V. Shebiit Chapter Five

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Two separate thematic units comprise the chapter before us. The first, M. 5:1-5, addresses problems raised by types of produce that grow over a period of two or more calendar years. The second, M. 5:6-9, discusses the prohibition against assisting others during the Sabbatical year in the performance of transgressions. Since these units of law are both formally and substantively distinct, I discuss each of them in turn.

Produce that grows over two successive calendar years, from the sixth year into the seventh or from the seventh year into the eighth, poses a problem. How do we determine the status of this food? This question is critical, for the householder must know whether his crops are subject to the tithes that must be separated during the first six years of the Sabbatical cycle, or whether they are governed by the special restrictions that apply to sanctified produce of the Sabbatical year (see Chapters Eight and Nine). Two alternative views are put forward in the disputes at M. 5:1 and 5:5. We might hold that the year during which a crop of produce begins its extended growing season determines its status. Only fruit or vegetables that begin to develop during the Sabbatical year are subject to the restrictions of that year. It follows that the law does not govern crops that begin to grow during the sixth year, even though they continue to grow during the seventh year itself (M. 5:1A-D, 5:5A-B). Alternatively, the year during which the majority of a crop's growth occurs might be determinative. On this view, if half or more of a vegetable's development takes place during the seventh year, it is deemed subject to the restrictions governing crops of that year. (M. 5:1E, 5:5C).

One of the plants that grows over more than one calendar year, the arum tuber (cf. M. 5:5), also poses other problems, discussed at M. 5:2-4. These tubers commonly are stored underground for extended periods of time. If fully-grown tubers stored during the Sabbatical year sprout leaves, the farmer will have engaged in a forbidden act of planting. Precautions must be taken, therefore, to assure that tubers are stored during the Sabbatical year in a manner which prevents them from producing new leaves (M. 5:2). If tubers stored underground do sprout leaves during the Sabbatical year, yet another problem arises. The leaves of this plant, unlike the tuber, grow and die within a period of a few weeks. Since their entire growing season takes place within the Sabbatical year, it is not clear whether they are subject to the same restrictions as the tuber from which they grew (M. 5:3A-C vs. D-E). Finally, at M. 5:4, we consider the case of arum tubers that finished growing during the sixth year, but remained in the ground during the seventh. Farmers may uproot these tubers during the Sabbatical year, for they are part of the crop of the preceding year. Nonetheless, in doing so they may appear to be engaged...
in forbidden cultivation. The Houses (M. 5:4C vs. D) thus dispute whether or not a farmer who uproots tubers during the Sabbatical year must do so in an unusual manner, to indicate that he is not performing a transgression.

At M. 5:6-9, we consider the circumstances under which one may sell or lend agricultural equipment to others during the Sabbatical year without thereby becoming an accessory to their transgressions. The central principle is presented at M. 5:6 and reiterated at M. 5:7. One may sell a person any tool which could be used in a permissible manner. We assume that the buyer will not use it in violation of the law. One may not, however, give a person a tool which he could use only in violation of the law, since this would be a clear act of complicity (M. 5:8B-E). M. 5:8F and 5:9 qualify this rule in an obvious way. People may not assist those who clearly are engaged in committing transgressions or who have expressed their intention to do so. Only the Shammaites (M. 5:8A) dispute the underlying principle of these rules. On their view, one may not sell an animal during the Sabbatical year if there is any possibility at all that the buyer will use it to plow his field, in violation of the law.

5:1

A. White figs\(^1\) [which appear in the seventh year--the restrictions of the] Sabbatical year [apply] to them [in the] second [year of the new Sabbatical cycle, rather than in the seventh year itself,]\n
B. because they [i.e., white figs] take three years to ripen fully (\(\text{swt} \text{mynym}\)).

