The Sanctity of the Seventh Year

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Produce that grows during the Sabbatical year is sanctified, because during the seventh year ownership of the Land's yield reverts exclusively to God. Since God owns these crops, they are subject to special restrictions that do not apply to the harvest of other years. These restrictions are of two sorts. First, produce of the Sabbatical year must be used only as God intends. He specifically designates these crops as food for Israelites and their livestock (Lev. 16:6-7). Second, all Israelites must share equally the agricultural products which God has provided for them. Individuals thus may not treat that which grows during the Sabbatical year as if it were their own. With the theory of the chapter in hand, let us now turn to the details of the law, which spell out the restrictions that govern produce of the Sabbatical year (M. 8:1-6) and the penalties imposed for violating them (M. 8:7-11).

Israelites must use edible produce of the Sabbatical year for the purpose that it generally serves in other years of the Sabbatical cycle. That is to say, that which people ordinarily use only as food for human beings or as animal fodder may be used during the Sabbatical year only in these ways. Since, as Lev. 16:6-7 tells us, God sets aside these crops for the sustenance of Israelites, people may not waste this food by using it for any other purpose. This general rule, stated at M. 8:1 and reiterated at M. 8:2, forms the foundation of all that follows. Since this food is designated by God for a specific purpose, individuals may not treat crops of the Sabbatical year as they do ordinary produce of other years. M. 8:3-5 takes up the restrictions that apply to transactions involving produce of the Sabbatical year. Mishnah's authorities permit people to trade in these crops, so long as they do so in a manner that indicates that they do not own them. One may not sell this food as one does during other years, namely, using standard measurements. This prevents the seller from calculating the precise value of that which he sells, as he would in an ordinary business transaction (M. 8:3). Moreover, since individuals do not own edibles of the Sabbatical year, they may not use them to discharge personal financial obligations. Gifts are permitted, however, for these are not given to repay debts (M. 8:4-5). Finally, people must process this produce in an unusual place or with abnormal tools. This again indicates that this food is sanctified, unlike crops of other years (M. 8:6).

At M. 8:8-8:9C, we turn to the rules that apply when people violate the foregoing restrictions. People must rectify any misappropriations of this food by acquiring other edibles and treating them like the original sanctified produce. This assures that the sanctity which inheres in the agricultural products of the Sabbatical year never is lost.

CHAPTER EIGHT

Shebiit Chapter Eight
(M. 8:8, 8:9C). Eliezer, M. 8:9C, makes a separate point concerning the misuse of sanctified produce. People may not derive benefit from a transgression. Accordingly, if a person wastes oil of the Sabbatical year by rubbing it on a leather garment, the clothing must be burned to assure that no one wears it. These rules are both preceded and followed by supplementary materials. M. 8:7 presents two rules that introduce the discussion of misusing produce of the Sabbatical year. At M. 8:7A-C, we consider the extent to which a person is responsible to keep vegetables of the Sabbatical year from becoming inedible, which would prevent them from being used for their designated purpose. At M. 8:7D-E, Mishnah's authorities present the principle that produce of the Sabbatical year never loses its sanctity. This explains why the householder who misuses this food must substitute other produce and treat it in accordance with the restrictions of the Sabbatical year. A short appendix (M. 8:9D-8:10) to Eliezer's lemma has no bearing on the subject matter of the tractate. The chapter's closing rule, M. 8:11, disputes Eliezer's position that one may not benefit from produce of the Sabbatical year which others have handled improperly.

8:1

A. An important general rule they stated concerning [produce of] the Sabbatical year:

I. B. All [produce which during other years of the Sabbatical cycle] is used exclusively as food for human beings--

C. [during the Sabbatical year] they may not make of [such produce] an emollient for human beings,

D. and, it goes without saying, [they may not do so] for cattle.

II. E. And any [type of produce] which is not used exclusively as food for human beings [i.e., which is also used as emollients for people]--

F. they may make of [such produce] an emollient for human beings,

G. but [they may] not [do so] for cattle.

III. H. And any [type of produce] which is not used exclusively as food for human beings or for cattle [i.e., which might either be eaten or be used as fuel for burning]--

I. [if the one who gathered it] intended [to use] it [both] as food for human beings and as food for cattle,

J. they impose upon it the stringencies [which apply to food] for human beings, and the stringencies [which apply to food] for cattle.

K. [If the one who gathered such produce] intended [to use] it [only] for wood,

L. lo, it [this produce is deemed to be] like wood [and may be burned],

M. for example, savory, 1 marjoram 2 and thyme. 3

M. 8:1 (y. Shab. 7:1[8d]; Sifra Behar 1:12)
To understand the pericope before us, we must first review Scripture's rules governing the use of produce of the Sabbatical year. God designates that which grows during the seventh year for the sustenance of Israelites and their livestock. This is stated explicitly in Lev. 25:6, "And the sabbath produce of the land shall provide food for you. . . ." Mishnah's authorities express this principle in the rule that people may use edible produce of the seventh year only as they ordinarily use such produce during other years, namely, as food or medicine. The law thus assures that the Land's yield will be available to meet the basic needs of Israelites during the Sabbatical year, in accordance with Scripture's injunction. This central principle is worked out in a three-part construction. First, produce which generally is used exclusively as food for people may not be used during the Sabbatical year for any other purpose (B-D). Second, produce which people generally use either as food or as a lotion, may be used during the Sabbatical year only in these ways (E-G). Finally, at H-L+M, we turn to an ambiguous case, produce which during other years sometimes is used as food or fodder and sometimes as fuel. How are such plants to be used during the Sabbatical year? In this case, the intention of the farmer who gathers this produce resolves its ambiguous status. If he collects it as food or fodder, it is treated as such. Like food for people, this produce may not be used as a lotion, and, like animal fodder, it may not be used as wood for burning. If, on the other hand, people gather this produce for use as fuel alone, it is not subject to these restrictions (K-L). As we recall from M. 7:1-2, wood is not governed by the restrictions of the Sabbatical year at all.

A. R. Eleazar says, "Bundles of savory (E lacks: savory), marjoram and thyme which one gathered for [use as] wood--
B. "they may (reading with Lieberman, TK, p. 558; E, V, and ed. princ. read: may not) burn them.
C. "[If they were gathered for use] as animal feed--
D. "they may not (reading with Lieberman, TK p. 558; E, V, and ed. princ. read: may) burn them."5
E. R. Simeon says, "Also: stalks [of savory, marjoram or thyme] which grew in an irrigated field (following E, ed. princ. which read: bvt; V reads: bvn) that has dried up--
F. "they may derive no benefit from them [after the time when the law of removal has taken effect]."

T. 5:15

G. Leeks6 and wild herbs7 that were gathered for their moisture [i.e., in order to moisten wheat; so Lieberman, TZ, p. 189]--
H. [the farmer] is entitled (reading with E, V, ed. princ. read: is not) to use them for their moisture.
I. [But if they were gathered for use] as animal feed--
J. [the farmer] is not (reading with E; V, ed. princ. read: is) entitled to used them for their moisture.

T. 5:16

T. spells out the implications of the ruling at M. 8:1K-M. The permissible uses of savory, marjoram and thyme are determined by the purpose for which they were gathered. If gathered for use as wood, they are deemed to be wood and may be burned (A-B). If gathered as animal feed, however, they may be used only for this purpose (C-D). The parallel ruling at G-J makes the same point for produce which is used ordinarily either to moisten other produce or as animal feed. E-F makes a separate point. Stalks of savory, marjoram or thyme may not be used, even for wood, after the field in which they grew has dried up. This is because these edible types of produce are subject to the law of removal. Such produce may not be used after the field has dried up, when like produce is no longer available.

