The Sanctity of the Seventh Year

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The Sanctity of the Seventh Year: A Study of Mishnah Tractate Shebiit.

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The chapter begins a protracted essay on the prohibition against working the Land during the seventh year. The foundation of Mishnah's discussion is the injunction of Lev. 25:4 that, "...in the seventh year the land shall have a sabbath of complete rest."

Mishnah's authors begin their treatment of this law in a logical manner, by considering the earliest point during the Sabbatical cycle when the restrictions of the seventh year could take effect. As we shall see, the framers of our tractate assume that late in the sixth year, even before the Sabbatical year itself has begun, farmers may not engage in certain agricultural activities. Let me begin by explaining this striking conception, for though it underlies the chapter before us, Mishnah's framers never fully articulate it. The central principle is that Israelites may not work the Land during the sixth year if their labor will benefit the ground or its yield during the Sabbatical year itself. Any agricultural activity that has the effect of improving the Land during the seventh year would violate Scripture's injunction that during this year the Land must have "a sabbath of complete rest."

For example, during the final months of the sixth year the farmer may not plow a field of trees, for this would have the effect of strengthening the trees and thereby improving the crop of the seventh year. This is forbidden because, as I have said, Mishnah's authorities forbid Israelite farmers from engaging in any labor that would benefit the Land or its yield during the seventh year.

This general notion, known in later rabbinic sources as tosefet shebiit (lit., "the addition to the Sabbatical year"), underlies the question posed at M. 1:1A and generates the problematic of the chapter. At what point during the sixth year must the farmer quit plowing his orchard? The answer, endorsed by both the Hillelites and Shammaites, is that farmers may continue to plow only until they begin to harvest the fruit of the sixth year. After this time, further plowing clearly will not benefit the fruit of the sixth year, which already is ripe and ready for harvest. Rather, the farmer's plowing will improve only the crop of the Sabbatical year, which is forbidden (M. 1:1). This opening unit draws in its wake two ancillary questions. First, we wish to know how to determine the boundaries of an orchard, that area of land within which the prohibition against plowing applies (M. 1:2-5). Second, we investigate how orchards of fully-grown trees differ from orchards of saplings (M. 1:6-8). With the central point and overall structure of the chapter in hand, we turn now to a brief summary of the details of the law.

An orchard is defined as an area the size of a seah-space (approximately 784 square meters) which contains at least three trees. This tract of land constitutes a single unit because the trees growing within it extend their roots throughout this area. Plowing
anywhere within this plot of land aerates the roots of the trees and is permitted only until the farmer begins harvesting the crop of the sixth year. This basic definition is subject to an important qualification. Trees that produce a small yield or trees that are unevenly distributed within the seah-space do not fill the entire area with their roots. In such cases, the tract as a whole does not constitute an orchard, so that farmers are not free to plow until harvest time throughout the entire seah-space. Instead, they may plow only the land immediately surrounding each tree, where the roots of that tree are located (M. 1:2-11:4, 1:5).

At M. 1:6-7, the discussion shifts to fields of saplings. Young trees, unlike mature ones, have small, delicate root systems. Mishnah's authorities thus rule that ten saplings, which together extend their roots throughout a seah-space, constitute an orchard. Moreover, farmers may plow orchards planted with saplings and gourds until New Year of the Sabbatical year. This insures that these delicate plants do not die during the dry, summer months (M. 1:6-7). The chapter concludes appropriately with a discussion of the point at which saplings become fully-grown trees (M. 1:8).

As we have seen then the redactor of this chapter has arranged his discussion in a thoroughly logical fashion. He begins by introducing the prohibition of plowing an orchard late in the sixth year, turns next to the definition of an orchard, and finally, considers special types of orchards, those that contain saplings. This well-structured essay is interrupted only at M. 1:41-L, which offers Ex. 34:21 as the Scriptural prooftext for the concept of tosefet shebiit. I cannot account for the placement of this unit in the middle of this discussion, rather than at the outset or conclusion.

1:1

A. Until what time do they plow an orchard [of fruitbearing trees] (keh 'yln) during the sixth year [of the Sabbatical cycle](ch bdby'yt)?