C. R. Judah says, "Persian figs\(^2\) [which appear in the seventh year--the restrictions of the] Sabbatical year [apply] to them [in the] year following the Sabbatical [that is, in the first year of the new Sabbatical cycle, rather than in the seventh year itself,]

D. "because they [i.e., Persian figs] take two years to ripen fully."

E. [Sages] said to him, "They ruled ('mrw) [concerning] white figs alone."

M. 5:1 (Sifra Behar 1:1, b. R.H. 15b, Gen. Rabbah 10:4)

Certain types of fruit first appear on the branch during the Sabbatical year, but become fully ripe and edible only after that year has ended. Such produce poses a problem. It begins growing during the Sabbatical year and so, like all produce of that year, should be subject to the restrictions of the law. Yet, during the Sabbatical year this fruit still is immature and so cannot be subject to restrictions that govern fully ripened produce. We wish to know, first, whether this fruit is deemed part of the crop of the Sabbatical year, even though it is not fully ripe during that year, and second, if it is, when the restriction of the law take effect. The law governing such anomalous produce, presented in the parallel rules at A-B and C-D, answers both of these questions. This fruit is subject to the law only when it becomes ripe and ready for human consumption. That is to say, fruit that forms during the Sabbatical year is subject, even if it concludes the ripening process in subsequent years. This point, as we shall see, is important for our
understanding of M. 5:3, 5. Moreover, the year during which this produce becomes available for people to eat determines when the restrictions of the law apply. Prior to this time, the fruit is not ready to be picked and so in any case could not be subject to the law.

Sages, E, distinguish the case of Persian figs, which grow over two years, from white figs, which take three years to ripen. They hold that figs which complete half of their development during the seventh year are deemed fully ripe and so are subject to the law during that year.3

A. R. Judah says, "Persian figs [which appear in the seventh year—the restrictions of the] Sabbatical year [apply] to them [in the] year following the Sabbatical year [i.e., in the first year of the new Sabbatical cycle, rather than in the seventh year itself,]

B. "because they [i.e., Persian figs] take two years to ripen fully (כַּוָּשֵׁט כְּפָפֵי יָמִים) [=M. 5:1C-D]."

C. Sages said to him, "Lo, these [i.e., Persian figs,] grow near you in Tiberias, and they ripen (כַּוָּשֵׁט) within a single season (בְּנַחֲתָנָה)!"

T. 4:1

T. cites Judah's ruling of M. 5:1C-D and provides an explanation for the sages' rejection of this ruling. According to C, the sages' disagreement with Judah concerns the facts of the case. Persian figs ripen fully within the seventh year and so no problem of liability to the law after the seventh year arises. In T's view, sages do not dispute the principle of M. 5:1A-B.

5:2

A. One who stores arum 4 [for preservation, by covering it with earth] during the Sabbatical year [must do so in a manner which prevents the tubers from sprouting leaves].--

B. R. Meir says, "He [must] not [store] less than two seahs.

C. "[he must not make a pile less] than three handbreadths high,

D. "and [he must put no less than] a handbreadth of dirt above it."

E. But sages say, "He [must] not [store] less than four qabs.

F. "[he must not make a pile less] than a handbreadth high,

G. "and [he must put no less than] a handbreadth of dirt above it,

H. "and he [must] store it in a thoroughfare (בְּמֵקְחַמִּים דָּרוֹשׁ 'דָּמֶם)."

M. 5:2

The farmer at A wishes to store arum tubers in the ground, 5 an activity that is permitted during the Sabbatical year. He must take precautions, however, to insure that the tubers stored in this way do not sprout leaves, for this would constitute a forbidden
act of planting. How does he do this? Meir and sages agree that the best way to prevent arum from sprouting is to store a large quantity in a single pile and cover it with some dirt. I cannot account for the specific quantities of arum and dirt which they require.

Sages, who allow the farmer to store smaller quantities of arum, also hold that he must place it in a thoroughfare, so that people trampling on it will help prevent it from sprouting.

