The theme of the chapter is the status of a crop grown from seed of heave-offering, tithes, or other produce subject to special restrictions. At issue is whether or not such a crop shares the status of the seed from which it was grown. If, for instance, seed of heave-offering is planted, we must determine whether or not the crop which results likewise has the status of heave-offering. If so, it may be eaten only by a priest. A like case is that in which produce which has been made liable to the separation of tithes, but which has not been tithed, is planted. We must specify whether such a crop is subject to tithes from the beginning of its growth, or whether, like crops grown from tithed seed, it incurs this liability only at the time of its harvest and processing. The chapter offers two independent, and contradictory, notions of the conditions under which a crop is deemed to have the status of the seed from which it was grown. The first is at M. 9:1-4, the second, at M. 9:5-7.

According to M. 9:1-4, what grows from heave-offering has the status of heave-offering and may be eaten only by a priest. What grows from other agricultural offerings, or from produce subject to special restrictions (e.g., produce which is liable to the separation of tithes), however, does not share the status of the original seed. The reason for this distinction between heave-offering and other types of produce is clear when we specify the main difference between heave-offering and these other types of produce. The difference is that while heave-offering is consecrated, other agricultural offerings and categories of produce are not. An individual who plants heave-offering thus misuses what is holy and intrinsically cannot be eaten by him. This consideration does not apply to other categories of produce, which, while restricted to consumption by specific persons or in special circumstances, are not holy. Since any produce may be used for the same purpose, the householder may replace with other produce the seed which he planted. There is no reason now that he may not eat that seed or, indeed, the crop which grows from it.

The second theory of the chapter, stated at M. 9:5-7, is that whether or not the crop shares in the status of the seed from which it grew is determined on the basis of the nature of that seed, and not by the type of restriction to which it is subject. If the
seed constitutes part of the crop which grows from it (as in the
case of onions, M. 9:6F), the crop has the same status as was held
by the seed.¹ According to M. 9:5-7, this applies to heave-offer-
ing as well as to other produce subject to special restrictions.
If, however, the seed is not integral to the crop, but is de-
stroyed in the growth process, then even in the case of heave-
offering, that crop does not have the status which originally was
held by the seed. The crop is deemed a separate entity, and dis-
tinct from that seed.

As is usual, the fact that M. contains two sets of divergent
materials on the same topic is indicated through the language and
redactional placement of the chapter's pericopae. Chapter Nine is
composed of two parallel constructions, each delineating one of
the theories just reviewed. In each unit, M. begins with the
rules for heave-offering (M. 9:1+2-3; M. 9:5) and continues with
the law as applied to other types of produce (M. 9:4; M. 9:6H-J).
M. 9:7K-N concludes the whole with a special case regarding heave-
offering. Each of the chapter's units likewise has its own par-
ticular language for indicating the status of the crop in question.
M. 9:1-4 uses heave-offering/common food, while M. 9:5-7 has per-
mitted [for consumption as common food]/forbidden. A clear per-
spective on the formulation and redaction of M.'s materials thus
is fundamental to a proper understanding of the substance of the
law.

The central principles of the chapter are stated anonymously.
We do, however, have an important attribution to Tarfon (M. 9:2) of
an issue clearly dependent upon the principle of M. 9:1-4. In T.
Judah and Meir (T. 8:1) and Simeon (T. 8:3) attest other secondary
considerations regarding that same theory. Discussion of the
theory of the second part of the chapter is attested only at Usha.
Attributions are to Judah (M. 9:6, 7), Simeon (alt.: Judah; T.
8:4) and Simeon b. Eleazar (T. 8:7).

9:1-3

A. One who sows [as seed grain in the status of] heave-
offering—

B. if [he does this] unintentionally, he should plough
up (ywpk) [the seed].

C. But [if he does it] intentionally, he must leave [it]
to grow.

D. (Eight MSS. add: And) if [the grain] reached a third
of its growth (ḥby'h ṣlyš)—
E. whether [he sows it] unintentionally or intentionally, he must let [it] grow.