A. *Asphodelus* which was gathered for use as animal feed,
B. lo, it is subject to removal.
C. [If it was] placed under a mattress [in order to keep away snakes],
D. lo, it is as if it has been removed.

T. 5:17

E. Straw of the Sabbatical year [a type of produce which is fit for animal consumption]--
F. they do not place it in a mattress [as filling] or mix it with mud [for this produce must be used as animal feed; cf. M.8:1].
G. If others placed it [in such places],
H. lo, it is as if it has been removed.

T. 5:18

As at T. 5:15-16, we deal with the rules governing types of produce fit for animal consumption. Asphodelus and straw are perennials and so are subject to the law of removal (cf. M. 7:1-2). If people handle this produce improperly, however, by placing it in a mattress or mixing it with mud, it becomes impossible to carry out the procedure for removal. The point of C-D and G-H is that once produce has become irretrievable in this way, the householder bears no further responsibility for observing the law of removal. The produce is regarded as if it already had been removed.

A. [As regards] wine [of the Sabbatical year] which fell into brine--
B. one must remove it [i.e., the wine together with the brine] (E reads: it is forbidden to non-priests; see T. Ter. 9:6B-C).
C. R. Eleazar b. R. Simeon says, "Lo, it is as if it has been removed (E reads: It is permitted to non-priests)."

T. 6:5 (T. Ter. 9:6)

T. reads together the issues of M. 7:71-J and T. 5:17-18. Wine of the Sabbatical year imparts its flavor to brine with which it is mixed. In accordance with M. 7:71-J, it renders the mixture as a whole subject to removal (A-B). Eleazar makes a different point. Like straw which has been mixed with mud (T. 5:18), wine which has fallen into brine cannot be retrieved. It is deemed to be removed.

A. An oven that was fired with straw or with stubble of the Sabbatical year must be cooled down (i.e., one may not cook in it).
B. They sell (omitting with E and ed. princ.: 'wklyn) food for human beings and animal feed [in order] to buy [with they money received from the sale] food for human beings.
C. But, they may not sell animal feed [in order] to buy other animal feed.
D. And it goes without saying that food for human beings [may not be sold in order] to buy animal feed.

T. 5:19

Since straw is generally used as animal feed, it may not be used to ignite an oven (A). This abnormal use of the produce violates the prohibition of M. 8:1. B-D is separate. Produce of the Sabbatical year which is exchanged for other produce of that year is not subject to the rule of M. 8:1. We might have thought that just as produce of the Sabbatical year may be used only as produce of its type is ordinarily used, so too, produce may be exchanged only for other produce of the same type. Money received from the sale of produce of the Sabbatical year, however, is invested with the sanctity of that produce. This money may be used only to purchase food for human consumption (B), and not to purchase animal feed (C-D). (See M. 7:1D and Chapter Seven, note 17.)

A. Produce of the Sabbatical year [which is fit for human consumption]--
B. they do not feed it to cattle, to wild animals or to fowl.
C. If an animal walked on its own under a fig tree and ate figs,
D. or under a carob tree and ate carobs,
E. they do not require him [i.e., the farmer] (so Lieberman who reads: 'wtw; E, V, and ed. princ. read: 'wth) to chase the animal away (lhbzyrb).
F. As it is written, "And your cattle and the beasts in your land may eat all its yield" (Lev. 25:7).

T. 5:20 (Sifra Behar 1:7)
T. refines the principle of M. 8:1 by distinguishing between the farmer's intentional misuse of produce and the misuse which results from the animal's eating. The farmer may not misuse food for people by feeding it to animals, in accordance with the rule of M. 8:1 (A-B). He is not responsible, however, if the animal on its own eats the wrong sort of produce. This is because the farmer is not held responsible for the misuse of this produce before he has gathered it. F provides the prooftext for this view.

8:2

A. [Produce of the] Sabbatical year is permitted for [purposes of] eating, drinking and anointing [i.e., as a salve].
B. [That is, one is permitted] to eat that which customarily is eaten, (S adds: to drink that which customarily is drunk) and to anoint [with] that which customarily is [used] for anointing.
C. One may not anoint with wine or vinegar,
D. but one may anoint with oil.
E. And the same [law applies] with respect to heave-offering and second tithe.
F. [The ruling regarding produce of] the Sabbatical year is more lenient than [the ruling regarding] them [i.e., heave-offering and second tithe,]
G. for [produce of the Sabbatical year] is [also] permitted for [purposes of] kindling a lamp. [Clean heave-offering and second tithe, however, may not be used for this purpose].

M. 8:2 (A-D: M. M.S. 2:1; Sifre Dt. 107; F-G: Sifra Behar 1:10)

The point, as at M. 8:1, is that edible produce of the Sabbatical year may be used only as produce of its type ordinarily is used (A-B). C-D exemplify this rule. Since wine and vinegar generally are not used as a salve, during the Sabbatical year people may not use these sorts of produce for anointing (C). Oil, however, which generally is used as an emollient, may be used during the Sabbatical year for this purpose (D). The gloss at E-G extends this principle to other sanctified foods, produce in the status of heave-offering and to second tithe. I cannot explain why oil of the Sabbatical year may be used to kindle a lamp (G), for this directly contradicts the principle that edibles may be used only for eating. Perhaps they regarded lamps as a necessity, and so permitted the burning of oil for this purpose. 10

A. [Produce of the] Sabbatical year is permitted for [purposes of] eating, drinking, and anointing.
B. To eat that which customarily is eaten, to drink that which customarily is drunk and to anoint with that which customarily is used for anointing [= M. 8:2A-B].

T. 6:1 (T. Ter. 9:10)
C. **To eat that which customarily is eaten.** How so?

D. They do not obligate one to eat the peel of a vegetable, bread which has become moldy, or a dish the appearance of which has changed (רָשַׁה).  

T. 6:2 (T. Ter. 9:10)

E. **To drink that which customarily is drunk.** How so?

F. They do not obligate one to drink (םַּלְוָה) a sauce of oil and garum or a sauce of vinegar and garum, or to drink wine together with its lees.

G. (E lacks: G-H) One who has a sore throat may not gargle with oil [of the Sabbatical year].

H. But he may add much oil to a sauce of oil and garum and swallow.

I. One who has a toothache may not rinse them [i.e., his teeth] in vinegar [of the Sabbatical year] and [then] spit it out.

J. But he may rinse [with vinegar] and [then] swallow.

K. And one may dunk [his bread in any of the liquids mentioned above] in the usual manner and need not scruple [that, by eating such bread, he has improperly consumed produce of the Sabbatical year].

L. **To anoint with that which customarily is used for anointing.** How so?

M. A person may put oil [of the Sabbatical year] on a wound,

N. provided that he does not take [the oil] with a rag (E adds: or patch of cloth) [which will absorb and thereby waste some of the oil] and put [the rag] on his wound.

O. (E lacks: O-R) One who has a headache, or anyone on whom sores appeared, may anoint with oil [of the Sabbatical year].

P. But he may not anoint with wine or vinegar.

Q. For [as regards] oil--its normal use is for anointing.

R. But [as regards] wine and vinegar--their normal use is not for anointing [cf. M. 8:2C-D].

T. 6:4 (T. Ter. 9:13-14)

T., at C-D, E-K and L-R, elucidates in sequence the three parts of M. 8:2's rule. Only food need be eaten (C-D+E-F vs. G-H+I-J). K is obvious. Solids and liquids need not be consumed separately if ordinarily they are eaten together. O-R repeats M. 8:2B-D. Oil, unlike wine and vinegar, may be used for anointing. Still, one may not anoint in a way which wastes some of the oil (M-N).