B. The House of Shammai say, "[One may continue to plow] so long as [the plowing continues] to benefit the produce (vph l pry) [of the sixth year. That is, after the crop of the sixth year has ripened and been harvested, the farmer no longer may plow in his orchard]."

C. But the House of Hillel say, "[One may continue to plow] until Pentecost [of the sixth year]."

D. And the opinion of the one is close to the opinion of the other.

M. 1:1 (b. M.Q. 3b)

During the sixth year of the Sabbatical cycle, Israelis may not engage in agricultural activities that have the effect of benefiting the Land during the following year. Improving a field in this way would violate the injunction of Lev. 25:1-7, that during the Sabbatical year the Land of Israel must be allowed to rest. This notion, that certain prohibitions against working the Land during the seventh year start to take effect even before that year begins, gives rise to the Houses-dispute at A-B vs. C. Both parties agree
that late in the sixth year a farmer may not plow his orchard. This would aerate the roots of the trees and so improve the harvest of the following year. The Houses' disagreement focuses upon a secondary issue: at what point during the sixth year does plowing in an orchard become forbidden? According to the Shammaites, as soon as a farmer begins to harvest the crop of the sixth year, he may no longer plow in his orchard. Any further cultivation would benefit only the yield of the Sabbatical year, which is forbidden. It follows from the Shammaite position that the prohibition against plowing will take effect at different times in various locations, as the farmers of each region begin harvesting their orchards. Since the Shammaites recognize that fruit ripens and is harvested earlier in some orchards than in others, they do not set a date at which farmers must stop plowing. The Hillelites, C, on the other hand, rule that after Pentecost of the sixth year all farmers must stop plowing their orchards. This marks the official beginning of the new harvest season, when Israelites bring the first fruit of the new crop as a gift to the Temple (see M. Bik. 1:3). After Pentecost of the sixth year a farmer may not plow his orchard, for this would benefit only the crop which ripens during the Sabbatical year. The Hillelites, in contrast to the Shammaites, wish to assure that Israelites throughout the Land begin observing the restrictions of the Sabbatical year at the same time. They therefore fix a specific date when the prohibition against plowing takes effect.

Despite the opposing positions of the Houses, there is little practical difference between their views, as the gloss at D notes. This is because Pentecost, in fact, is when farmers generally begin to harvest their fruit.

A: What is (considered) an orchard (and so may not be plowed after Pentecost of the sixth year, in accordance with the rule of M. 1:1)?

B. Any [field in which there are at least] three trees [growing] within a seah-space, [that is within an area large enough to plant a seah of seed].

C. If [the trees referred to at B] are capable of producing a loaf of pressed figs weighing sixty maneh according to the Italian [measurement, such that the roots of these trees extend throughout the entire area,]

D. they plow the entire seah-space for [the trees'] benefit. [That is, the entire area constitutes an orchard. In accordance with the rule of M. 1:1, a farmer may plow this land only until Pentecost of the sixth year.]

E. [But if the trees referred to at B yield] less than this [amount of produce, such that their roots do not fill the seah-space,]

F. they plow [until Pentecost of the sixth year] for [the trees'] benefit only as far out [from each tree] as [the place where] the gatherer [stands] with his basket behind him. [That is, only the area in the immediate vicinity of these trees, where their roots are located, is subject to the prohibition against plowing in an orchard after Pentecost. The remainder of the seah-space, where the trees' roots do not reach, is subject to the rules governing the plowing of grain fields during the sixth year; see M. 2:1.]
G. The same law, C-F, applies both to non-fruitbearing trees (yln srg) [which do not yield edible produce] and to fruitbearing trees [other than the fig trees referred to at C-F].

H. [in either case,] they view them as if they were fig trees. [That is, they compare the size of these trees to that of fig trees in order to apply the rule of C-F].

I. If [three of these trees growing in a seah-space are the same size as three fig trees, which would be] capable of producing a loaf of pressed figs weighing sixty maneh according to the Italian [measurement,]

J. [the rule of C-D applies, so that] they plow the entire seah-space for [the trees'] benefit [until Pentecost of the sixth year].