F. But in [the case of] flax [in the status of heave-offering]--

G. [even if he sows it] intentionally, he must plough [it] up.

H. And [the field in which the heave-offering was sown] is subject to [the laws of] (1) gleanings, (2) forgotten sheaves and (3) [produce growing in] the corner of a field. 2

M. 9:1

I. And poor Israelites and poor priests glean [in such a field].

J. And the poor Israelites sell their portion to the priests at the price of heave-offering;

K. and the money [which they receive] is theirs [i.e., the poor Israelites'].

L. R. Tarfon says, "Only poor priests should glean,

M. "lest they [i.e., the poor Israelites] forget and put [the produce they glean] in their mouths."

N. Said to him R. Aqiba, "If so, only clean [priests] should glean."

M. 9:2 (H-J: y. Ter. 6:1)

O. And [the field] is subject to (4) tithes and (5) poorman's tithe.

P. And poor Israelites and poor priests take [the poorman's tithe].

Q. And the poor Israelites sell their [portion] to the priests at the price of heave-offering;

R. and the money [which they receive] is theirs [i.e., the poor Israelites'].

S. He who threshes by hand [the produce grown in such a field] is praiseworthy.

T. But he who threshes [it] with cattle (ḥdš), How should he do this [so that the cattle does not eat the grain which has the status of heave-offering]?

U. He hangs a feed bag from the neck of the beast and places in it [unconsecrated produce of] the same kind [as is being threshed].

V. It turns out that he does not muzzle the animal, but [also] does not feed it heave-offering.

M. 9:3 (T-U: T. B.M. 8:11, b.

B.M. 90a)
The three pericopae present an extended essay on the rules for heave-offering which is planted as seed. The single principle which emerges is that the crop grown from such seed is treated as heave-offering and must be eaten by a priest (see M. 9:4A). The crop, however, still is subject to the agricultural restrictions which normally apply to produce growing in a field. The problem, then, is to establish procedures for handling produce which is at the same time subject to two sets of restrictions, those applied to sanctified produce, and those pertinent to all produce which grows in a field. While M. 9:1-3 are not a formal unity, they do deal in logical order with three questions which arise in this situation. M. 9:1 opens with the question of the rights and responsibilities of the householder who has planted heave-offering. A formal doublet at M. 9:2+3/O-R next discusses the problem of the liability of the field to the agricultural obligations which apply at the time of the harvest, e.g., gleanings. The problem is that while such things as gleanings normally are collected by all poor people, in the present case, they may be eaten only by priests. M. 9:3S-V concludes with the next logical step. Once the produce has been grown and harvested, it must be processed. The processing of sanctified produce, we shall see, has its own particular problems.

The rules at M. 9:1 depend on the notion that a crop grown from seed in the status of heave-offering itself has the status of a priestly gift. The point here is made through the contrast between B and C. If the householder accidentally plants heave-offering, he is allowed to uproot the crop. In this way he avoids the considerable loss incurred in cultivating a crop which has the low market value of heave-offering. If he planted the heave-offering intentionally, the individual is not given the option of correcting his wrong action (y. Ter 9:1). He must allow the crop to grow. Later he will have to sell it to a priest, the only person who may eat this food. D-E and F-G each augment the rule of A-C, giving us three rules in all. At a third of its growth, the crop is deemed food. At this point it has the status of heave-offering. The farmer may not now plough it up, for he thereby would destroy what already is sanctified and ready for consumption by a priest. Flax, F-G, has its own rule because of the particular characteristics of that plant. Its seeds are a food, and therefore can take on the status of heave-offering. The more valuable part of the plant, however, is used to make linen. This is not a food and so even when grown from consecrated seed, remains
unconsecrated. Farmers who plant flax seed which has the status of heave-offering therefore would be able to use the plant fibers for their own benefit by making linen. In order to prevent this, they are required to plough up the plants.

H-K and O-R are formally balanced units making a single point. A crop grown from seed in the status of heave-offering is itself deemed a priestly gift. Still, this crop is subject to the agricultural restrictions which normally apply to produce cultivated by an Israelite in the Land of Israel. The non-priests who have the right to collect that which is left for the poor (H), or is designated as tithe (O), simply sell their portion to a priest. The dispute between Tarfon and Aqiba, I-N, is clear, bearing an exegetical gloss at M. I cannot, however, account for the redactional placement of the dispute, for Tarfon's consideration should apply to tithes, listed at O-R, as well as gifts to the poor, H-K.