A. One may put a cake of pressed figs or dried figs [of the Sabbatical year] in fish-brine (E, ed. princ., lack: הַמְרָי) [or in a] cooked dish [in order to flavor them] in the manner in which he adds spices.
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B. But he may not [later remove them and] press them to squeeze out their juices [since this ruins the figs for subsequent consumption].

C. But [in the case of] spices [of the Sabbatical year] this is permitted (E reads: forbidden)

D. since this is their normal use.

T. 6:6 (T. Ter. 9:7)

E. One who ties in a bundle spices [of the Sabbatical year] and places them in a cooked dish--

F. if they lose their flavor (btl tcmn), they are permitted [i.e., exempt from the restrictions of the Sabbatical year].

G. But if [they do] not [lose their flavor], they are forbidden, [i.e., subject to the restrictions of the law].

T. 6:7 (T. Ter. 9:7; T. M.S. 2:2)

The discussion of the permitted uses of produce of the Sabbatical year continues. Figs are added to other foods for flavor. Figs of the Sabbatical year may be used in this way, provided that one does not spoil them for later consumption (A-B). Spices, on the other hand, normally are not eaten. In line with M. 8:2's rule, one who uses them need not save them for consumption (C-D). E-G follows logically from Mishnah's rule. Since spices are not eaten, once they have lost their potency, they no longer serve any purpose. When this happens, they are no longer subject to the restrictions of the law.

A. They may not make wine [from grapes of the Sabbatical year] into an unguent,

B. nor oil [from olives of the Sabbatical year] into spiced oil.

C. But if one made the wine into an unguent, or the oil into spiced oil, he may anoint [himself] with the oil, but may not anoint [himself] with the wine or vinegar.

D. For [as regards] oil--its normal use is for anointing.

E. But [as regards] wine or vinegar--its normal use is not for anointing.

T. 6:8 (T. M.S. 2:3)

The point, stated explicitly at D-E, is obvious from what has preceded (cf. M. 8:2C-D, T. 6:4Q-R). People may not turn edible produce into ointments. If one violates this rule, one must use the resulting ointment in accordance with the permissible use of the original produce.

A. A person may not put oil of the Sabbatical year on a slab of marble in order to roll on it [and anoint himself, for the oil which remains on the slab is wasted].

B. Rabban Simeon b. Gamaliel (E reads: Rabbi) permits [since marble is not porous, no oil will be wasted].
(E lacks: C-D) [As regards] oil of the Sabbatical year--they do not anoint with it with unclean hands.

D. [But if] it fell on his skin, he may rub in it, even with unclean hands.

T. 6:9 (T. Ter. 10:10-11)

E. [As regards] oil of the Sabbatical year--

F. they may not glaze an oven or stove with it [for this is not its primary use].

G. And they may not soften (lit.: anoint) shoes or sandals with it.

T. 6:10 (T. Ter. 10:11)

H. A man may not anoint his foot with oil [of the Sabbatical year] while [the foot] is in a shoe or sandal.

I. But he may anoint his foot and [then] put on a shoe.

J. (E lacks:) or anoint his foot and [then] put on a sandal.

T. 6:11 (T. Ter. 10:11)

K. A man may anoint himself with oil of the Sabbatical year and [then] roll around on a new leather spread

L. and need not scruple. [Once produce of the Sabbatical year has been used, it is no longer subject to the restrictions of the law].

T. 6:12 (T. Ter. 10:11)

M. They may not spice oil of the Sabbatical year [since this will be used for anointing instead of for eating].

N. But [during the Sabbatical year] they may purchase in any place spiced oil for anointing [on the assumption that it is not produce of the Sabbatical year].

T. 6:13

O. (Ed. princ. lacks: O-P) [As regards] oil of the Sabbatical year--

P. they may kindle [a lamp] with it [cf. M. 8:2G].

Q. If one sold it [i.e., oil of the Sabbatical year] and purchased [with the proceeds] other oil--

R. they may not kindle [a lamp] with it [i.e., with the oil which was bought].

T. 6:14 (=T. 5:4D-E)

S. [As regards] oil of the Sabbatical year--

T. they may not put it into a fire [in order to generate heat].
R. Yose says, "They may soak (swb\(\text{c}\)) a bundle of flax stalks (reading with V; \(\text{cny}\); E reads: \(\text{cwy}\); ed. princ. reads: \(\text{cys}\)) with it, and [then] put it [i.e., the bundle] in a fire [in order to kindle the stalks, for this is like using it to kindle a lamp]."

T. 6:15

T. continues the catalog of materials, begun at T. 6:2, which supplement the rule of M. 8:2. Only Q-R and S-U require explication. Money received from the sale of oil of the Sabbatical year may not be used to purchase other oil to be used for kindling. This is because money received from the sale of produce of the Sabbatical year may be used only to purchase food for human consumption (cf. T. 5:19). The point of S-T is that since oil is not generally used for purposes of heating, it may not be used in this way during the Sabbatical year. One may use this oil, however, to kindle bundles of flax, for this is like kindling a lamp, which is permitted (O-P).

A. They may fuel (msykyn) a fire with olive peels\(^1\) or with the husks of grapes\(^2\) of the Sabbatical year.
B. But they may not kindle a fire with nuts (\(\text{gwzyn}\)) [of the Sabbatical year].
C. and they may not fuel [a fire] with olives [of the Sabbatical year].

T. 6:16

The point is clear from the material which has preceded. Food may not be burned (B-C), while produce not ordinarily eaten may be used as fuel (A).

8:3

A. They do not sell produce of the Sabbatical year by volume, weight, or quantity [i.e., number of pieces].
B. And (7 MSS. omit: and) [they may] not [even sell] figs by quantity and [they may] not [even sell] vegetables by weight.
C. The House of Shammai say, ["With respect to the rule at A], Also: [One may] not [sell produce of the Sabbatical year] in bunches."
D. But the House of Hillel say, "That which one is accustomed to bind [into bunches] in the home (5 MSS.: for the home) [that is, produce not generally sold in bunches in the market]--
E. ["during the Sabbatical year] they bind [and sell] it [i.e., such produce] in the market (6 MSS.: for the market),
F. for example, leeks and ornithogalum."
People may not sell produce of the Sabbatical year in standard measurements. This would constitute conducting business with sanctified produce of the seventh year, which is forbidden (see M. 7:3). By trading produce only in a casual way, the seller indicates that he is not attempting to receive fair value in exchange for the food that he sells, as he would in an ordinary commercial transaction. With the point of the opening rule in hand, let us turn to the secondary developments found at B and in the Houses-dispute at C vs. D-F.

The rule at B poses an exegetical problem. On the one hand, it clearly is not an independent rule, but rather serves as a gloss to A. In light of the prohibition against selling produce in any standard measurements (A), however, this rule concerning figs and vegetables appears to add nothing to the discussion. How then did the redactor of our pericope understand this rule and why has he placed it here? I can make sense of B only by assuming, as Albeck does, that it serves as a subtle amplification of the foregoing rule. According to the opening ruling, during the Sabbatical year people must alter the usual procedure for selling produce. B's point then is that people may not sell a particular type of produce in any standard measurement whatsoever, even if they do so in an abnormal manner. That is to say, figs, which ordinarily are sold by volume (cf. M. Ma. 2:4), may not be sold even by number. Likewise, vegetables, which people generally sell in bunches (cf. M. Dem. 6:12), may not be sold by weight. The seller may trade produce of the Sabbatical year only in an entirely random manner, thereby indicating that he is not engaged in an ordinary business transaction.