K. [If three of these trees are the size of fig trees which would produce] less that this [amount of produce,]

L. [the rule of E-F applies, such that] they plow them [until Pentecost of the sixth year] only according to [the trees'] need, [that is, only in the immediate vicinity of the trees, where their roots are located].

M. 1:3

A farmer must know how to determine the boundaries of his orchard, since it is forbidden for him to plow within this area of land after Pentecost of the sixth year. As we know from M. 1:1, further plowing after this time will have the effect of benefiting the roots of his trees and so will improve the crop of the seventh year. This would be forbidden. Since the primary concern of Mishnah's authorities is to prevent the farmer from aerating the roots of his trees, only that area of land which is filled by the trees' roots is regarded as part of the orchard. This conception of the boundaries of an orchard is presented in the rule at B and further developed in the discussion that follows, at C-F and G-L. Mishnah's framers claim that three trees planted within a seah-space of land will spread their roots throughout that entire area. Plowing anywhere within this plot of land therefore would benefit the roots of the trees. This is forbidden after Pentecost of the sixth year, in accordance with the rule of M. 1:1.

At C-F, Mishnah's authorities refine this basic definition by distinguishing large trees, with expansive root systems, from smaller ones, the roots of which remain close to the trees. The extensiveness of the trees' roots is indicated by their yield. If three fig trees produce a combined yield of 60 maneh of dried pressed figs, a farmer may assume that their roots extend throughout the entire seah-space. Since plowing anywhere within this area would benefit the trees, he may not do so after Pentecost of the sixth year (C-D). Trees which yield less produce have smaller root systems. Since their roots extend only a short distance, the prohibition against plowing after Pentecost applies only to the area near the base of each tree (E-F).

The definition of an orchard presented at C-D, as we have seen, refers explicitly to the yield of fig trees. This poses a problem, for it is not clear how to determine the size of orchards containing other types of trees. The answer, provided at I-L, is that one compares the size of these trees to the size of fig trees which would be capable of
producing the quantity of fruit specified at C. We then apply the rule of C-F to all other
types of trees.

1:4

A. [If] one [of three trees planted in a seah-space, as at M. 1:2-3,] yields a loaf of
pressed figs [weighing sixty maneh according to the Italian measurement,] but [the
other] two do not [yield anything,]

B. or [if] two [of the trees] yield [the required amount] and [the other] one does not
[yield anything]--

C. they plow for [each of] them only according to their need. [That is, the prohibition
against plowing after Pentecost of the sixth year applies only in the vicinity of the
trees themselves, not to the seah-space as a whole.]

D. [This law applies in cases of] \(C_{d} x\text{hyv}\) from three to nine trees.

E. [If] there were ten [trees,]

F. [or] upwards of ten,

G. whether or not they [together] yield [the required amount]--

H. they plow the entire seah-space for [the trees'] benefit. [It is assumed that ten or
more trees will extend their roots throughout the seah-space. This area in its
entirety constitutes an orchard and so may be plowed only until Pentecost of the
sixth year.]

I. [I-J provide a Scriptural prooftext for the notion that some restrictions of the
Sabbatical year apply during the sixth year, see M. 1:1A-1:4H, or during the eighth
year, see Chapters Eight and Nine.] As it says in Scripture, ["For six days you shall
work, but on the seventh day you shall cease work;] even at plowing time and
harvesting time you shall cease work" (Ex. 34:21).

J. There is no need [for Scripture] to mention plowing and harvesting during the
Sabbatical year [itself, for these expressly are prohibited by Lev. 25:4-5]. Rather,
[Ex. 34:21 refers to] plowing during the sixth year [the benefits of which] extend into
(nkns) the Sabbatical year and to harvesting during the Sabbatical year [the crop of
which continues to be subject to certain restrictions] into (yws') the year following
the Sabbatical; [see Chapters Eight and Nine].

