹ WHETHER IT IS SECURED BY BOND² OR NOT; BUT SHOP-DEBTS³ IT DOES NOT CANCEL. IF, HOWEVER, IT HAD BEEN CONVERTED INTO THE FORM OF A LOAN, THEN IT IS CANCELLED. R. JUDAH SAYS: THE FORMER DEBT IS ALWAYS CANCELLED.⁴ THE WAGE OF A HIRELING IS NOT CANCELLED, BUT IF IT HAD BEEN CONVERTED INTO A LOAN IT IS CANCELLED. R. JOSE SAYS: THE [PAYMENT FOR] ANY WORK THAT MUST CEASE⁵ WITH THE SEVENTH YEAR, IS CANCELLED; BUT IF IT NEED NOT CEASE WITH THE SEVENTH YEAR, THEN IT IS NOT CANCELLED.⁶

MISHNAH 2. HE WHO SLAUGHTERS A COW AND DIVIDES IT UP ON THE NEW YEAR,⁷ IF THE MONTH HAD BEEN INTERCALATED,⁸

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[THE DEBT INCURRED BY THEN] IS REMITTED; BUT IF IT HAD NOT BEEN INTERCALATED, IT IS NOT REMITTED. [FINES FOR] OUTRAGES,⁹ FOR SEDUCTION,¹⁰ FOR DEFAMATION,¹¹ AND ALL OTHER OBLIGATIONS ARISING FROM LEGAL PROCEDURE,¹² ARE NOT CANCELLED. A LOAN SECURED BY A PLEDGE, AND ONE OF THE BONDS OF WHICH HAVE BEEN HANDED OVER TO A COURT, ARE NOT CANCELLED.¹³

MISHNAH 3. [A LOAN SECURED BY] A PROZBUL¹⁴ IS NOT CANCELLED. THIS WAS ONE OF THE THINGS INSTITUTED BY HILLEL THE ELDER; FOR WHEN HE OBSERVED PEOPLE REFRAINING FROM LENDING TO ONE ANOTHER, AND THUS TRANSGRESSING WHAT IS WRITTEN IN THE LAW, 'BEWARE, LEST THERE BE A BASE THOUGHT IN THY HEART',¹⁵ HE INSTITUTED THE PROZBUL.

MISHNAH 4. THIS IS THE FORMULA¹⁶ OF THE PROZBUL: 'I DECLARE BEFORE YOU, SO-AND-SO,¹⁷ JUDGES OF THAT PLACE,¹⁷ THAT TOUCHING ANY DEBT THAT I MAY HAVE OUTSTANDING, I SHALL COLLECT IT WHENEVER I DESIRE'. AND THE JUDGES SIGN BELOW, OR THE WITNESSES.¹⁸

MISHNAH 5. AN ANTE-DATED PROZBUL IS LEGAL;¹⁹ IF POST-DATED, IT IS ILLEGAL.²⁰ ANTE-DATED BONDS [OF LOANS] ARE NOT VALID,²¹ BUT THOSE POST-DATED ARE VALID.²² IF ONE BORROWS FROM FIVE PERSONS, A SEPARATE PROZBUL MUST BE MADE FOR EACH [CREDITOR]; BUT IF FIVE BORROW FROM THE SAME PERSON, THEN ONE PROZBUL ONLY WILL SUFFICE FOR THEM ALL.

MISHNAH 6. A PROZBUL IS WRITTEN ONLY FOR [A DEBT SECURED BY] IMMOVABLE PROPERTY; AND IF [THE DEBTOR] HAS NONE, THEN [THE CREDITOR] CAN GIVE HIM TITLE TO A SHARE, HOWEVER SMALL, OF HIS OWN FIELD.²³ IF HE²⁴ HAD LAND IN PLEDGE IN A CITY, A PROZBUL CAN BE WRITTEN ON [THE SECURITY THEREOF]. R.

HUZPETH SAYS: A PROZBUL MAY BE WRITTEN FOR A MAN ON THE SECURITY OF HIS WIFE'S PROPERTY,²⁵ OR FOR AN ORPHAN ON THE SECURITY OF PROPERTY BELONGING TO HIS GUARDIAN.²⁶

MISHNAH 7. A BEE-HIVE, R. ELIEZER SAYS, IS CONSIDERED LANDED ESTATE;²⁷ A PROZBUL MAY BE DRAWN UP ON ITS SECURITY, AND IT IS NOT SUSCEPTIBLE TO UNCLEANNESS WHILE IT REMAINS IN ITS PLACE, AND HE WHO TAKES HONEY THEREFROM ON THE SABBATH DAY IS HELD CULPABLE.²⁸ THE SAGES, HOWEVER, SAY: IT IS NOT LIKE LANDED ESTATE, A PROZBUL MAY NOT BE DRAWN UP ON ITS SECURITY, IT DOES CONTRACT UNCLEANNESS WHILE IN ITS PLACE, AND HE WHO TAKES HONEY THEREFROM ON THE SABBATH IS EXEMPT FROM ANY PENALTY.