The Houses (C vs. D-E+F) dispute whether people may sell produce of the Sabbatical year in bunches. The Shammaites (C) consider a bunch to be a standard measurement. By selling produce in this way, the farmer attempts to receive fair value for his greens, which is forbidden. According to the Hillelites (D-F), however, a bunch constitutes a standard measurement only for types of produce which usually are sold in that form. That which ordinarily is sold by volume or weight, however, may be sold in bunches during the Sabbatical year. By altering the usual procedure, the seller indicated that he is not engaged in a usual business transaction. The Hillelites thus disagree with the principle expressed at A-B. They permit people to sell produce of the Sabbatical year in at least one standard measure, the bunch, provided that they do not ordinarily sell produce in that way.

A. They may not sell produce of the Sabbatical year by volume, weight, or quantity (M. 8:3).

B. And one may not fill a jug [with wine or oil of the Sabbatical year] and sell it as is (kmo\textsubscript{h} w') [for it appears that he is selling produce by a fixed measure],

C. nor [fill] a basket [with produce of the Sabbatical year] and sell it as is.

D. Rather [one who wishes to sell produce of the Sabbatical year] says to him [i.e., to the prospective buyer] (E lacks: lw), "This jug I sell to you for a dinar," or "This basket I sell to you for a tressit."
E. One may not fill a basket [with produce of the Sabbatical year] and go and sell it in the marketplace [for he thereby sells a fixed quantity of produce].

F. Even (reading with E and ed. princ.: 'p; V reads: 'bl) in the other years of the Sabbatical cycle this is prohibited,

G. for this is a method of deception [since the seller alone knows the quantity of produce in the basket].

T. 6:18

T. supplements Mishnah's list of ways in which produce of the Sabbatical year may not be sold. Jugs and baskets hold specific quantities of produce and so may not be used for selling produce (B-C). Sellers are permitted to sell in jugs or baskets, however, if they tell buyers that they are selling by the container without referring to the specific quantity of produce (D). E-G disagrees with C-D. Under no circumstances may people sell by the basket for this is a deceptive manner of selling.

A. The House of Shammai say, "They may not sell produce of the Sabbatical year for coins.

B. "Rather [they only exchange it] for [other] produce,

C. "so that [the seller] does not (reading with V, ed. princ.; E omits: not) purchase with the produce (bhn) inedibles (lit., a spade)."

D. But the House of Hillel (Lieberman supplies from E., ed. princ.: permits).

T. 6:19

The Houses dispute the unstated premise of M. 8:3A, that produce of the Sabbatical year may be exchanged for money. Contrary to M. 8:3, the Shammaites prohibit such transactions. Since produce of the Sabbatical year is intended to be used only as food, it may not be converted into any inedible commodity. The Hillelites permit such transactions. They assume that people will use the money to purchase other produce (D). This is the position assumed by M. 8:3A, as well as by several of Mishnah's other rules (M. 8:4, M. 8:8, and the general rule at M. 7:1-2).

A. They may not sell produce of the Sabbatical year to [an Israelite] who is suspected of violating the restrictions of the Sabbatical year,

B. except [sufficient] food for three meals.

C. In what case does [the rule of A] apply?

D. [It applies] in the case of produce which keeps [without spoiling] (dbr tmtgym). [This produce remains edible after the time for removing it and so we do not give the buyer an opportunity to violate the law].

E. But [as regards] that which spoils quickly (dbr tyn mqtgym)--[selling sufficient produce] for even a hundred meals is permitted. [Since this produce will spoil before the time for its removal, we are not concerned that the buyer will neglect to remove it].
F. They may not sell to, nor from, a gentile or a Samaritan produce of the Sabbatical year.

G. Others (E reads: sages) say, "They may sell to a Samaritan as much as four issars [worth of produce of the Sabbatical year]."

T. 6:20 (A-B: b. Suk. 49a; y. Suk. 3:12[54a])

T. continues M. 8:3's discussion of forbidden sales of produce of the Sabbatical year. One may not sell produce of the Sabbatical year to people suspected of not observing the law of removal. This prevents one from becoming an accessory to their transgression. The two separate qualifications, B and C-E, are obvious. People may sell a person suspected of violating the law small amounts of produce, for the buyer will consume these before the time for removal. Moreover, they may not sell such a person food which keeps without spoiling for a long time, since this creates an opportunity for him to violate the law.

F vs. G raises a separate issue with regard to transferring produce of the Sabbatical year. F's point is that all produce which grows during the Sabbatical year is designated for the consumption of Israelites. Accordingly, non-Israelites may not derive benefit from this produce or from the money received from its sale (F). G disputes the status of Samaritans. Samaritans share the status of Israelites suspected of violating the law. In line with the rule of A-B, therefore, people may sell them small amounts of produce.

8:4

A. One who says to his worker, "Here is an issar for you [as a gift]" and "Gather vegetables of the Sabbatical year for me today"--

B. his wage is permitted, [that is, this money is exempt from the restrictions of the Sabbatical year. Since he gave this issar to the worker as a gift and did not explicitly exchange it for the produce, the money does not take on the status of the produce].

C. [If, however, he said,] "In return for this [issar,] gather vegetables for me today"--

D. his wage is forbidden, [that is, this money is subject to the restrictions of the Sabbatical year. Since he specified that this money was payment for the produce, the coin is regarded as money received from the sale of produce of the Sabbatical year].

E. [As regards] one who took a loaf of bread [worth] a dupondion 28 from the baker [and said,] "When I gather vegetables [of the Sabbatical year] from the field I will bring you some"--

F. [this exchange of produce] is permitted. [Since the customer did not specify that this produce constitutes payment of the dupondion that he owes the baker, he has not used produce of the Sabbatical year to discharge a debt].

G. [But if] he simply bought [the loaf of bread on credit, thereby incurring a debt to the baker,]
H. he may not [later] pay [the baker] with money [received from the sale of produce] of the Sabbatical year.

I. For they do not discharge a debt with money [received from the sale of produce] of the Sabbatical year.


The pericope highlights the contrast between giving produce of the Sabbatical year to others as a gift, which is permitted, and using it for a commercial transaction, which is forbidden (see M. 7:3F). The two formally separate pairs of rules (A-B/C-D, E-F/G-H+I), however, raise quite distinct issues with respect to trading this produce. These must be explained separately. The first case, at A-D, relies upon the rule of M. 7:1-2, that money received from the sale of sanctified produce itself becomes subject to the restrictions of the seventh year. This money, like the produce itself, may be used only to acquire food, not to discharge a financial obligation. The point of the contrasting cases at A-B and C-D is to establish a legal fiction by which a person can acquire produce of the Sabbatical year without buying it outright. If the householder gives his worker an issar as a gift, and the worker, in turn, gives him some produce as a gift, technically no sale has occurred. The money which the worker receives, therefore, does not become subject to the restrictions of the Sabbatical year (A-B). But if the householder explicitly buys produce from the worker, the money does become subject to these restrictions, for it was received from the sale of produce of the Sabbatical year (C-D). 29

The second set of rules (E-I) considers a householder who wishes to trade produce of the Sabbatical year, or money he has received from selling it, for other goods. He may barter his vegetables for a baker's bread. As long as they exchange their goods as gifts, this is not regarded as a business transaction (E-F). At G-H+I, the customer owes the baker for a loaf of bread. In this case, he may not repay the debt using money he received by selling produce of the Sabbatical year. This is not a gift, but the payment of a financial obligation.