K. R. Ishmael says, "[This is not the correct interpretation of Ex. 34:21. Rather, the
verse teaches us that] just as plowing, [which] is a voluntary act, [is prohibited on
the Sabbath,] so [only an act of] harvesting [which likewise] is voluntary [is
prohibited on the Sabbath].

L. "This excludes harvesting the first sheaf (h\text{mr}) (Pa adds: which is obligatory) [and
is therefore permitted even on the Sabbath; see M. Men. 10:9]."

M. 1:9 (I-J: b. R.H. 9a; I-L: b. M.Q. 3b; b. Mak. 8b)
In the opening unit of law, A-C+D-H, three trees planted within a seah-space in the aggregate yield a loaf of pressed figs, yet one or more of these trees produces no figs whatsoever. The question is whether the seah-space in which these trees are growing constitutes an orchard, as defined at M. 1:2-3. On the one hand, the combined yield of the three trees may be decisive. In that case, the trees in question do form an orchard, for together they produce the requisite quantity of figs (M. 1:2C). The seah-space as a whole then should be subject to the prohibition against plowing after Pentecost of the sixth year. On the other hand, the fact that one or two of these trees are barren may be determinative. Since the roots of a barren tree extend only a short distance from its base, some portion of this seah-space is not filled with the roots of any of the three trees. The prohibition against plowing therefore should apply only to the area immediately surrounding each tree. The rule at C, which resolves the ambiguity, makes the point that the extent of the trees' roots is probative. Since the roots of these trees together do not fill the entire seah-space, the tract does not constitute an orchard. The prohibition against plowing after Pentecost applies only in the area around the base of each tree, where its roots are located.

Let us stand back from this unit of law for a moment and see how it qualifies the basic definition of an orchard provided at M. 1:2-3. Those pericopae, as we recall, specify that three trees form an orchard if together they produce a large quantity of fruit. The case at hand presents an exception to this rule. Three trees, as at A, that formally satisfy the definition of M. 1:2-3, yet for some reason do not extend their roots throughout a seah-space, do not constitute an orchard. Rather, each tree is viewed as a separate entity. In such cases, the prohibition against plowing after Pentecost applies only in the area surrounding each tree.

The gloss at D-H reinforces the main point of the preceding discussion, that a group of trees which spread their roots throughout a seah-space constitute an orchard. A large number of trees, which of necessity are planted closely together within a seah-space, clearly will extend their roots throughout this area. This is the case whether or not these trees together yield the volume of fruit specified by M. 1:2C. It follows that a seah-space which contains ten or more trees will be subject to the rules governing orchards.

At I-J, Mishnah's authors provide a Scriptural prooftext for the principle that some restrictions of the Sabbatical year apply during the preceding or the following year as well. During the sixth year, for example, a farmer may not plow if his labor benefits only crops of the Sabbatical year (see M. 1:1A-1:4H). Moreover, during the year following the Sabbatical, certain restrictions apply to the edible produce that grew during the seventh year itself. This is because crops of the Sabbatical year inherently are sanctified and so must be consumed and distributed in accordance with the rules presented in detail in Chapters Eight and Nine. Mishnah's authorities derive this notion of extending the restrictions of the Sabbatical year (tosefet shebiit), which never is mentioned explicitly in Scripture, from the prohibition of Ex. 34:21, "... at plowing and harvesting time you shall cease work." To understand their exegesis of this verse, we must recall that, according to Mishnah's authors, two Scriptural passages never teach the same rule. On the basis of this principle, they deduce first that Ex. 34:21 cannot refer to the prohibition
against plowing and harvesting on the Sabbath, since this already is prohibited by Ex. 20:10. Similarly, the point of Ex. 34:21 cannot be to prohibit such agricultural activities during the Sabbatical year itself, for Lev. 25:4-5 explicitly forbids this. Mishnah's authors thus conclude that this verse provides the basis for those agricultural restrictions that apply either before or after the Sabbatical year.