S-V depends on the rule of Dt. 25:4, which states that an ox being used to tread grain must not be muzzled. This is a problem here, for the animal likewise may not be allowed to eat the produce (M. 11:9). The solution to this problem is stated at V.

A. "One who sows [as seed] flax in the status of heave-offering--
B. "before it has reached a third of its growth, he should plough [it] up.
C. "After it has reached a third of its growth, he must let [it] grow"--the words of R. Meir.
D. R. Judah says, "[If he planted it] unintentionally, before it has reached a third of its growth, he should plough [it] up.
"After it has reached a third of its growth, he must let [it] grow.
E. "[And if he planted it] intentionally, in either case, he should plow [it] up" [see M. 9:1F-G].

T. 8:1

T. applies to the law of flax considerations of the stage of growth of the crop, and the intention of the farmer who originally planted it, thus filling out M.'s discussion. Meir's theory (A-C) is that like all other crops, once the flax reaches the stage at which its seeds are considered food, it is sanctified as heave-offering and may not be destroyed. Judah disagrees, stating that this applies only if the farmer unintentionally planted the
seed. If he intentionally planted the flax, he must in all events plow it up, lest he make use of the non-edible fiber. While this fiber itself does not have the status of heave-offering, by using it, the individual derives benefit from the sanctified seed which he wrongly planted.

A. But he who threshes [produce grown from seed in the status of heave-offering] with cattle, how should he do this [so that the cattle does not eat the grain, which has the status of heave-offering]?

B. He brings a feedbag and hangs it from the neck of the beast and places in it [unconsecrated produce] of the same kind (read with E: m'w’t w h'm y n; v reads: h w l y n; ed. princ. reads: h w l y n m'w’t w h'm y n) [as is being threshed] [= M. 9:3T-U].

C. R. Simeon says, "He places in it vetches,
D. "for they are of better quality than all [other produce fed to cattle]."

T. 8:3

Simeon, C-D, disputes the rule of M. 9:3T-U, cited at A-B. He holds that the householder must provide the beast with produce of better quality than the heave-offering which it is threshing. This assures that the animal is not being mistreated through the use of the feedbag.

9:4

I. A. That which grows from [seed in the status of] heave-offering has the status of heave-offering.

II. B. And what grows from [the seed of produce] that grew from [seed in the status of] heave-offering is unconsecrated.

III. C. But [as regards] (1) produce which is liable to tithes, (2) first tithe, (3) after-growths (spyḥy) of the seventh year [of the sabbatical cycle], (4) heave-offering [separated from produce grown] outside of the Land of Israel, (5) mixtures of heave-offering and unconsecrated produce and (6) first fruits--

that which grows from them is common food (hwlyn)\(^7\) [i.e., does not have the same status as the seed from which it grew].

IV. D. That which grows from [seed] which is dedicated [to the Temple] or second tithe is unconsecrated.
E. And he redeems (B, C, and N read: they redeem) them [i.e., the seed] when they are sown.8

M. 9:4 (y. Ned. 6:4; A-C: y. Bik. 2:2, y. Sheb. 6:3; A-B: b. Shab. 17b, b. Pes. 34a, b. Ned. 60a, see y. Ter. 6:1)

The pericope continues the topic of M. 9:1-3, exploring the question of the status of consecration of crops grown from seed of heave-offering, or from other seed of special status. The principle here is that that which grows from sanctified seed itself is sanctified (A). What grows from produce which, while subject to certain restrictions, is not sanctified, or which can be redeemed, however, does not share the status of that from which it grew (B-D). The pericope is unitary, composed of four units containing the same apodosis, gdwly (hn)....trwmh/hwlyn. These units form three substantive sections. A-B, on heave-offering, sets the stage for what follows, and accounts for the redaction of this pericope in our tractate. C is on crops which grow from other sorts of restricted produce, and D+E is on the status of produce which grows from seed which, although consecrated, can be redeemed.