A. They feed (reading with V, ed. princ.; E reads: do not feed) boarders produce of the Sabbatical year.

B. But they do not feed either a gentile or a hired [day] laborer produce of the Sabbatical year.

C. But if he was a worker hired for the week, the month, the year [or] for seven years (~bwc),

D. or [if the employer] has obligated himself [to provide the laborer's board]--

E. they feed him produce of the Sabbatical year.

T. 5:21 (A-E: Sifra Behar 1:7; y. Dem. 3:1[23b])
F. A court may not grant support to a woman [who lives apart from her husband] from produce of the Sabbatical year.

G. Rather, she is sustained with [produce] belonging to her husband.


T. exemplifies the rule of M. 8:41. One may not use produce of the Sabbatical year to discharge a financial obligation. Accordingly, people may not feed this produce to a hired laborer in place of his wage (B). Likewise, a court may not assign produce of the Sabbatical year to a woman in fulfillment of her husband's obligation to sustain her (F). One may, however, feed such produce to boarders (A) or to long-term laborers (C-D). They are fed as members of the household, not in fulfillment of a financial obligation.

One may not feed a gentile (B) produce of the Sabbatical year for a quite separate reason. The yield of the Land during the seventh year has been designated by God for the sustenance of Israelites alone.

A. [As regards] one who buys a loaf of bread [worth] a dupondion from the baker (ed. princ. adds: and says) "When I pick vegetables [of the Sabbatical year] I will bring you some [in exchange for the bread]."

B. [this exchange of produce] is permitted [=M. 8:4E-F with slight variations].


D. [As regards] five people who were picking vegetables [of the Sabbatical year]--

E. one [of the five] may not sell [that which they pick] on behalf of all of them [at once].

F. Rather he [first] sells that which he picked (šlw) and [then sells] that which the others picked (šln) [so Sens, cited by Lieberman, TZ, p. 193].

T. 6:21

G. [As regards] five brothers who were picking vegetables--

H. one may sell [what they pick] on behalf of all of them,

I. provided that they do not (E lacks: ššl1)30 designate him as a permanent distributor (pitr; lit.: shopkeeper).

J. An innkeeper31 who was cooking produce of the Sabbatical year [to serve in the tavern] may not calculate in the price [which he charges for the dish the value] of the produce.

K. But he may calculate [in the price] the value of the wine and the oil [of other years of the Sabbatical cycle, which he used] and the value of his time (reading with Lieberman, TZ, p. 193: wškr btlh; ed. princ. and MSS. read: škr btlh).

T. 6:22
The pericope's three units (A-C, D-I, J-K) are held together by their common theme—doing business with produce of the Sabbatical year. Since the pericope as a whole makes no single point, I deal in turn with each rule. Judah and Nehemiah, A-C, dispute the ruling of M. 8:4E-F. They hold that the buyer may not give produce of the Sabbatical year to pay the baker for bread which he bought on credit. Since the buyer did not have the produce in hand at the time of the transaction, he incurred a temporary debt. In accordance with M. 8:4I, he may not use produce of the Sabbatical year to discharge this debt. D-F and G-I raise a new question with respect to gathering and selling produce of the Sabbatical year. At issue is whether selling produce on behalf of other is considered doing business. The answer is that groups of people are engaged in business only when they form a cooperative. Accordingly, a group may not appoint one of its members as its agent (D-E), nor may several brothers designate one brother as their permanent distributor (I). By doing so, they act as a cooperative engaged in a business venture. One member of a group may, however, act as the agent for each individual separately. This procedure indicates that each member of the group gathers and sells the produce in his own behalf (F).

J-K is independent of Mishnah. An innkeeper may not covertly sell produce of the Sabbatical year by including the value of that produce in the price he charges customers. He may, of course, charge them for other produce which he uses and for the time which he spends preparing the food.

A. A person may not say to his fellow, "Take this produce [of the Sabbatical year] up to Jerusalem (E adds: for me) that [we may] divide it [between us there]." [That is, he may not give produce of the Sabbatical year to another as payment for helping to carry the produce to Jerusalem].

B. Rather he says to him, "Take it up so that [together] you and I may eat and drink it (E and ed. princ. add: in Jerusalem)." [This produce is simply shared, not given as a payment for services rendered].

T. 6:23 (M. M.S. 3:1; b. A.Z. 62a)

C. And likewise, one may not say to a poor person, "Take this selá and [in return] bring me the gleanings [which you collect] today," (Lev. 19:9), or "Bring me the forgotten sheaves [which you collect] today" (Dt. 14:19), or "Bring me the produce left in the corner of the field [which you collect] today (Lev. 19:9).

D. Rather, he says to him, "[I exchange this selá] for the gleanings which you will collect today," [or] "for the forgotten sheaves which you will collect today," [or] "for the produce of the corner of the field which you will collect today."

T. 6:24
E. And likewise [in the case of] a Levite (reading with E, V; ed. princ. lacks: a Levite). [That is an ordinary Israelite may not pay a Levite to collect tithes for him, but the Levite and the Israelite may exchange tithes and money as gifts].

T. 6:25a

T. provides further illustrations of M. 8:4's rule that one may neither acquire nor dispose of sanctified produce by means of a business transaction. In accordance with M. 8:41, one may not give produce of the Sabbatical year to someone as payment for carrying the produce to Jerusalem. This constitutes discharging a debt (A). One may, however, invite a person to come to Jerusalem and share produce of the Sabbatical year. This produce is given as a gift, not as payment for carrying the produce (B). At C-D+E, we turn to the acquisition of sanctified produce. Since a householder is not entitled to gather poor-offerings, he may not contract with the poor to obtain them (C). The two parties, however, may exchange gifts of poor-offerings and money (D). E glosses and merely extends the same principle to the Levites and the produce which they receive as tithes.

F. [One] who had a sela [received from the sale of produce] of the Sabbatical year wished to purchase with it a cloak. He goes to a storekeeper and says to him, "Give me produce for this [sela]." [The storekeeper] gives him produce. [By means of this exchange, the unsanctified produce becomes subject to the restrictions of the Sabbatical year and the money becomes exempt from these restrictions]. And then this one [i.e., the customer] says to him [i.e., the storekeeper], "Lo, this produce is given to you as a gift." And he [i.e., the storekeeper] says to him, "Lo, this sela is given to you as a gift." [The person thereby reacquires the sela and purchases a cloak with it].

G. [As regards] produce of the Sabbatical year--

H. they may purchase with it neither water nor salt.

I. R. Yose says, "They may purchase with it either water or salt."

J. [As regards] produce of the Sabbatical year--

K. they may not use it in an infusion (mrh) [that is, in a bleach-solution] or in lye-water (kbwsh) [i.e., it may not be used to make substances for laundering].

L. R. Yose says, "They may use it in (E adds: an infusion or) lye-water."

T. 6:25b (B: b. Suk. 41a; F-H: b. Suk. 40a; b. B.Q. 102a)

The theory at B is that of M. 8:4. Money received from the sale of produce of the Sabbatical year may be exchanged for other commodities as gifts, but not used in a business transaction. C-D and F-G accord with the principle of M. 8:1, 2. They maintain that produce of the Sabbatical year may be used only as food. Accordingly, such produce may not be used to purchase water and salt, which are not deemed foods (C-D), or to
produce inedible substances, such as laundering solutions (F-G). Yose disputes both rules for the same reason. He maintains that produce of the Sabbatical year may be used for these purposes, since they are considered necessities (E, H). 39

8:5

A. They do not give [produce of the Sabbatical year or money received from its sale as payment of wages] to a well-digger, a bathhouse attendant, a barber or a sailor.
B. But one does give [such produce or money] to a well-digger [in exchange for water] to drink.
C. And to any of those [persons referred to at A] one gives [produce of the Sabbatical year or money received from its sale] as a gift.