Ishmael, K-L, rejects this reading of Ex. 34:21 entirely. He holds that the verse relates to the laws of the Sabbath, not to those of the Sabbatical year. The point of the verse, on his view, emerges from the juxtaposition of the words "plowing" and "harvesting." Both of these activities are performed by farmers at a time of their choice. Since there is no set time at which farmers are obligated to plow or harvest, they may not choose to engage in these activities on the Sabbath, which Scripture enjoins as a day of rest. The act of harvesting the first sheaf (omer), however, is prescribed by Scripture (Lev. 23:10-11), and in this respect differs from all other agricultural activities. Since this act of harvesting is mandatory, not voluntary, it may be performed even on the Sabbath, when ordinary agricultural activities are prohibited.

1:5

A. Three trees [growing in a seah-space] belonging to three persons,
B. lo, these [trees] join together [to form a single orchard, in accordance with the definition stated at M. 1:2E-F],
C. and [therefore any of the three owners mentioned at A] plows the entire seah-space for [the trees'] benefit [until Pentecost of the sixth year].
D. And how much [space] must there be between [the three trees, so that the roots will extend throughout the seah-space, rendering the entire area subject to the rules of M. 1:2-4]?
E. Rabban Simeon b. Gamaliel says, "Enough [space] so that an ox with its yoke may pass [between the trees]."

M. 1:5 (A-C: b. B.B. 26b; D-E: T. B.B. 4:11; E: T. B.B. 1:14)

At issue is whether the trees referred to at A meet the definition of an orchard presented at M. 1:2-4. The ambiguity arises because a single individual does not own all three of the trees. If ownership is decisive, then each tree will be viewed as growing in a distinct plot of land, owned by a separate person. The tract in its entirety therefore will not comprise an orchard. Alternatively, we might take account of the fact that the three trees together fill the entire seah-space with their roots. The area as a whole thus satisfies the definition of an orchard provided at M. 1:2A-D, even though the trees belong to separate individuals. B-C resolves the problem by asserting that the ownership of the trees is of no concern. The critical consideration, as the discussion of M. 1:2-4 has indicated, is whether the trees together spread their roots throughout the seah-space. The three trees at A thus form an orchard, which may be plowed only until Pentecost of the sixth year (B-C).
The formally separate unit of law at D-E concludes the chapter's discussion of the definition of an orchard by reaffirming the central principle of all that has gone before. Three trees in a seah-space constitute an orchard only if their roots fill this entire area. Simeon b. Gamaliel therefore specifies that the trees must be planted at a certain minimum distance from one another. On his view, if an ox with its yoke can pass between the trees, the farmer may assume that their roots extend throughout the area.

A. [As regards] three trees within a seah-space--
B. ... these join together [to form an orchard],
C. and they plow the entire seah-space for [the trees'] sake [until Pentecost of the sixth year; cf. M. 1:2A-D],
D. "But [this rule applies] only if they [the three trees] are planted as would be ten trees (mt\textsuperscript{C}tn mmt\textsuperscript{C}) in a seah-space, [that is, only if they are evenly spaced throughout the area,] the words of R. Meir and R. Judah.
E. R. Yose and R. Simeon (E omits: R. Simeon) say, "They plow for them [i.e., the trees] only according to their need. [That is, plowing is permitted until Pentecost only in the area surrounding each tree, but not in the field as a whole; cf. M. 1:2-3]."
F. How much space must there be between them?
G. Rabban Simeon b. Gamaliel says, "[Enough space] so that an ox with its yoke may pass [between the trees; =M. 1:5D-E]."
H. Rabban Gamaliel and his court ordained that working the land be permitted until the New Year [of the Sabbatical year].
I. [If] one tree (so Lieberman, TZ, p. 165, who reads with E: 'hd; V reads: 'hr) stands within [an area of] two qab (byt gbyym), and two [other trees] stand within [an area of] four qab--
J. ... they plow for them only according to their need.
K. If three trees belong to three individuals [=M. 1:5A with slight variations],
L. and the field belongs to someone [else] (so ed. princ. which reads: 'hr; E, V, read: 'hd)
M. even though the owner of the field plows for the needs of his field [and not for the sake of the trees],
N. he is permitted [to plow the entire seah-space until Pentecost of the sixth year].