The point of the pericope is made by the contrast between A and B. That which grows from heave-offering is consecrated and must be eaten by a priest.9 As M. 9:1-3 has stated, however, unlike true heave-offering, this crop likewise is subject to agricultural restrictions which apply to unconsecrated produce. The crop, which thus does not have the same status as true heave-offering, itself does not produce a consecrated crop.10 C applies this same logic to types of produce which, although subject to a special set of restrictions, are not consecrated. Like that which grows from seed that grew from heave-offering, the crop which grows from these things does not share the status of the seed from which it grew. The reasons that the list's specific items are included here are as follows. Untithed produce (C1) contains offerings and therefore may not be consumed before it is tithed. Since the offerings have not yet been designated, however, they are not deemed sanctified. If untithed seed is sown, it therefore does not produce a crop which must be tithed at once. Neither first tithe (C2) nor after-growths of the seventh year (C3) have a status of consecration,11 and so do not produce crops which have their same status. Heave-offering separated from produce grown outside of the Land of Israel (C4) does not have the status of
true heave-offering (M. 1:5) and for that reason does not produce a sanctified crop. Unconsecrated produce into which a sufficient quantity of heave-offering falls (C5) must be eaten by a priest. The batch, however, is not true heave-offering and therefore does not produce a sanctified crop. First fruits (C6) do not have a status of consecration and, therefore, if planted as seed, do not produce a sanctified crop.

D gives the opposite of what we would expect, stating that what grows from produce dedicated to the Temple, or from second tithe, both of which are deemed holy, is unconsecrated. The rule is corrected by, and makes sense only in light of, its gloss at E. The farmer who plants either of these types of consecrated produce simply redeems the seed, leaving it in an unconsecrated status. As we would expect, the crop which results therefore is unconsecrated.

A. One who sows the added quantity of heave-offering [which he separates in a case in which his initial separation was not of sufficient quantity (see M. 4:3)],

B. or [who sows] the se'ah [of heave-offering] taken up [for a priest] from a hundred [se'ahs of unconsecrated produce into which a se'ah of heave-offering fell (see M. 5:2-3)]--

C. that which grows from these things is unconsecrated.

D. That which grows from [seed] which is dedicated [to the Temple] [= M. 9:4D]--

E. [non-priests who unintentionally eat it] are not liable to the principal and [added] fifth.

F. And they do not pay out from this [produce] the principal and [added] fifth owed for a different batch [of produce dedicated to the Temple which was eaten by a non-priest],

G. except according to a calculation [of the percentage of original consecrated seed which is an integral part of the produce].

H. And it is liable to [the separation of] dough offering.

I. Hands [which have not been cleaned of their usual second degree uncleanness] and one who has immersed on the self-same day do not render [the produce] unfit [for consumption],

J. just as they [do not] render unconsecrated produce unfit [see T. Toh. 1:6].

T. 8:2
T. supplements M. 8:4's rules on the status of consecration of crops which grew from seed subject to various restrictions. The point is the same as that of M. If the seed is not sanctified, that which grows from it has no special status, and as T. now adds (D-J), is subject to the same rules that apply to unconsecrated produce. The types of heave-offering listed at A and B do not have the status of true heave-offering (see above, M. 4:3, and M. 5:2-3). D-J is self-evident on the basis of the rule of M. 9:4D+E. What grows from the seed of produce dedicated to the Temple does not have a consecrated status.

A. [As regards a litera' of first tithe which was planted as seed] and, lo, there is in [the grown crop] about ten litera's [of produce; see M. 9:4C2]--

B. [the crop] is liable to [the separation of] heave-offering, first tithe and second tithe.

C. And [as regards] the first tithe which is in it [i.e., the first tithe which he separates from the grown crop], he [also] designates it heave-offering of the tithe (follow Lieberman in reading trumta mōšār; V and E read trumh wmmōšār) for the first tithe which he [originally] planted.

T. 8:5 (see b. Ned. 58b)

D. [As regards] a litera' of second tithe which was planted and, lo, there is in [the grown crop] about ten [litera's of produce]--

E. [the crop] is liable to [the separation of] heave-offering, first tithe and second tithe.

F. And he goes and redeems the second tithe which he [originally] planted [see M. 9:5D-E].

T. 8:6

T. supplements M. 9:5C-E's laws, which state that crops grown from seed in the status of first tithe or second tithe do not have the status of these offerings. T.'s point is that since the crop has no special status, the usual agricultural offerings must be separated from it. According to C, the householder also must designate the heave-offering of the tithe required for the first tithe which he originally planted. Thus, all of the required offerings are paid. D-F clarifies the point of M. 9:4D-E. An individual who sows seed in the status of second tithe redeems the seed. The crop which grows from the redeemed seed is unconsecrated.
A. [If there are] a hundred garden-beds (IGNH) [planted] with [seed in the status of] heave-offering and one [planted] with unconsecrated [seed, but it is not known which contains the unconsecrated seed],

B. all are permitted [for consumption as unconsecrated food] in the case of a kind [of produce] the seed of which disintegrates.

