

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Thirty Two



**Written by Rabbi Avraham Chaim
Bloomenstiel**

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Festivals VII: Tu B'Shvat



Introduction

Shvat is the month that follows Kislev. The only holiday occurring in this month is *Tu B'Shvat*. However, there is some uncertainty as to whether or not this day is relevant to Noahides. Exploring this question will be the main topic of our lesson.

***Tu B'Shvat*: The New Year for Trees**

The Mishnah¹ teaches us:

*There are four Rosh Hashanahs [New Years]: the 1st of Nissan is the New Year for kings and festivals, the 15th of Elul is the New Year for the tithing of animals (according to Rabbis Elazar and Shimon, this is on the 1st of Tishrei), the 1st of Tishrei for counting years, the Jubilee and Shemitta cycles, and the tithing of trees and produce. The 1st of Shvat is the New Year for trees according to the yeshiva [school] of Shammai. **According to the yeshiva [school] of Hillel, it is on the 15th of Shvat.***

Since the *halakhah*, practice, always follows Hillel,² then we see that *Tu B'Shvat* is established on the 15th of Shvat. In fact, the name “*Tu B'Shvat*” literally means “the 15th of Shvat.”

¹ *Rosh HaShanah* 1:1.

² There are, however, six exceptions to this rule in the Talmudic canon.

Tu B'Shvat, Terumos & Maasros

A number of standard agricultural tithes were given each year in ancient Israel. There were also variable tithes dependent on the seven year *shemitta* cycle. The cycle was as follows:

- **Year 1** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Sheni*
- **Year 2** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Sheni*
- **Year 3** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Ani*
- **Year 4** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Sheni*
- **Year 5** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Sheni*
- **Year 6** – *Terumah Gedolah, Maaser Rishon* (and *Terumas HaMaaser*) & *Maaser Ani*
- **Year 7** – *Shemitta Year*: Land may not be worked; Remission of debts.

Terumah Gedolah – This was the first separation and was given to the *Kobanim*, [Priests] of the temple. The minimum amount of this tithe varied depending on whether the owner of the produce was poor or wealthy.

Maaser Rishon – A tithe of 1/10th removed after *Terumah Gedolah*. This was gifted to the Levites.

Terumas HaMasser – From the *Maaser Rishon* they received, the Levites were obligated to give 1/10th to the *Kobanim*. This amounts to 1/100th of the total produce.

Maaser Sheni – This tithe (another 1/10th of the remaining produce) was separated only in the 1st, 2nd, 4th, and 5th years of the *shemitta* cycle.

Maaser Ani – This tithe, given to the poor, was given only in the 3rd and 6th years of the *shemitta* cycle.

An important part of these laws was the rule that one may not satisfy the tithing obligation of one year with the fruit produced in another year. For fruit trees, *Tu B'Shvat* marks the demarcation line between one year and the next for the purposes of these tithes.

Tu B'Shvat, Orlah & Neta Revai

Tu B'Shvat is also important for two further *mitzvos*: *Orlah* and *Neta Revai*.

- **Orlah** – One may not eat fruit yielded by a tree in its first three years. While the start of this three-year period is based on the 1st of Tishrei, the end of this period is after the *Tu B'Shvat* of the third year of the tree's life. For example, if one planted trees before Rosh HaShanah, the fruit of those trees would be prohibited until after the third *Tu B'Shvat* after the Tree was planted.
- **Neta Revai** – Fruit produced by a tree in its fourth year is similar to *Maaser Sheni*; it may only be consumed in Jerusalem. Alternatively, one may redeem this produce and use the money to buy food to consume in Jerusalem. *Tu B'Shvat* is also used to calculate the fourth year for *Neta Revai*.

Are Terumos and Maasros Relevant to Noahides?

It is clear that Noahides are not obligated in *Terumos* and *Maasros*. This is the universal conclusion of the *halachik* authorities.³ After all, these *mitzvos* were commanded only to Jews. Therefore, Noahide performance of these *mitzvos* can only be voluntary at best.

The Mishnah⁴ certainly implies this, stating that such a voluntary tithing is valid:

³ See Rambam 4:15; Ridvaz ad loc; Sefer Mitzvos HaShem (Shteif), Mitzvos Bnei Noach. This is also the implication of the Mishnah, as we shall see.

⁴ Terumos 3:9.

The Terumah of a non-Jew or Cutbean is Terumah, their tithes are valid tithes, and their sanctified gifts are sanctified gifts.

However, there is significant doubt as to whether or not the validity of these separations is biblical or rabbinic in nature. If it is biblical, then *Tu B'Shvat* is a significant date for Noahides. However, if it is rabbinic, then *Tu B'Shvat* might not be relevant to Noahides.

Most authorities appear to hold that the validity of a Noahides voluntary separations is only rabbinic. However, things are not so clear.

Maimonides

In his Mishnah Torah,⁵ Maimonides explains the reason for the rabbinic decree:

When a gentile separates Terumah from his own produce, according to Biblical Law, the separation is ineffective because he has no obligation to do so. [Our Rabbis] decreed that his separation should be effective, though, because of the wealthy, lest the money belong to a Jew and he say that it belong to a gentile to make it exempt. We cross-examine the gentile who separates Terumah. If he says: "I separated it so that it should be like a Jew's," we give it to a priest. If not, it should be entombed, for perhaps his intent was [to dedicate it] to heaven. When does the above apply? In Eretz Yisrael. Our Sages did not, however, issue a decree if a gentile separates Terumah in the Diaspora. We tell him that he is not obligated to do this and the produce is not Terumah at all.