T. 1:1 (F-G: T. B.B. 4:11; H: y. Shab. 1:4
[3d], b. M.Q. 3b)

Three trees within a seah-space constitute an orchard and may be plowed only until the summer of the sixth year (A-C). This rule, which summarizes the law of M. 1:2A-C, sets the stage for the discussion which follows, at D vs. E, F-G and I-J. The central theory of the pericope is that three trees comprise an orchard only if they are evenly distributed within the seah-space. This assures that the trees' roots extend throughout the area. Since plowing anywhere within the seah-space benefits the trees, it is permitted until Pentecost of the sixth year. This theory, first attributed to Meir and Judah (D), is
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augmented by Simeon b. Gamaliel, who offers his own criterion for the spacing of the trees (F-G). At 1-J, we consider the opposing case, three trees which are unevenly planted within a seah-space. One tree stands in one-third of the area (two qab) while the other two stand next to one another in the other two-thirds of the seah-space. The result is that a farmer may plow until Pentecost only in the area which will benefit the trees, at the base of each tree.

Yose and Simeon, E, reject the general rule at A-C as well as the qualification that the trees must be planted at a certain distance from one another. Their view is that, under all circumstances, a farmer may plow only in the vicinity of each tree. The assumption underlying this position is that trees generally extend their roots only a short distance. Farmers, therefore, never are permitted to plow an entire orchard, irrespective of the spacing of the trees.

Two further units of law, H and K-N, each concern plowing during the sixth year, but neither contributes to the foregoing discussion. Rabban Gamaliel, H, holds that Scripture's prohibition against working the land during the Sabbatical year applies only during the seventh year itself. He thus rejects the notion of tosefet shebilt, that plowing an orchard is prohibited during the summer of the sixth year (see M. 1:1-5). This view, attributed to Rabban Gamaliel alone, never again is referred to in M.-T. I cannot account for the redactor's placement of Gamaliel's ruling here, in the midst of a discussion with which he could not concur.

We turn, finally, to a case in which an individual owns a field containing trees that belong to other people (K-N). The issue concerns when in the sixth year the owner of the field may plow his land. That is to say, farmers ordinarily may plow their fields only until Passover of the sixth year (see M. 2:1). Yet, as we know from M. 1:1, an orchard may be plowed until Pentecost of the sixth year. We now ask whether the landowner may continue to plow this area until Pentecost, despite the fact that he does not own the orchard. T. rules that he may, since his plowing has the effect of benefiting the trees. The fact that he plows in order to improve his land, not the yield of the trees, is of no consequence. It is noteworthy that this ruling in no way is dependent on the facts of M. 1:5, stipulated at K. The ruling would be the same even if all the trees were owned by a single person. Lieberman, on the basis of y. Sheb. 1:4, hypothesizes that originally K was followed by materials relevant to the case of M. 1:5.

1:6-7

A. [As regards] ten saplings which are spread out [evenly] within a seah-space--

B. they plow the entire seah-space for [the saplings'] sake until the New Year [of the Sabbatical year. Since the saplings together spread their roots throughout the seah-space, the area a whole is deemed an orchard, as at M. 1:2C-D].

C. [But as regards ten saplings which] were formed in a line or in a semi-circle (mwgwpwC_trh)\textsuperscript{12}--

D. they plow for them [until New Year of the Sabbatical year] only according to [the saplings'] need, [that is, only in the vicinity of each tree. The roots of these saplings
do not fill the entire seah-space, so that the tract as a whole is not deemed an orchard, as at M. 1:2E-F].

M. 1:6 (b. B.B. 26b)

E. Saplings and gourds join together [to make up ten plants] within a seah-space [which permit one to plow the entire area until Pentecost of the sixth year].