A. One who stores arum [for preservation by covering it with earth] during the Sabbatical year [=M. 5:2A]--

B. R. Meir says, "It is customary [that he] store it in an earthen vessel, so that it will not sprout.

C. "Although there is no [explicit Scriptural] proof for this matter, there is an allusion to the matter, 'Put them in an earthen vessel, that they may last for many days' (Jer. 32:14)."

T. 4:2

T. cites M. 5:2A, but at B, attributes to Meir a different ruling with respect to the storing of arum during the Sabbatical year. Meir's solution to the problem that the arum might sprout is to store it in an earthen vessel, rather than in the ground.

5:3

A. An arum [tuber which was stored underground during the Sabbatical year (cf. M. 5:2) and remained stored in the ground] after the Sabbatical year had passed (ןֵבּרָהוּ כֵּיְוָה מַעַר) --

B. R. Eliezer says, "If the poor gathered its leaves, [which sprouted during the Sabbatical year,] it is well (lit., "they have gathered") [but the poor have no claim upon the tuber that grows underground].

C. "But if [the poor did] not [gather its leaves during the Sabbatical year, the owner of the arum] must settle accounts with the poor, [when the tuber is uprooted, by giving them a portion of the tuber itself]."

D. R. Joshua says, "If the poor gathered its leaves [which sprouted during the Sabbatical year,] it is well.

E. "But if [the poor did] not [gather its leaves during the Sabbatical year,] the poor have no account with him. [That is, the owner of the arum owes them nothing after the Sabbatical year is over]."

M. 5:3

The arum tubers referred to at A completed their growth during the sixth year. The farmer then uprooted them and placed them in the ground for storage, a common way of preserving tubers (cf. M. 5:2). The problem arises if these tubers sprout leaves during the Sabbatical year, for it is unclear whether or not these leaves are subject to the
restrictions of the law. On the one hand, they grew during the Sabbatical year, so that we might regard them as sanctified produce of that year. On the other hand, the leaves are a by-product of the stored tuber, which had finished growing during the sixth year. The leaves, like the tuber, then might be exempt from the restrictions of the law. The question is resolved at B and D. Eliezer and Joshua agree that leaves which sprout during the seventh year must be regarded as produce of that year. The poor therefore may collect and eat these greens. II A secondary problem, addressed at C vs. E, arises if during the Sabbatical year the poor do not collect the leaves to which they are entitled. Once the Sabbatical year has ended and the leaves have died, do the poor have a claim upon the tuber that remains in the ground? Eliezer's and Joshua's opposing answers to this question represent two distinct views concerning the relationship between the tuber and its leaves. For Eliezer, the whole constitutes a single plant. Since the poor were entitled to a portion of the arum, but did not collect the leaves, they must be given a part of the tuber instead. When the householder uproots his arum in the eighth year, he estimates the portion of the tuber that grew during the Sabbatical year and gives it to the poor (C). Joshua, however, considers the tuber and its leaves as separate entities, for indeed they have distinct growing seasons. The poor have a claim only against the leaves, not the tuber. When the householder harvests the tubers in the year following the Sabbatical, therefore, he owes no part of this produce to the poor (E).

A. Arum [which grew during the Sabbatical year and remained in the ground] after the Sabbatical year had passed (=M. 5:3a)--

B. R. Eliezer says, "If [the owner] delayed three years [before uprooting the arum] he gives the poor a fourth [of his arum.]

C. "If [the owner] delayed two years, he gives the poor a third [of his arum.]

D. "[If the owner delayed] one year, he gives the poor half [of his arum.]

T. 4:3

Eliezer here specifies the portion of arum which the poor are to receive (cf. M. 5:3 B-C) if they do not collect the arum leaves during the Sabbatical year. The poor receive that percentage of the total arum which is equal to the ratio of one year (the Sabbatical) to the total number of years during which the arum remained in the ground. The poor, therefore, receive only as much arum as grew during the period when they were entitled to gather its leaves.