M. 8:5

People may not use produce of the Sabbatical year to pay the wages of a hired laborer (A), for this constitutes discharging a debt (see M. 8:41). Exchanging such produce for water, however, is permitted. Since, according to M. 8:2, produce of the Sabbatical year is designated for eating and drinking, it also may be used to purchase other liquids for consumption (B). Gifts of this produce clearly are permitted, for these are not payments of financial obligations (C).

A. [As regards] ass-drivers, camel-drivers, and sailors, who performed their trade (Shyw Cwsyn) with produce of the Sabbatical year [that is, who transported such produce]--
B. their wages are [subject to the restrictions of] produce of the Sabbatical year (so E; V, ed. princ. read: their wages are [paid] with produce of the Sabbatical year). 41

T. 6:26 (b. A.Z. 62a)

T. supplements M. 8:5 with a separate rule concerning the payment of wages during the Sabbatical year. T's point is that any money received from handling produce of the Sabbatical year is subject to the restrictions of that year. Thus, money received in exchange for transporting produce of the Sabbatical year is treated like money received from the sale of this produce. 42 It may be used only to purchase other produce which, in turn, becomes subject to the restrictions of the law.

8:6

A. Figs of the Sabbatical year--
B. they do not dry (qwyzyn) them in the [ordinary] drying place (bmqzh), 44
C. but one does dry them in a deserted place [where one ordinarily does not process figs].
D. They do not trample grapes [of the Sabbatical year] in a vat,
E. but one does trample [them] in a trough.
F. And they do not prepare olives [of the Sabbatical year] in an olive-press or with an olive-crusher,46
G. but one does crush them and place [them] in a small press.
H. R. Simeon says, "He even grinds them in an olive press and places [them] in a small press [in order to complete the processing of the olives]."

M. 8:6 (Sifra Behar 1:3)

Produce of the Sabbatical year must be processed in an unusual manner, unlike produce of other years. The underlying principle is the same as the of M. 8:3 which, we recall, rules that people may sell this food only in a random fashion. By handling produce in an abnormal manner, people indicate that they do not own this sanctified food and thus are not free to treat it as they would ordinary produce of other years. This point is made three times in the parallel rules at A-C, D-E and F-G. Simeon, in his gloss at H, claims that not every step in the processing of olives must be altered. One may use the usual olive press for crushing the fruit, provided that one uses a small press, which is not the usual tool, to finish squeezing out the oil.

A. [As regards] olives of the Sabbatical year--
B. they may not press (swyn) them with an olive crusher (so Lieberman, TZ, p. 195, who reads with ed. princ.: qtky; V reads: gtnby; E reads: gynby) [see M. 8:6F],
C. Rabban Simeon b. Gamaliel permits.
D. Rabban Gamaliel and his court (so V, ed. princ.; E reads C and D together: Rabban Simeon b. Gamaliel and his court) ordained that they may press them [i.e., olives of the Sabbatical year] with an olive crusher.
E. R. Judah says, "They may grind [olives of the Sabbatical year] with a millstone with which [olives] had not been ground in the other [previous] years of the Sabbatical cycle."
F. R. Simeon says, "One crushes [olives of the Sabbatical year] and skims off [the oil which floats to the top] in a trough."

T. 6:27 (A-B: Sifra Behar 1:3)

Simeon b. Gamaliel (C) and Rabban Gamaliel (D) independently dispute M. 8:6's rule that one must process olives of the Sabbatical year in an abnormal manner. They hold that the prohibition against using produce of the Sabbatical year in an abnormal way applies only to the purpose for which it is used (see M. 8:1-2), not to the way in which it is processed. Judah (E) and Simeon (F) supplement M. 8:6G by proposing other abnormal ways of processing olives.
A. [As regards] grapes of the Sabbatical year--
B. they may not trample them in a vat.
C. Rather, they trample them in a trough [=M. &6D-E with slight variations].
D. R. Judah says, "One presses (reading with V, E; ed. princ. reads: they trample) them in a jug with his finger."

T. 6:28 (A-C: Sifra Behar 1:3)

Judah suggests another way in which to change the procedure for processing olives of the Sabbatical year.

A. [As regards] figs of the Sabbatical year--
B. They may (reading with Lieberman, TK, p. 570; V, E, and ed. princ. read: may not) make them into dried figs,
C. but they may not (so Lieberman; V, E, and ed. princ. read: may) make them into a cake of pressed figs.
D. R. Judah says, "One [may make fresh figs into a cake of pressed figs so long as he] manually presses [them] (mm̱̱̱y̱̱̱k) and wipes off (m̱̱̱g̱̱̱yb) [the juice which exudes from them]."
E. They may break apart pomegranates to make them into split, dried pomegranates. 48
F. And they may press (sw̱̱̱ẖ̱̱ṯ̱̱y̱̱̱n) grapes to make them into raisins.

T. 6:29a

T. presents a new principle governing the processing of produce of the Sabbatical year. People may not convert produce of the Sabbatical year into man-made foods (C). Rather, this produce must remain as it is found in nature. Since both fresh and dried figs are found in nature, people may turn fresh figs into dried ones (A-B). Similarly, people may dry pomegranates (E) and make grapes into raisins (F). The notion that produce of the Sabbatical year must be eaten in one of its natural states carries forward the principle of M. 8:1,2. Since produce of the Sabbatical year is sanctified, people may not use it for any purpose they wish, as they would food of other years. Just as Israelites may not exercise control over these edibles by turning them into inedible products, so too they may not convert natural fruits and vegetables into processed foodstuffs.

Judah (D), who disputes the rule concerning pressed figs, accepts the principle of M. 8:6 (cf. also Judah's rule at T. 6:2E). Produce of the Sabbatical year may be processed into any form so long as this is done in an abnormal manner. Accordingly, people may turn fresh figs into pressed ones only if they do so by hand, not with the help of a press, as they do in other years.
A. They do not cook a vegetable of the Sabbatical year in oil in the status of heave-offering,
B. lest [the oil] cause it [i.e., the vegetable] to become invalid. [That is, the vegetable of the Sabbatical year, when cooked in this oil, takes on the status of heave-offering. It thus might be wasted, in violation of M. 8:1,2's rule, in the event that it became unclean and had to be burned].
C. R. Simeon permits [the cooking of vegetables of the Sabbatical year in oil in the status of heave-offering].
D. [In the case of one who sold produce of the Sabbatical year, used the money received to purchase some other produce, and then exchanged this produce, in turn, for still other produce,] the very last [produce obtained in this manner] (wh'hwn h'hwn) is subjected to [the laws of] the Sabbatical year (nts b'by c'yt),
E. and the produce itself [i.e., the original produce of the Sabbatical year remains] forbidden [that is, subject to the restrictions of the Sabbatical year].

M. 8:7 (A-C: b. Zeb. 76b; D-E: Sifra Behar 3:3; b. Suk. 40b; b. Qid. 58a; b. A.Z. 54b; b. Bek. 9b)

The proper handling of produce of the Sabbatical year is addressed by two formally and substantively distinct units of law. Let us first explain the dispute at A-B vs. C, and then turn to the separate rule of D-E. As we know from the preceding rules, edible produce of the Sabbatical year may be used only as food. The issue at A-B vs. C is the extent to which people are responsible to insure that this food in fact will be consumed and not wasted. The case at hand concerns a householder who cooks a vegetable of the Sabbatical year in oil in the status of heave-offering. As a result, this vegetable, which retains the status of produce of the Sabbatical year, also becomes subject to the restrictions that govern produce designated as heave-offering. Like all food in the status of heave-offering, if it becomes unclean, it may not be eaten. In order to assure that produce of the Sabbatical year is not wasted, A-B rules that people may not cook such produce in oil in the status of heave-offering. Simeon (C), by contrast, is concerned only with actual, not possible, violations of the law. Cooking a vegetable of the Sabbatical year in this way will not necessarily cause it to be wasted, for it might never in fact become unclean. The act of cooking, therefore, is permitted.