F. Rabban Simeon b. Gamaliel says, "[If] all [eight MSS. omit: all] ten [of the plants] in a seah-space are gourds [that is, if the seah-space contains no saplings at all],"

G. "they plow the entire seah-space until the New Year [of the Sabbatical year]."

M. 1:7

Saplings have small, delicate roots, which distinguish them from fully-grown trees. As a result, young trees can survive the dry, summer months only if farmers continue to aerate their roots after Pentecost of the sixth year. Mishnah's authorities therefore permit farmers to plow fields of saplings up until the very beginning of the Sabbatical year. Moreover, it takes ten saplings, as against three mature trees, to fill a seah-space with roots. An area of this size containing ten saplings thus constitutes an orchard. It may be plowed in its entirety until the end of the sixth year. With this basic information in hand, we can understand the pericope's central point, expressed in the contrast between A-B and C-D. The spacing of the saplings determines whether the area as a whole is subject to the rules governing orchards. If the saplings are evenly planted within the seah-space, they may be assumed to extend their roots throughout this entire plot of land. It therefore comprises an orchard and may be plowed until the beginning of the Sabbatical year (A-B). On the other hand, saplings distributed unevenly within a seah-space do not fill the whole area with their roots. Plowing, therefore, is permitted only in the vicinity of each tree, not throughout the entire seah-space (C-D) (see M. 1:5D-E).

Gourds pose a problem with respect to the foregoing rules. Like saplings, they have thin roots and so should be subject to the same rules as young trees. On the other hand, gourds are not a type of tree. The rules governing orchards of saplings therefore should not apply to gourds. At E, the surroundings in which these plants are growing resolves their ambiguous status. Gourds that grow alongside saplings in an orchard are treated like young trees, for their roots, together with those of the saplings, fill the seah-space. A field containing both saplings and gourds, ten plants in all, is subject to the same rules as an orchard composed entirely of saplings (E). Simeon's lemma, formally independent of the preceding rule, presents a separate theory of the matter. He holds that gourds are fully analogous to saplings, for their root systems are similar in character. It follows that a seah-space containing ten gourds, but no saplings at all, likewise constitutes an orchard (F-G).
A. Three chate-melons, three gourds, and four saplings [planted in a seah-space],

B. lo, these join together [to make the requisite ten items which comprise a field of saplings; cf. M. 1:7E].

C. (E adds: and they plow the entire seah-space for their sake).

D. But only if they are planted as would be ten trees within a seah-space, [that is, provided they are evenly distributed.]

E. How much space must there be between them?

F. Rabban Simeon b. Gamaliel says, "[There is sufficient space] as long as [the area] underneath and around [the melons, gourds, and saplings permits] a pair of joined oxen with their yokes [to pass between them; cf. M. 1:5, T. 1:1]."

T. 1:3a

The ten plants referred to at A all have delicate roots. Together they comprise an orchard which may be plowed in its entirety until New Year of the Sabbatical year, in accordance with M. 1:6A-B, E. 16 Like any other orchard, the plants must be distributed evenly so that the roots extend throughout the area (D). This rule is followed, at E-F, by a reprise of Simeon's lemma with respect to the spacing of fully-grown trees (cf. M. 1:5D-E, T. 1:1F-G). If a pair of oxen can pass between the plants, he assumes that their roots spread throughout the seah-space.

1:8

A. Until what [stage of growth are trees] called "saplings?"

B. R. Eleazar b. Azariah says, "Until they become permitted for common use (תְּנִיָּה יְנוּק) that is, until they are five years old; see Lev. 19:23-25 which forbids the consumption of fruit in the first four years of a tree's growth]." 17

C. R. Joshua says, "(Eight MSS. add: Until) [they are] seven years old (two MSS. read: nine years old)."

D. R. Aqiba says, "A sapling [must be understood] according to its [common] meaning."

E. "[As regards] a tree which has been cut down, [the stump of which] produces shoots--

F. (1) "[if the stump is] one handbreadth [tall] or less, [the shoot is treated] as a sapling;

(2) "[if the stump is] one handbreadth [tall] or more, [the shoot is treated] as a tree;"