C. But in the case of a kind the seed of which does not disintegrate,

D. even if there are a hundred beds [sown] with unconsecrated seed and one [planted] with heave-offering,

E. all of them are forbidden.

According to the present pericope, the decisive factor for determining the status of consecration of a crop grown from sanctified seed is the nature of the seed. If the seed is not an integral part of the produce which grows from it, then, according to A-B, the produce does not have the consecrated status of the seed. If, however, the seed is integral to the crop, as in the case of onions (M. 9:6E), the crop is sanctified (C-E). This principle clearly is not known to, and does not agree with, the law as stated at M. 9:1-4, which holds that what grows from heave-offering always is consecrated.\(^{14}\)

The problem of the confusion of garden-beds containing consecrated and unconsecrated seed is irrelevant to the principle just stated. It serves only to emphasize the fact that the status of the crop depends solely on the nature of the seed from which it grows, and not on the likelihood that any single garden-bed actually contains heave-offering. Thus at A-B, even though the majority of garden-beds contain consecrated seed, the crop of none of them is deemed consecrated. At C-E, on the other hand, because of the presence of a single bed planted with heave-offering, all of the garden-beds are deemed to have a sanctified status.

A. [If there are] a hundred garden-beds [planted] with [seed in the status of] heave-offering and one [planted] with unconsecrated [seed, but it is not known which contains the unconsecrated seed],

B. all are permitted in the case of a kind [of produce] the seed of which disintegrates.
C. But in the case of a kind the seed of which does not disintegrate [= M. 9:5A-C]--

D. [the consecrated produce in the one garden-bed] is not neutralized.

E. For [produce in the status of heave-offering which still is in the] ground is not neutralized in a hundred and one parts [see M. 4:7].

F. If he picked [all of the produce]--

G. providing that he did not purposely pick it [in order to have the heave-offering neutralized].

H. R. Simeon (E reads: Judah) says, "Also: if he purposely picks [the produce, the heave-offering] is neutralized in a hundred and one parts."

T. 8:4 (see M. Or. 1:6, b. Git. 54b)

T. cites M. 9:5 and offers a reason for its rule, an example of T. in its best capacity as commentator on M. M. 9:5C-E has one se'ah of heave-offering planted among a hundred se'ahs of un-consecrated produce. In such a case we might expect the law of neutralization (M. 4-7) to be invoked, such that the heave-offering loses its status of sanctification. T. states that the law of neutralization does not apply to produce growing in the ground, and therefore, as M. states, the produce in all of the garden-beds must be treated as heave-offering. F-H offers the next logical question, the status of the produce after it is picked. At this point the law of neutralization certainly will apply. G, like Yose at T. 5:10R, holds that if the individual purposely picks the produce in order to cause the heave-offering to be neutralized, his actions are of no effect. Simeon (alt: Judah) holds that neutralization is a mechanical process, which occurs no matter what the intentions of the householder. This same view is attributed both to Judah and Simeon at T. 5:10Q, above, p. 154.

9:6-7

A. Produce which is subject to the separation of tithes (tbl)---

B. that which grows from it is permitted [for consumption as a chance meal (Bert, TYY, Rashi to b. Ned 60a), in [the case of] a kind [of produce] the seed of which disintegrates.

C. But in [the case of] a kind the seed of which does not disintegrate--
D. [even] what grows from [the seed of a crop] which grew from it is forbidden [for consumption as a chance meal, for like the seed, it is deemed subject to tithes].

