

Zera'im: An Overview

Zera'im, meaning “seeds,” is the first book of the Mishnah. According to *Rambam* (Maimonides), this book was placed before the other five books in the Mishnah because food is the “first essential to living; therefore, laws concerning its production and use should stand at the beginning of the Mishnah.”¹

As Maimonides outlines, this tractate discuss an aspect of Jewish life that many of us know and love – food! Given that fact, what many of us might expect to see in *Zera'im* are laws related to *Kash'rut* – the system of Jewish dietary laws. But that is actually not what we find in the tractates of this section of the Mishnah.

Instead, we learn about what I like to refer to as the Jewish tax code.

This might sound confusing. I said above that the tractate revolves around food, but then I indicated that in fact we would be discussing taxation. Well, in Mishnaic times, the two (taxes and food consumption) were intimately related. The way that taxes were paid was by taking a small percentage of the various food products that Jews farmed, called tithes, and giving them to the *Kohanim* (Priests) and *Levi'im* (Levites) on a regular basis. Occasionally these tithes were given to the poor as well, in a few different forms.

The Torah spells out the need for this taxation system, but, as is often the case, it fails to delve into much detail regarding how it should be structured, how much taxation is required, and what particular crops need to be tithed.

That's where the Mishnah steps in! It delves into many of those details, so that Jewish farmers living in the early centuries C.E. could faithfully and responsibly follow through on their duties to the Priests, Levites, and God.

These various kinds of tithes encompass six of *Zera'im*'s eleven tractates (*Pei'ah*/Tithes from the corner of your field, *T'rumot*/Priestly tithes, *Ma'as'rot*/Levitical tithes, *Ma'aser Sheini*/the 2nd tithe, *Challah*/the dough tithe, and *Bikurim*/First Fruits). The others do not fit in quite as neatly, but four of them deal directly with the world of agriculture (*D'mai*/Doubtful Crops, *Kilayim*/Mixing Crops, *Sh'vi'it*/The land's Sabbatical year, and *Orlah*/ “Uncircumcised” trees).

That leaves one final *masechet* (tractate). I'm mentioning it last, because it is a major outlier in this *seder*. But it actually appears first. It is entitled *B'rachot*/blessings, and it commences the entire corpus of the Mishnah.

Below are brief synopses of each of these eleven *masechtot*. Keep in mind, that each short synopsis is an incredibly brief summary of many chapters of material that have been dissected and debated by

¹ Linman, Eugene J. *The Mishnah: Oral Teachings of Judaism*. The Viking Press, Inc. New York, 1979. p. 90

thousands of people. As you learn about each tractate, and as you continue with our upcoming five lessons, think about which of these tractates interest you most.

B'rachot/Blessings:

This tractate outlines the basics of Jewish prayer. The sacrifices mentioned in the Torah could not be performed when the Mishnah was written down. As a result, Jewish communities were determining alternative forms of worship. Prayer was chosen as a suitable method of connecting to God, and the two core aspects of prayer were codified as the recitation of *Sh'ma* and *T'filah* (also known as *Sh'moneh Esreh* – “the 18”). This tractate discusses the content and timing of prayers, and mentions additional blessings such as *Bir'kat Hamazon* – the blessing after eating a meal and the *Hav'dalah* (end of Shabbat) service.

Pei'ah/Tithes from the Corner of Your Field:

The Torah mentions an obligation to set aside crops from a corner of every field to be given to those who are in need. This tractate outlines the specifics of that *mitz'vah* (commandment), and it also discusses other related *mitz'vot*. These include: leaving gleanings and “forgotten produce” to the poor, and the *ma'aser oni* (tithe for the poor), given once every three years. This tractate states that the minimum allotment of one's crops necessary to fulfill this *mitz'vah* is 1/60th.

D'mai/Doubtful Crops:

The origin of the word *D'mai* is uncertain – but in a way that's fitting, because this tractate is entirely devoted to things that are uncertain! Specifically, it delineates rules and regulations regarding situations where individuals do not know if a particular crop had been properly tithed or not. In what situations must we assume that the tithe was not yet done, in which case tithing is still necessary? In what situations may we presume that the tithe was properly done, in which case tithing is no longer necessary? Additionally, this tractate delves into the topic of the *Am Ha'aretz* (a Jew who does not keep all the commandments), and discusses how those who do keep the commandments should interact with those individuals.

Kilayim/Mixing Crops

In Leviticus, we read that “You shall not sow your field with kinds of seeds.” This Torah commandment is often mentioned when people want to discuss an example of a law in the Torah that seems to have no rational meaning. In this tractate, this rule is unpacked a bit, and the Rabbis institute a wide variety of rules regarding which crops and can and cannot be planted alongside one another. Additionally, this tractate delves into a related rule, referred to as *sh'at'nez*. That rule prohibits wearing wool and linen together. Finally, this *masechet* discusses interactions between different kinds of animals, including what animals can be permitted to breed with one another or plow together.