G. the words of R. Simeon.

M. 1:8

The Israelite farmer must know when saplings take on the status of fully-grown trees, for quite distinct rules govern plowing during the sixth year in these two types of orchards. Three separate theories of the point at which saplings become mature trees are presented in the dispute at A-D. Eleazar holds that a tree becomes mature only in its fifth year of growth, when the householder first freely may gather and eat its fruit. 18
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This position is based upon the injunction of Lev. 19:23-25, that during the first three years of a tree's growth its yield may not be consumed at all, while in the fourth year the fruit is sanctified and must be brought to Jerusalem and consumed there. Joshua, C., rules that a sapling becomes a tree only after seven years, for certain types of trees take that many years to mature and produce fruit. Aqiba, D., unlike Eleazar and Joshua, takes account of the fact that not all trees develop at the same rate. He therefore rejects the notion that all saplings become fully-grown after a set number of years, but rather, turns to public consensus to resolve the issue. Any tree that people commonly refer to as a sapling may be plowed until New Year of the Sabbatical year, in accordance with the rules governing orchards of young trees (M. 1:6-7).

Simeon, E-G., considers a separate problem with respect to the definition of a sapling. What is the status of a shoot that grows from the stump of an older tree? We might view the shoot either as a new growth, that is, as a sapling, or alternatively, as a remnant of the former tree. Simeon holds that the height of the stump determines the status of the shoot. If the tree has been razed to the ground, so that only one handbreadth of the former stump remains, then the original tree no longer exists. The new shoot is viewed as if it had grown directly from the ground so that it is subject to the rules pertaining to saplings. If more of the original stump remains, however, the shoot constitutes a continuation of the old tree. It therefore is governed by the rules for mature trees.

A. A mature tree (zqnh) which resembles a sapling, [that is, if it is small and yields little fruit],
B. lo, it is [subject to the same law] as a sapling.
C. And a sapling which resembles a mature tree, [that is, if it is large and yields much fruit],
D. lo, it is [subject to the same law] as a mature tree.
E. What is the difference between [the law regarding] a mature tree and [that regarding] a sapling?
F. A mature tree [may be plowed] until Pentecost [cf. M. 1:1C]
G. and a sapling [may be plowed] until New Year [cf. M. 1:6].
H. A mature tree [must be one of] three [trees within a seah-space in order to be plowed until Pentecost] (m<sup>C</sup>yn Y<sub>M</sub>) [cf. M. 1:2].
I. A sapling [must be one of] ten [saplings within a seah-space in order to be plowed until New Year; cf. M. 1:6].
J. And a field of reeds is considered (ndwnt) as [a field of] saplings.

T. 1:2

T. investigates the distinction between saplings and fully-grown trees, the topic of M. 1:8. The first unit of law, A-D., develops the definition of a sapling attributed to Aqiba (M. 1:8D). The way a tree looks, that is, its size and yield, determine whether it is a sapling or a mature tree. This definition clearly is consistent with the principle
underlying Mishnah's entire discussion. The extensiveness of a tree's roots, indicated by its size and yield, determines which rules apply to it.\(^\text{20}\) This ruling, A-D, brings in its wake a brief summary of Mishnah's rules for saplings and fully-grown trees (E-I).

A formally and substantively independent ruling, J, makes a simple point. Reeds, like saplings, have small roots and so require plowing throughout the summer of the sixth year. This rule has no bearing on the foregoing discussion and actually belongs with T. 1:3's rules concerning plants analogous to saplings.

G. What is considered a sapling? [=M. 1:8A with slight variations]

H. R. Joshua says, "A five year old [tree], a six year old [tree], a seven year old [tree];" cf. M. 1:8C.

I. (V omits: I) Said Rabbi, "Why did they say, 'A five year old tree, a six year old tree, a seven year old tree?'

J. "Rather I [would] phrase ('wmr 'ny) [the rule as follows]: grapevines [are considered saplings until they are] five years old, and fig trees [are considered saplings until they are] six years old, and olive trees [are considered saplings until they are] seven years old."

T. 1:3b

Joshua offers three different dates at which saplings become trees (H). Rabbi explains his lemma, suggesting that each time period refers to a different type of tree (I-J). This interpretation of Joshua elucidates his ruling at M. 1:8C, that a sapling becomes a fully-grown tree in its seventh year of growth. That ruling, which applies to all trees, is based on the case of olive trees, which take the longest time to mature.