E. What is a kind [of produce] the seed of which does not disintegrate?

F. [A kind] such as arum, garlic or onions.

G. R. Judah says, "Garlic is like barley [i.e., its seed disintegrates]."

M. 9:6 (A-D: b. Pes. 34a, b. Ned. 60a)

H. One who weeds alongside a gentile (all MSS.: nkry) [in a field of] leeks [grown from seed which has not been tithed]--

I. even though his [i.e., the gentile's] produce has the status of untithed produce,

J. [the Israelite] makes a chance meal of it [without tithing].

K. Saplings [from seed] in the status of heave-offering which became unclean--

L. if (G², C, M, O², S, Z: and) he planted them, they no longer render unclean [that with which they come into contact.

M. And [the fruit of the saplings] is forbidden for consumption [by non-priests (b. Pes. 34a, Sens, Albeck)] until he [once] trims off that fruit (h'kl) [which has the status of heave-offering].

N. R. Judah says, "Until he trims off [the fruit] and does so a second time [i.e., also trims off the next crop which grows]."

M. 9:7 (J-K: b. Pes. 34a)

The unit is in three parts. A-D+E-G and H-J are on problems regarding a crop grown from seed of untithed produce. K-N then returns us to the problem of heave-offering planted as seed, thereby concluding M.'s redactional unit on that topic. A-J, first, states for untithed produce the same principle which M. 9:5 gave for heave-offering. If the seed is integral to the crop, the crop is deemed to have the same status as that seed. In this case, that means that the crop may not be eaten as a chance meal. Even before the harvest, it is held to be fully liable to the separation of heave-offering and tithes. If, however, the seed is not an integral part of the crop which grows from it, the crop has no
special status, and may be consumed as a chance meal. Although formally autonomous of A-G, the case at H-J follows from the facts just stated. The produce of the gentile was grown from untithed seed of a type which does not disintegrate. It therefore should not be available for consumption as a chance meal. Since produce grown by a gentile is not liable to the separation of tithes, however, the restrictions which apply to the original seed are abrogated, and the Israelite is allowed to eat the produce as a chance meal without tithing.

K-L is obvious. Once the saplings are planted in the ground, they lose their status of uncleanness, and no longer convey uncleanness to that which comes into contact with them. M-N's problem is more interesting. Since the saplings which grew from heave-offering will continually bear fruit, we must establish the point at which the fruit no longer is deemed to have the status of heave-offering. According to M the first crop of the sapling is heave-offering, subsequent crops are not. This is comparable to M. 9:4B's view that only the first generation of produce grown from seed in the status of heave-offering has that same status. Judah's position is that the second generation of produce likewise has the status of heave-offering.\(^\text{17}\)

A. One who weeds [a field of] leeks [grown from seed which had not been tithed] alongside a Samaritan--

B. even though his [i.e., the Samaritan's] produce is untithed,

C. [the Israelite] (follow b. Ned. 58b in omitting l') makes a chance meal of it [without tithing] [= M. 9:7G-I].

D. R. Simeon b. Eleazar says, "In the year following the seventh year [of the sabbatical cycle] (bmw\text{y} rbyy\text{y}t) [even if the other person is an] Israelite [who is suspected as regards his observance of the laws of the seventh year (b. Ned. 58b)],

"it is permitted [to eat his produce; see M. 9:4C2]."

T. 8:7 (b. Ned. 58b)

A-C states the rule of M. 9:7G-I for the case of a Samaritan. The point, of course, is the same.\(^\text{18}\) D is redacted here because of the similarity between its case and that of A-C. It depends, however, on the rule of M. 9:4C3, that what grows from seed of produce of the sabbatical cycle does not have a forbidden status. For this reason, the householder need not scruple that he is eating food which grew from produce of the seventh year.
C. R. Nathan b. R. Joseph says, "Onion sets (stly bolyym) [which were grown from seed which was liable to the separation of tithes] are forbidden [for consumption as a chance meal] for three years [of growth] [see M. 9:7:-M].

D. "From this point and on [that which grows from them] is permitted [just as if it had been grown from a seed of produce which had been tithed]."

T. 8:8b¹⁹

T. makes for the case of what grows from untithed produce the same point that M. 9:7L-M made for the case of the crop of saplings grown from seed in the status of heave-offering. As in M., since the onion sets²⁰ continually will produce crops, we must determine the point at which those crops cease to have the status of the originally untithed seed. I am unable to determine why the crop of the onion sets should be forbidden for three years, while, as M. states, only the first crop of the saplings grown from heave-offering has the status of that offering.