MISHNAH 8. IF ONE WOULD RETURN A DEBT IN THE SEVENTH YEAR, THE [CREDITOR] MUST SAY TO [THE DEBTOR]: 'I REMIT IT'; BUT SHOULD [THE LATTER] SAY: 'NONE-THE-LESS [I WILL REPAY IT]'. HE MAY ACCEPT IT FROM HIM, BECAUSE IT SAYS: 'AND THIS IS THE WORD OF THE RELEASE'.²⁹ SIMILARLY, WHEN [AN INVOLUNTARY] MANSLAYER HAS ARRIVED AT HIS CITY OF REFUGE, AND THE CITIZENS THEREOF DESIRE TO DO HIM HONOUR, HE MUST SAY TO THEM: 'I AM A MURDERER'.³⁰ IF THEY SAY: '[NONE-THE-LESS WE WOULD HONOUR THEE]'. THEN HE MAY ACCEPT [THE HONOUR] FROM THEM, BECAUSE IT SAYS: 'AND THIS IS THE WORD OF THE MANSLAYER'.³¹

MISHNAH 9. IF ONE REPAYS HIS DEBTS IN THE SEVENTH YEAR THE SAGES ARE WELL PLEASED WITH HIM. IF ONE BORROWS FROM A PROSELYTE WHOSE SONS HAD BECOME CONVERTED WITH HIM, THE DEBT NEED NOT BE REPAYED TO HIS SONS;³² BUT IF HE RETURNS IT THE SAGES ARE WELL PLEASED WITH HIM. ALL MOVABLE PROPERTY CAN BE ACQUIRED [ONLY] BY THE ACT OF

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DRAWING THEM;³³ BUT WHOSOEVER FULFILLS HIS [BARE] WORD, THE SAGES ARE WELL PLEASED WITH HIM.

(1) Deut. XV, 2. With the passing of the Sabbatical year, the creditor has no longer any claim on the debtor.

(2) Though the debtor had pledged in the bond his immovable property for the recovery of the debt.

(3) Goods purchased on credit.

(4) When a second credit purchase is transacted, the first is always considered a loan subject to the Sabbatical law of cancellation, and the last credit purchase a trust not subject to this law.

(5) Such as pruning, plowing, sowing, etc.

(6) Since it is the price of such labor as is permitted.

(7) On the first of Tishri of the eighth year, he sells portions of it to purchasers.

(8) I.e., Ellul, the preceding month, had been declared by the Beth din to possess thirty instead of twenty-nine days. Accordingly, the day when the cow was distributed among purchasers was the last day of the seventh year, and the debts are released. Note that debts were only released at the end of the seventh year; Deut. XV, 2.

(9) Deut. XXII, 29.

(10) Ex. XXII, 16. Penalty for both was fifty shekels.

(11) Deut. XXII, 18, 19. Penalty, one hundred shekels.

(12) All payments enjoined by the Beth din are regarded as if they were already claimed.

(13) Being in the hands of the Beth din, the debt is considered as if it had already been paid.

(14) It was a declaration made in court, to the effect that the law shall not apply to the loan transacted; cf. Pe'ah III, 6. For a full discussion v. Git. 36b and note in Sonc. ed. a.l.

(15) Deut. XV, 9.

(16) Lit., 'the body of'.

(17) The exact names being given.

(18) The effect of this document was tantamount to the debt already having been collected before the advent of the Sabbatical year (v. supra 2). According to Asheri the time of writing the Prozbul was until the end of the sixth year; but Maim. is of the opinion that since the law of cancellation actually came into force at the end of the seventh year, it could be written even in the seventh year.

(19) For the harm done by this is only to the lender himself; for should he lend any money after the drawing up of the Prozbul, the Prozbul will have no effect on the claim of the loan.

(20) For all the debts contracted in the interval will be claimed in the seventh year, contrary to the law, which limits the operation of the Prozbul to loans made before it had been drawn up.

(21) Because he will be illegally claiming from property which the debtor had sold before the actual transaction of the debt.

(22) For the lender will then be harming only himself, as he will not be entitled to claim any property other than from such time mentioned in the bond.

(23) Immovable property of little value is sufficient to secure a large debt (v. Tosaf. Yom. Tov.).

(24) The debtor.

(25) Even of his wife's estate of which the husband enjoys the fruit without the responsibility for loss or deterioration.

(26) Where the guardian had borrowed money on behalf of the orphan.

(27) All would agree with R Eliezer if it were attached to the soil with lime. On the other hand, were it suspended above ground on pegs, all would agree that it is movable property. The dispute only arose here, where the bee-hive is lying on the ground, unattached to the soil with lime; cf. 'Uk. III, 10.

(28) 'Plucking' from the soil on Sabbath was classed under the category of reaping; Shab. VII, 2.

(29) Deut. XV, 2. The emphasis is in word, hence by a single admission of the obligation to cancellation the law is fulfilled, and no qualms need be felt now at accepting the debt.

(30) Cf. Mak. II, 8.

(31) Deut. XIX, 4; having demurred but once at the honor extended to him, he may now be the recipient thereof.

(32) Children of a proselyte are regarded as newly born; accordingly, they are not the legal heirs of their pagan father, and, consequently, cannot claim debts due to him. Nevertheless, if his debt is returned to them, the Rabbis are pleased with the debtor.

(33) Into the possession of the purchaser; Kid. I, 4 — 5. Both parties could retract, even if money had already crossed hands, as long as the object to be acquired had not yet been drawn into the possession of the purchaser; v. Glos. s.v. Meshikah.