The rule at D-E claims that produce of the Sabbatical year both transfers its status to that for which it is exchanged and itself remains subject to the restrictions of the law. How does this happen? If one exchanges produce of the Sabbatical year for money or for other edibles, that which one acquires becomes subject to the restrictions of the law. If this money or produce, in turn, is exchanged for still other produce, the newly acquired item likewise becomes subject to the restrictions of the Sabbatical year. Moreover, the original produce of the Sabbatical year never loses its sanctity. The underlying theory of
this rule is that the Land's yield during the Sabbatical year belongs to God. For this reason, people may not treat this sanctified food as a commodity to be used for acquiring ordinary, unconsecrated produce. To prevent this, the law stipulates that whatever one acquires in exchange for produce of the Sabbatical year immediately takes on the status of the sanctified food for which it was exchanged. Such a transaction, however, can never alter the status of the original produce. This is because, in the view of Mishnah's authorities, that which grows during the seventh year is inherently sanctified. No action of the householder can convert it into ordinary food.¹¹

G. They may not purchase [produce in the status of] heave-offering with money [received from the sale of produce] of the Sabbatical year,

H. so that they will not cause it [i.e., the produce purchased, which is subject both to the rules governing heave-offering and to the restrictions of the Sabbatical year] to become invalid. [That is, the produce will be wasted in the event that it becomes unclean and cannot be eaten].¹²

I. But R. Simeon permits [=M. 8:7B-C with slight variations].

T. 6:29b

T. draws together the two separate units of M. 8:7 by reading M. 8:7A-B vs. C in light of the rule at M. 8:7D-E. The issue is whether produce in the status of heave-offering may be purchased with money received from the sale of the Sabbatical year. According to the rule of M. 8:7D, produce in the status of heave-offering purchased in this way would also become subject to the restrictions of the Sabbatical year. The positions are the same as at M. 8:7. G-H prohibits the purchase in order to prevent the produce from being used improperly. Simeon (I) permits the purchase, since it will not necessarily result in the misuse of the produce. ¹²

A. They do not deconsecrate [coins] (so Lieberman, TK, p. 572, on the basis of y. M.S. 3:2 [54a]; E, V, and ed. princ. read: produce) in the status of second tithe (so E, V; ed. princ. lacks: Šyny) [by exchanging it in Jerusalem] for produce of the Sabbatical year. [That is, one may not restrict the opportunities for consuming produce of the Sabbatical year by subjecting it to the restrictions governing second tithe].

B. But if one deconsecrated [coins in the status of second tithe in this manner], he must eat it, [i.e., the produce of the Sabbatical year for which the coins were exchanged] in accordance with the restrictions [which apply] to both of them [i.e., both those restrictions which apply to produce in the status of second tithe and those which apply to produce of the Sabbatical year].

C. [As regards] produce of the Sabbatical year and produce in the status of second tithe (so V, E; ed. princ. reads: poorman's tithe) which were mixed together--

D. one must eat it [i.e., the mixture] in accordance with the restrictions which apply to both of them.
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E. [As regards] produce of the Sabbatical year in exchange for which one purchased other [consecrated; so Lieberman, TZ, p. 195] foods--

F. one must eat it [the other consecrated produce] in accordance with the restrictions [which apply] to both kinds of produce.

G. [As regards] produce in the status of second tithe in exchange for which one purchased other [consecrated] foods--

H. one must eat it [the other consecrated produce] in accordance with the restrictions [which apply] to both [kinds of produce].

T. 7:1

I. There is a strict rule which applies to produce of the Sabbatical year which does not apply to produce in the status of second tithe,

J. and a strict rule which applies to produce in the status of second tithe which does not apply to produce of the Sabbatical year.

K. For [the restrictions of] the Sabbatical year apply (ךחג): (1) to ownerless produce as well as to that which is owned; (2) to refuse from food as well as to food; (3) to food for human beings as well as to food for cattle; (4) to nutshells and peels of pomegranates as well as to that which they resemble [i.e., nuts and pomegranates. Since these are dyeing matters, they are subject to the restrictions of the Sabbatical year; M. Sheb. 7:3A-C].

L. This is not the case regarding produce in the status of second tithe.

T. 7:2

M. Produce of the Sabbatical year may be exchanged (lit., deconsecrated) for anything, [that is, either for coins or for other produce].

N. But produce in the status of second tithe may be deconsecrated only [through exchange] for coins (so V, E, ed. princ. reads: for its same kind [of produce]) (Dt. 14:24-25).

T. 7:3

O. Produce of the Sabbatical year is removed one species at a time (מקל מין ומנין). [That is, each species of produce is removed from one's home when that species disappears from the field] (M. Sheb. 9:5D-E).

P. But produce in the status of second tithe is removed all at the same time (following Lieberman, TZ, p. 195; V, E, and ed. princ. read: only from [its] same species (M. M.S. 5:6).

T. 7:4
Q. [Regarding] produce of the Sabbatical year, both [the produce] itself and the coins [received in exchange for the produce] are forbidden [i.e., subject to the restrictions of the Sabbatical year] (M. Sheb. 8:7D-E).

R. But [regarding] produce in the status of second tithe, either [the produce] itself or the coins [for which it is exchanged] is forbidden [but not both. That is, once the produce has been exchanged for coins, it is no longer subject to the restrictions which apply to produce in the status of second tithe].

T. 7:5

S. [As regards] produce of the Sabbatical year (so E and ed. princ.; V omits S)---

T. they may not use it to purchase peace-offerings [since one may not restrict the opportunity for non-priests to eat produce of the Sabbatical year].

U. This is not the case for produce in the status of second tithe (M. M.S. 1:3).

T. 7:6

V. There is a strict rule which applies to produce in the status of second tithe [which does not apply to produce of the Sabbatical year].

W. For (1) the status of second tithe applies to the jug [which holds produce purchased with coins in the status of second tithe; M. M.S. 3:12]; and (2) [produce in the status of second tithe] renders forbidden [for common use] the money for which it is exchanged, [as well as] mixtures [with unconsecrated produce] about which there is a doubt [whether or not they actually contain produce in the status of second tithe, as well as] mixtures [of produce in the status of second tithe with unconsecrated produce] no matter how small the quantity [of produce in the status of second tithe which they contain; see T. Bik. 1:6] and (supply w-with E and ed. princ.) (3) [one who improperly eats produce in the status of second tithe] is obligated [to pay] the added fifth (Lev. 27:31) and (4) [produce in the status of second tithe] obligates [one who removes it from his domain] to recitation of the confession (see Dt. 26:12-19); and (5) [produce in the status of second tithe] is forbidden for consumption by one who is in mourning for a close relative (Dt. 26:14); and (6) [produce in the status of second tithe] is not permitted for consumption [outside of Jerusalem; so Lieberman, TZ, p. 196, unless it is deconsecrated; and (7) [oil in the status of second tithe] may not be used to kindle a lamp [since this produce must be consumed].