5:4

A. Arum [which finished growing] during the sixth year [but] which remained [in the ground in storage] during the seventh year (ṣnkns ʿmbvʿt),

B. and also summer onions, 12 and madder 13 from good soil--

C. The House of Shammai say, "They uproot them [during the seventh year] with wooden rakes [so as to avoid the appearance of cultivating the Land]."
D. But the House of Hillel say, "They uproot them with metal spades."
E. And [the Shammaites] concur [with the Hillelite position] concerning madder from stony soil, that they uproot it with metal spades.

M. 5:4

The dispute concerns tuberous plants, such as arum, onions and madder, which finish growing during the sixth year, but remain stored in the ground into the Sabbatical year. The farmer who uproots these tubers during the Sabbatical year may appear to be cultivating new produce, which is forbidden. In order to avoid the appearance of violating the law, the House of Shammai (C) require the farmer to uproot this produce with a wooden rake, an instrument not normally used for cultivating. The Hillelites, however, are not concerned with appearances, for the farmer in fact is engaged in uprooting tubers, a permitted activity. So long as he does not cultivate produce of the Sabbatical year, he may uproot tubers using the normal instrument, a metal spade. The Shammaites agree with the Hillelite position only in the case of uprooting madder from stony soil. Since the wooden rake is not strong enough to do this, they permit the use of a metal tool (E).

5:5

A. When is one permitted to buy (lkḥ) arum in the year following the Sabatical [on the assumption that this produce is not subject to the restrictions of the law?]
B. R. Judah says, "Immediately."
C. And sages say "When the new [produce] becomes plentiful (mṣyrḥ ḫḥḏ) [in the marketplace, that is, in the spring of the year following the Sabbatical].

M. 5:5

Arum tubers present a problem, for they grow underground over a period of several years. Thus a tuber harvested at the beginning of the eight year began to grow during the sixth year and continued to develop throughout the Sabbatical year. The problem is that it is unclear whether these tubers are subject to the restrictions governing produce of the sixth, seventh or the eighth year. The answer to this question is important to the householder who wishes during the eighth year to buy arum tubers that are exempt from the restrictions of the Sabbatical year (A). Judah (B) maintains that arum tubers are governed by the same principle that applies to other types of produce, such as figs, that grow over more than one calendar year. Fig trees sometimes produce buds in one calendar year, but yield ripened fruit only in the year following. Figs which grown over two successive years are subject to the restrictions of the year during which they began to grow, that is, when the buds first appeared (see T. 4:20). Likewise, arum tubers, according to Judah, which begin to grow during the Sabbatical year are subject only to the restrictions of that year. The year during which they ripen and are harvested is of no account (see M. 5:1A-D). Tubers in the market at the very beginning of the year following
the Sabbatical, therefore are exempt from the law, since these began growing during the sixth year. Sages (C), by contrast, take account of a plant's entire growing season, not only the year during which it begins to grow. On their view, the year during which most of a tuber's growth occurs determines its status. At the beginning of the eighth year tubers in the market are subject to the restrictions of the preceding year, since half or more of their growth has taken place during that year. Arum uprooted later in the year, after the crops of the new season have been harvested, has a different status. This produce has grown more during the sixth and eighth years combined than during the seventh. It therefore is exempt from the restrictions of the Sabbatical year.

A. When is one permitted to buy (lkh) arum in the year following the Sabbatical under any circumstances (mkl mgwm)? 19 [i.e., even if the seller is suspected of not observing the laws of the Sabbatical year.]

B. R. Judah says, "Immediately" [=M. 5:5A-B].

C. R. Judah says, "An incident: We were in Ein Kusi and we ate arum at the conclusion of Tabernacles in the year following the Sabbatical (read with y. Sheb. 5:5: διίως θητόν Ετ, V, ed. princ. read: in the Sabbatical year). [And this was] on the authority of R. Tarfon."