According to what is written here, the tithes of a non-Jew are only acceptable in the Temple because of a rabbinic decree made to address a problem in the Jewish world. Apparently, wealthy people would occasionally falsify ownership of their crops and produce, claiming they belonged to a non-Jew, in order to escape paying the regular, obligated tithes. If a non-Jew came to voluntarily offer tithes, there was suspicion that it may be a ruse.

While this passage implies that Maimonides holds of only rabbinic validity to these tithes, this is not definite.

Maimonides, commenting on our aforementioned Mishnah from Terumos 3:9, writes:

*Non-Jews, even though they are not obligated in these separations or tithes, they receive a little benefit by giving them... therefore they are valid.*⁶

⁵ Terumos 4:15.

⁶ Peirush al Hamishnayos.

This remark certainly implies that, though not obligated in *Terumos* and *Maasros*, non-Jews may separate these tithes and they are accorded a *mitzvah* for doing so. It appears that Maimonides acknowledges the biblical validity of these tithes.

An Ongoing Dispute?

Tosafos to Kiddushin 41b implies that this question may be an ongoing Talmudic dispute. There are a number of possibilities as to how we can understand the relationship of the texts involved.⁷

- 1) The Mishnah is saying the same thing as Maimonides, that the tithes and separations of non-Jews are only valid per force of Rabbinic decree. The disagreement in the Talmud, however, is only relevant to determining whether or not the validity of a non-Jew's *Terumah* is comparable to a Jew's for the purpose of acting as a Jew's agent in separating these tithes. It is not directly relevant to whether or not non-Jews can validly separate *Terumah* and *Maaser*.
- 2) The Mishnah states that, on a biblical level, the separation of *Terumah* and *Maaser* by a non-Jew is valid. Maimonides agrees to this (as we see in his commentary on the Mishnah). However, in the Mishnah Torah Maimonides is only addressing the issue from the "Jewish side" of things; in a situation of doubt caused by possible dishonesty. We cannot determine anything about the validity of a true Noahide separation of *Maaser* or *Terumah* from what Maimonides writes there. The Talmud in Kiddushin may not be relevant for the same reason mentioned earlier – it is only discussing validity for the purposes of agency.

So, what is the conclusion? Are the voluntary *Terumos* and *Maasros* of a non-Jew valid because of the rabbinic decree mentioned by the Rambam, or is because they are intrinsically valid? There isn't a clear answer. Yet, this isn't the end of things...

⁷ See Toldos Noach 13:10.

Jewish Commemoration of *Tu B'Shvat*

How do Jews commemorate *Tu B'Shvat*? Many have the custom to plant trees on this day. However, this custom is very recent. It only began in 1890 in Zichron Yaakov, an agricultural commune in pre-state Israel. The practice was adopted in the early 1900's by a number of early religious Zionist movements and has since become prevalent in the Reform and Conservative movements.

Traditionally, Tu B'Shvat was not celebrated as a holiday. Other than omitting certain supplications from the regular liturgy, there are no assigned commemorations for this holiday.

However, in the middle ages some began to acknowledge the day with a quasi-ceremonial eating-of-fruit. The origin of this custom seems to come from Rashi's commentary to *Rosh HaShanah* 14a. Rashi comes to answer an obvious question: Why is the 15th of Shvat the New Year for trees and not some other day? Though the Talmud loosely connects *Tu B'Shvat* to the lifecycle of fruit trees, Rashi makes things much clearer for us. According to Rashi, *Tu B'Shvat* is the day on which an internal process begins within the tress of the world. On this day, they begin to draw their sap up from the roots to nourish the tree through the winter season. Botanically, this marks the renewal of the lifecycle of the tree - a cycle eventually culminating in fruit. Today, when the *Trumah* and *Maaser* cycle is mostly inapplicable,⁸ it would seem that that this quasi-ceremonial fruit eating is an acknowledgement of the physical process taking place in the world on Tu B'Shvat.

The Evolution of a Custom

Over the next few hundred years, the custom of eating fruit on this day became more commonplace and widespread. The ceremony also became more elaborate, eventually culminating in a standardized Seder. The form of this ceremony was fixed by the Ari Z'tl and his students, in whose hands the custom took on deep mystical significance.

In numerous places, man is compared to a tree. For example, Deut. 20:19 states:

When you besiege a city for many days to wage war against it to capture it, you shall not destroy its trees by wielding an ax against them, for you may eat from them, but you shall not cut them down. Is the tree of the field a man, to go into the siege before you?

⁸ In the land of Israel, there are some remaining, residual requirements of tithing. However, they are not given to Kohanim in our days.

The language of this verse is such that it can be read as saying “A man is but a tree of the field...” From here the Talmud draws a number of comparisons between a man and a tree.⁹ Jeremiah 17:8 also compares a righteous person to a tree planted by water. Such comparisons are also common in the Psalms, Midrashim, and other sources.

The Ari Zt”l and his school explained that these comparisons are far more than parables or literary devices. On a very deep level, they allude to the connection between the soul of Adam, both as the first man and as all of mankind, and the original tree – the Tree of Knowledge.

Their *Seder* for this meal invokes themes of restoring and repairing the spiritual damages caused by man’s very early transgressions.

From a perspective of Torah law, the Noahide relationship to *Tu B’Shvat* is only to the degree that voluntary *Terumah* and *Maaser* may be brought according to the agricultural calendar. However, from a perspective of natural phenomena (see Rashi’s opinion above) and kabbalah, there is certainly enough connection to warrant commemoration of the holiday using the Ari’s *Seder*.

Yeshiva Pirchei Shoshanim has prepared a translated and annotated edition of the Ari Zt”l’s *Seder* for *Tu B’Shvat*. We have included it with this lesson.

⁹ See Taanis 7a.