X. This is not the case for produce of the Sabbatical year.

T. 7:7

Y. Produce of the Sabbatical year and produce in the status of second tithe are the same [with respect to the following rule]:

Z. They deconsecrate it\(^5\) [through exchange] for an animal or fowl,

AA. or for a beast which is blemished (M. M.S. 1:6).
BB. "This applies whether these are alive or slaughtered," the words of Rabbi.

CC. But sages say, "They referred only to a case in which they [already] are slaugh­
tered." [This prevents people from doing business with produce of the Sabbatical
year by using the animals acquired to raise flocks].

T. 7:8

DD. Produce of the Sabbatical year and produce in the status of second tithe are the
same [with respect to the following rules]:

EE. (1) They may not discharge a loan or debt with [either of] them.

FF. (2) They may not repay favors with [either of] them.

GG. (3) They may not redeem captives with [the funds received from the sale of either
of] them.

HH. (4) They may not use [either of] them as groomsman's gifts.

II. (5) And they may not appropriate [either of] them for charity.

JJ. But (2) they may give them as a voluntary charitable gift.

KK. (2) and they must notify [the recipient that that which is given is produce in the
status of second tithe or of the Sabbatical year],

LL. (3) and they may give them to an official of the city (hbr c yr)56 as a favor.

T. 7:9

The opening series of rules (A-B, C-D, E-F, G-H) exemplify the principle of
M. 8:7A-C. Produce in the status of second tithe which is either exchanged for or mixed
with produce of the Sabbatical year is subject to the restrictions governing both types of
produce. The pericopae which follow, explained in my translation, detail these restric­
tions. W(2) requires further explanation, for it contradicts both T. 7:5Q and M. 8:7D.
These rulings state that produce of the Sabbatical year, like produce in the status of
second tithe, does transfer its status to the money for which it is exchanged. Lieberman,
TK, p. 573 argues that this rule has been included here by mistake, on the basis of the
parallel text at T. Bik. 1:6.

8:8

I. A. They do not buy (1) slaves, (2) parcels of real estate, or (3) an unclean animal
with money [received from the sale of produce] of the Sabbatical year.

B. But if one [used money received in this way and] purchased [one of the items
listed at A,] he must [purchase and] eat [produce] of equal value (kngdn) [to
replace the money of the Sabbatical year which he misused].

II. C. They do not bring bird-offerings [required] of men who have suffered a flux,
women who have suffered a flux, or women after childbirth [if these are
bought] with money [received from the sale of produce] of the Sabbatical year.
D. But if one brought [an offering purchased with such money,] he must [purchase and] eat [produce] of equal value [to replace the money of the Sabbatical year which he misused].

III. E. They do not rub leather garments\(^57\) with oil of the Sabbatical year.

F. But if one rubbed [a garment with such oil,] he must [purchase and] eat [produce] of equal value [to replace the oil which he misused].

M. 8:8 (A-B: y. M.S. 1:1[52b]; y. M.S. 1:3[52d])

People who misuse produce of the Sabbatical year, in violation of the law, must purchase new food of equal value to replace it. These edibles take on the status of the produce which was handled improperly and must be consumed in accordance with the restrictions of the Sabbatical year. This penalty for misusing crops of the Sabbatical year, presented in the repeated apodosis at B, D and F, assures that this sanctified produce is not wasted. When a person misuses some of this food, thereby depriving others of the opportunity to consume it, he must restore an amount of produce equal to that which he has misappropriated. On a secondary level of interpretation, this rule carries forward the principle of M. 8:7D-E. Mishnah's authorities regard the sanctity which inheres in produce of the Sabbatical year as a kind of physical substance which can never be destroyed. If the produce is misused, thereby preventing its sanctity from being discharged in the proper manner, the holiness must be transferred to other produce, which takes its place.

Only the rules prohibiting the misuse of this produce, and of the money received from its sale (A, C, E), remain to be explained. Since crops of the Sabbatical year may be used only as food or as an ointment, people may not waste this food by using it either to purchase inedibles (A) or to treat a leather garment (E). Moreover, that which grows during the Sabbatical year belongs equally to all Israelites and must be available for all to eat. People may not use this food to purchase foodstuffs designated for the consumption of the priests alone (C).

8:9-10

A. A hide which one rubbed with oil of the Sabbatical year--
B. R. Eliezer says, "[The hide] must be burned."
C. But sages say, "[The one who smeared it with oil] must [purchase and] eat [produce] of equal value [to replace that which he misused]."
D. They said before R. Aqiba, "R. Eliezer used to say, 'A hide which one rubbed with oil of the Sabbatical year must be burned.'"
E. He said to them, "Shut up! I will not tell you what R. Eliezer meant by this."

M. 8:9
F. And they also said before [R. Aqiba], "R. Eliezer used to say, 'One who eats bread [baked by] Samaritans is like one who eats pork.'"

G. He said to them, "Shut up! I will not tell you what R. Eliezer meant by this."

M. 8:10

Eliezer and sages disagree about the penalty imposed for using oil of the Sabbatical year to treat leather, an act that violates the rule of M. 8:8E. Sages (C), in line with the anonymous ruling of M. 8:8F, hold that one who deprives others of edible produce must replace that which he misused. He does this by purchasing new oil and treating it in accordance with restrictions of the Sabbatical year. This assures that the amount of food available for consumption during the Sabbatical year is not depleted through the misuse of these edibles. Eliezer (B) imposes a quite different penalty upon the person who misappropriates oil of the Sabbatical year. He rules that the garment must be destroyed, thereby insuring that no one benefits from the performance of this transgression. These two rules, B and C, have been cast in the form of a dispute, as opposing responses to a common superscription. The redactor of our pericope thus has made Eliezer appear to reject the rule attributed to sages, that people must replace produce of the Sabbatical year which they have misused. Yet the substance of Eliezer's position, taken by itself, is not necessarily inconsistent with sages' view. That is to say, Eliezer could hold both that the garment must be burned and, in addition, that the individual must replace the produce that he misused. Thus, Eliezer's and sages' lemma both address a common issue but, unlike most disputes, do not present diametrically opposed views on the matter at hand.58

The formally separate story at D-E serves as an appendix to the foregoing. We can deduce only three pieces of information from the exchange: that Aqiba claims to know the true meaning of Eliezer's rule concerning the penalty for misusing oil of the Sabbatical year, that Eliezer's real views were not apparent to the students who repeated his lemma, and that Aqiba will not reveal what Eliezer actually meant. As to how Aqiba understood Eliezer's lemma and why he refused to reveal its meaning to others, the pericope provides us with no information. We might speculate that Aqiba maintained that Eliezer's statement was not to be understood as a legal ruling, but only as a comment which would discourage people from violating the law.59 The parallel narrative at F-G, which again concerns Aqiba's interpretation of a ruling attributed to Eliezer, is unrelated to the laws of the Sabbatical year.

8:11

A. A bath which was heated by straw or stubble of the Sabbatical year, [in violation of the law]--

B. one is permitted to bathe in it.

B. But if one is highly regarded (im mth$m h$m'),
D. lo, this [person] will not bathe [in such a bath].

M. 8:11

Straw and stubble of the Sabbatical year, which are fit for animal consumption, may not be used as fuel for burning (see M. 7:1-2, 8:1). Using a bath heated with such produce, however, is permitted (A-B). The bather, who is not responsible for mishandling the produce, may benefit from a transgression which has already been committed by others. This ruling clearly rejects Eliezer's position (M. 8:9B), that one may not derive benefit from sanctified produce which has been mishandled. According to C-D, a well-respected person may not use a bath heated in a manner that violates the law. Other people relying on his example, might incorrectly conclude that burning straw and stubble is permissible to begin with.