E. R. Yose said to him, "Is that the evidence (Li:h) [for your ruling]? I was with you, and it happened after Passover!"

T. 4:4

Yose rejects the precedent which Judah provides for his ruling at M. 5:5B. According to Yose, the incident to which Judah referred actually occurred after Passover, the official beginning of the new harvest (see Lev. 23:9ff.). This coincides with the point after which sages said that arum could be purchased (M. 5:5C).

A. These are tools which the artisan is not permitted to sell during the Sabbatical year:

B. (1) a plow and all its accessories, (2) a yoke, (3) a pitchfork, 20 (4) and a mattock. 21

C. But he [i.e., the artisan] may sell:

D. (1) a hand sickle, (2) a reaping sickle, 22 (3) and a wagon and all its accessories.

E. This is the general rule:

F. [As regards] any [tool] the use of which [during the Sabbatical year] is limited exclusively to the performance of an act which is a transgression--it is forbidden [to sell such a tool during the Sabbatical year.]

G. [But, as for any tool which may be used both for work which is] forbidden and [for work which is] permitted [according to the laws of the Sabbatical year]--it is permissible [to sell such a tool during the Sabbatical year.]

M. 5:6 (b. A.Z. 15b)
During the Sabbatical year a person may not help his fellow to perform a transgression, by selling him tools that he will use in violation of the law.\(^{23}\) This principle, illustrated by the contrasting rules at A-B and C-D, is spelled out in the general rule at E-G. We distinguish two types of tools. Those used exclusively for cultivating and winnowing, activities forbidden during the Sabbatical year, may not be sold. The seller can only assume that the buyer will use these tools for a forbidden purpose (B). Sickles and wagons, by contrast, are used for harvesting, an activity permitted during the Sabbatical year provided the farmer does not collect more than his fair share of the land's yield.\(^{24}\) Since these tools could be used for a permitted purpose, the person who sells them may assume that he does not become an accessory to a transgression (D).

5:7

A. [During the Sabbatical year] a potter sells [to one person no more than] five oil containers and fifteen wine containers,

B. because it is usual (drkw) [for a person] to gather from ownerless produce [enough olives and grapes to produce this much wine and oil during the Sabbatical year].

C. But if [during the Sabbatical year a person] gathered more than this amount [of olives and grapes,] it is permitted [to sell that person more than this number of containers].

D. And [the potter] sells [an unlimited number of containers] to a gentile in the Land [of Israel] and to an Israelite outside of the Land [of Israel].

M. 5:7

During the Sabbatical year, people may gather and process only small quantities of food at one time. This is because that which grows during the seventh year is considered ownerless and must be shared by all. This principle (cf. M. 8:1ff.) generates the problem of the pericope, which carries forward M. 5:6's discussion of complicity. If a potter sold a large number of containers during the Sabbatical year, he might thereby assist people who wish to gather and store more than their fair share of produce. How can he avoid becoming an accessory to this transgression? The answer, presented at A-B, is that one may sell only a limited number of containers to a single buyer. Additional vessels may not be sold, for these would be used to store produce that the buyer gathered in violation of the law. C adds an obvious qualification. The potter may sell more containers to a person who has legitimately gathered a larger amount of produce than is usual.

D makes a separate point. Israelites who live outside the Land and gentiles are not bound by the restrictions of the law. Since they may gather and process unlimited quantities of produce, the potter is free to sell them any number of containers.

5:8

A. The House of Shammai say, "During the Sabbatical year a person may not sell to another a heifer suited for plowing."
B. But the House of Hillel permit [one to sell such a heifer] because he [i.e., the buyer] may slaughter [and eat] it.

C. [During the Sabbatical year] a person may sell to another fruit [the seeds of which are used for sowing] even during the planting season.

D. And a person may lend to another a seah-measure [used for measuring harvested produce] even if one knows that he has a threshing floor.

E. And a person may make change for another, even if one knows that he employs (y\textsuperscript{w} law) laborers.

F. And regarding all of these [transactions—if the partner to the transaction] explicitly stated his intention to violate the law, they are forbidden.