Sh'vi'it/The Sabbatical Year

Sh'vi'it literally means “Seventh.” The Jewish agricultural cycle consists of seven-year intervals, and the Torah instructs individuals to let their land lay fallow during the last of these seven years. It also obligates Jewish individuals to forgive debts owed to one another. This tractate discusses the laws of the 7th year, both in the realm of agriculture and of debt remission. Interestingly, it lays out a Rabbinic innovation (created by Hillel the Elder) called *proz'bul* which created a mechanism to avoid

debt remission, so that individuals did not avoid lending money to one another at all in the lead-up to the seventh year.

T'rumot/Priestly Tithes

T'rumot refers to the tithe given to *Kohanim* (Priests) by other Jews. This tractate outlines the categories of individuals that are and are not obligated to give *T'rumah*, along with the categories of who can and cannot eat *T'rumah*. Additionally, the particular crops from which one is required or not required to give *T'rumah* are delineated, along with what to do if various quantities of *T'rumah* and *Chullin* (non-tithed produce) get mixed together. The Mishnah also discusses a small “tithe within a tithe” called *T'rumat Ma'aser*, where part of the Levitical tithe is taken for the Priests as well. The Sages state that an average person should give 1/50th of their crops as *T'rumah*, and a praiseworthy person may give as much as 1/40th.

Ma'as'rot/Levitical Tithes

In many ways, this *masechet* simply serves as a continuation of tractate *T'rumot*. Just as part of one's crops are allocated to the Priests, another part must be allocated to the Levites, and here we learn about the latter. *Ma'asrot* discusses general rules regarding products that need to be tithed, and it also outlines a few situations where the *Ma'aser* tithe does not apply.

Ma'aser Sheini/The Second Tithe

In the first, second, fourth, and fifth years of the seven-year agricultural cycle, the *Ma'aser Sheini* (second tithe) is brought to Jerusalem and consumed there. Specifically, the Torah states that this tithe consists of wine, grain, and oil. Interestingly, though, this tithe can be redeemed with money instead (used to buy food or drink in Jerusalem), if the distance of travel makes the transportation of the wine, grain, and oil too difficult. This tractate discusses the mechanics of this monetary redemption, and practical questions regarding the boundaries of Jerusalem (relevant because the tithe must be consumed within those boundaries to be considered valid).

Challah/The Dough Tithe

The Torah indicates that all dough must be tithed for the Priests, in addition to crops planted in the field. The Mishnah specifies which species of grain require this tithe (the five that are delineated are wheat, barley, spelt, oats, and rye – the same five that are forbidden for consumption on Passover), and it also institutes a minimum percentage for the tithe (1/24th of one's dough). This tithe is the reason that there is a custom, to this day, for many Jews take a small part of their dough and burn it as a symbolic tithe. Challah is one of the few Mitzvot in the Mishnah that is performed primarily by women.

Orlah/ “Uncircumcised” Trees

In Leviticus, we read that “When you enter the land and plant any tree for food, you shall regard its fruit as forbidden. Three years it shall be forbidden for you, not to be eaten.” The young trees, in their first three years, are deemed *Orlah* – literally meaning “uncircumcised.” *Masechet Orlah* discusses the nature of this prohibition, and it also delves into the category of *Neta Reva'i* – trees in their fourth year – which the Torah also marks as special. The tractate also depicts situations where

individuals wrongfully utilize an *Orlah* tree before it has become old enough for people to benefit from it, explain what should be done under such circumstances.

Bikurim/First Fruits

The Torah declares that, for seven species of agricultural produce (wheat, barley, figs, grapes, pomegranates, dates, and olives), their “first fruits” must be tithed for the *Kohanim*. This final tractate of *Zera'im* describes that requirement in greater detail. It also discusses the lengthy declaration, written in Deuteronomy Chapter 26, that individuals proclaimed upon offering their *Bikurim* (first fruits) to the Priests. Because this is the last tractate in the Order, it also discusses some general differences between *Bikurim* and some of the earlier tithes (*T'rumot* and *Ma'asrot* most prominently) as a form of review.

Note: In order to complete this course, you will need to study one tractate of Mishnah (any tractate you would like) and write a short report (1,000 words or so) about it. I mention this now so that you can review the above tractates, along with those we discuss in upcoming lessons, and begin thinking about which tractate will be most interesting for you to explore. I highly recommend ordering a copy of Pinchas Kehati's Hebrew-English Mishnah in order to do this (whichever volume includes the tractate you are most interested in), and I can help you order this online if you need assistance. As a reminder, I can always be reached at Lex.Rofes@gmail.com with any questions about the material we have covered.