M. 5:8 (b. A.Z. 15b, y. Dem. 6:5 [23c])

The Houses dispute the principles established at M. 5:6E-G, presented here in a new form. We now wish to know whether one may sell an animal which the buyer could use during the Sabbatical year either in a permitted way, as food, or in a forbidden way, to cultivate the land. The Hillelites, consistent with M. 5:6, allow this transaction, for the buyer will not necessarily use the animal in violation of the law.\textsuperscript{25} The Shammaites, however, wish to assure that the seller does not unwittingly become an accessory to the buyer's transgression. Since the seller does not know why the buyer wants the animal, he may not sell it.

Three anonymous rulings, C-E, carry forward the Hillelite view.\textsuperscript{26} We assume that a person will use seeds (C), a seah-measure (D), or change (E) for a permitted purpose, even if there is a possibility that he intends to commit a transgression. F provides a self-evident qualification of this principle. One may not transact business with a person who states explicitly his intention to violate the law.

A. They may not sell produce of the Sabbatical year to one who is suspected of [violating the laws of] the Sabbatical year.

B. A single rule applies both to seeds which are edible and to seeds which are not edible [for either type of seed could be used for planting].

C. The House of Shammai say, "During the Sabbatical year one may not sell him [that is, one who is suspected of violating the law] a field."

D. But the House of Hillel permit [the sale of the field, for he may leave it fallow during the Sabbatical year].

T. 4:5 (C: b. A.Z. 15b)

T. rejects the rule of M. 5:8C (A+B). One may not sell fruit of the Sabbatical year to a person who might plant the seeds, in violation of the law. At C vs. D, the Houses continue the discussion of complicity, reiterating their positions at M. 5:8A vs. B. with respect to a new case.
I. A. A woman may lend to a neighbor (ḥbrth) who is suspected [of not observing the laws] of the Sabbatical year:

B. (1) a sifter, (2) a sieve, (3) a millstone, (4) or an oven.

C. But she may not sift or grind [flour] with her [since we assume that this grain was planted in violation of the law].

II. D. The wife of a haber [that is, one who eats ordinary food in accordance with the rules of cultic purity] may lend to the wife of an ordinary Israelite (ṣm h'rs) [who does not scruple about the laws of purity]:

E. (1) a sifter, (2) or a sieve,

F. and she may sift or grind or shake [dry flour] with her, [for in these cases the ordinary Israelite woman does not render the flour unclean and so commit a transgression],

G. But from the time that [the ordinary Israelite woman] pours water [over the flour and thereby renders the flour susceptible to the uncleanness, cf. Lev. 11:34, the wife of a haber] may not touch [the flour] next to her,

H. because one does not assist those who commit a transgression.

I. And all [of the allowances noted at A-B and D-F] were only made in the interests of peace.

J. And during the Sabbatical year one may assist gentiles [to do work which is forbidden to Israelites], but one may not assist Israelites [to do such work during the Sabbatical year].

K. And they greet them [i.e., gentiles] in the interests of peace.

M. 5:9 (=M. Git. 5:9; G-H: y. A.Z. 4:10 [44b]; H: y. Dem. 3:1 [23b]; J-K: M. 4:3C-E)

One may assist people who are suspected of violating the law, but not those whom one knows to be acting improperly. This principle, familiar from the foregoing rules, is reiterated at A-C and D-H. A woman may lend tools to a neighbor suspected of not observing the law (A-B, D-F), but may not help her when it is apparent that she is committing a transgression (C, G-H). The rule at D-H, which relates to the laws for preserving the cleanness of foods, has no bearing on the laws of the Sabbatical year. It has been placed here because it further illustrates the principle of A-C. A gloss, I, explains that these rulings promote peaceful relations among Israelites. This draws in its wake J-K, a separate rule which makes a parallel point, that assisting gentiles during the Sabbatical year helps to maintain cordial relations with them.