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Acquiring through Letting Go: The Bikkurim Commandment and the Foundations of Private Property

Aharon Ariel Lavi

Bar-Ilan University and the Ohr Torah Interfaith Center, Israel

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ABSTRACT

The legitimacy of private property is a fundamental question in both economic theory and Jewish thought, as it seeks to resolve the paradox of how mortal beings can claim ownership over a world ultimately belonging to its eternal Creator. Jewish economic thought asserts that all private ownership derives from divine ownership and necessitates acknowledgment of this reality. This issue extends beyond theology, intersecting with modern political and economic discourse. This paper explores the similarities and differences between Jewish and Western philosophical perspectives on property by comparing John Locke's theories of private ownership with Talmudic concepts found in Tractate Bikkurim of the Jerusalem Talmud. While both frameworks view creation as a divine blessing, Locke perceives it as an invitation for individuals to establish ownership through labor, promoting economic growth without intrinsic moral constraints. In contrast, the Talmud emphasizes a necessary transition between divine and human domains, advocating for limitations on ownership and wealth accumulation. It warns that unchecked human ambition endangers both individuals and society, upholding humility, restraint, and the relinquishment of absolute ownership as a moral imperative. By juxtaposing these perspectives, this study aims to enrich contemporary economic discourse and foster a deeper understanding of the ethical dimensions of property rights, as a venue to increase tolerance and understanding between religions, societies and civilizations.

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*Corresponding author: lavi@ots.org.il

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The Legitimacy of Private Property

The legitimacy of private human ownership of property is a fundamental question in economic theory, as well as in Jewish thought, as it attempts to resolve a paradox: How can mortal creatures have ownership of a world owned by its eternal creator? The basic premise in Jewish economic thought is that every type of private ownership derives from the Creator's ownership and requires the acknowledgement of this fact.

This question is not a mere scholastic or theological one but rather touches upon the foundations of modern political and economic theory. By addressing it from two supposedly distinguished angles, a Jewish one and a Western philosophical one, I intend to show how the similarities and differences between these approaches can enrich public economic discourse and enhance tolerance and understanding.

Let us begin with one of the founders of Western property theory, 17th century Englishman John Locke. Locke grappled with the aforementioned paradox and asked how can private ownership over parts of nature be legitimized in a societal manner, which can then serve as the foundation for economic transactions under a mutually agreed upon legal system with enforceable laws?

The fifth chapter in Locke's classic essay, Two Treatise of Government, is titled: "On Private Property". This is one of the quintessential documents that examines these issues, and a large portion of modern economic and political philosophy is based on the theoretical categories contained in it, at times in disagreement and at times in argument. The common basis for Locke's discussion of these issues is the Torah, in which the deeper perception of the Mishnah is also grounded. But at the heart of Locke's perception was a tradition of Christian interpretation of biblical stories, which is essentially different from the understanding that was common in the ancient Jewish world, particularly in the fundamental questions of human existence, as profoundly expressed in the Mishnah.

The first principle in Locke's conception is that the natural, initial state of the earth was one of "divine property," devoid of private possessions, and the will of God was to transfer His "property" to human beings as a whole. Locke calls this initial status of earth as property: "commons". Meaning that the earth belongs to all of humankind. The natural private property, which belongs to each individual, is only his or her body, or more precisely, the labor or industry he or she is capable of performing with the use of their body. We can see this principle as the foundation of Locke's theory, and it is what legitimizes and enables the existence of private property. The moral legitimacy for the existence of humanly power of property, and as a result thereof the legitimacy of private property, is grounded in creation itself, mostly as an expression of God's grace. The natural rights of man to the power of property and private possessions derive from God bequeathing him with the blessing of hands and mind, which together enable him to take part in industry, which is the moral foundation for the existence of possessory powers and private possessions.

These two principles are based on God's will for life and the grace He bequeaths to His creations. For this reason, God transferred his world, the realm of nature, to the joint ownership of human beings so they could grow all they need to survive. But the legitimacy of private property also depends on proper use being made of humankind's capacity for working and developing its sustenance. Productive activity is what gives humans the right to claim ownership over parts of nature.

Locke examines the point in which private property became legitimate through the question: when do the raw materials in nature, which commonly belonged to all of humankind, become the private property of one who has devoted labor to them? When he has digested the food? When he has eaten it? When he cooked the raw materials for his sustenance? When he brought them from the field into his house? According to Locke, each of these actions is a necessary step in the process of sustenance and nutrition but are not a sufficient expression of the grace of God, who wishes to provide for the individual out of the wealth of creation. Only the force of human's labor in the field, which grows the natural life in which God has blessed the world, can form a moral basis for private property. Therefore, Locke asserts that nothing can turn raw materials, which constitute common property, into private property except the work one devotes in gathering, harvesting, and vining. Meaning, the acts of taking the raw material from nature for the sake of using them as a means for the individual's sustenance.

Locke raises another fundamental question about the morality of the power of property and the existence of private possessions: What are the limitations of an individual's labor when they come to assume ownership over common natural resources? Locke's concept of the element of divine "grace", manifested in His very will that life exists, is also the basis for the next phase in his discourse. A man who is invited to freely appropriate those parts of the common nature, which he requires for his sustenance, is judged by how he fulfills God's will to life. He is not permitted to destroy or corrupt, nor is he entitled to appropriate more than he requires for himself.

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If all men were to take for themselves only what they need for their livelihood, the moral foundation that lies at the heart of individual appropriation of public property was kept.

The Commandment of Bikkurim

A Jewishly informed outlook on the issue of the legitimacy of private property can be exemplified through various resources, primarily through the commandments unique to the Land of Israel, which address the ownership of the means of production, production itself, and the allocation of produce within society. They can be categorized into several groups:

Commandments that require distributing a portion of the produce to poor people (leket [gleaning], shikhehah [forgotten], pe'ah [corner], ma'asar ani [poor tithe]).

Commandments that require transferring part of the produce to the holy bodies and places (donation to Kohanim, tithe to the Levi'im, first fruits to the Kohen and the Temple, and the fruit of the fourth year and second tithe, which are consumed in Jerusalem).

Commandments which dictate a complete cessation of taking of produce by the farmer (leaving the land fallow on Shmita and returning lands to their original owners on the Jubilee year). These mitzvot impede, via various means, the aspiration of individuals and society to assume ownership over something that has grown in nature as personal property – at times by the obligation of giving to others, and at times by halting the labor of the workforce. Henceforth, I will focus on two of them: Bikkurim and Pe'ah.

The sense of ownership and the desire for ownership over property, people, and even ideas is one of the defining characteristics of human beings since the dawn of time. But when one examines the full depth of this matter it would seem that there is nothing more ridiculous than the aspiration for ownership in light of the futility and temporality of mankind, as was written in the book of Psalms: “Be not thou afraid when one waxeth rich, when the wealth of his house is increased; For when he dies he shall carry nothing away; his wealth shall not descend after him.” Of course, this applies to every person, not merely the wealthy ones. Furthermore, the world itself is not a forsaken object, and hence, there is an additional clash with the human aspiration for ownership, and in fact, there is an aspect of it that separates man from his Creator – the true owner of the world.

The Mishnah is the second most foundational text of Jewish thought after the Bible itself. It contains the ancient Hebrew Oral Torah, which was written down circa 200 AC by Rabbi Judah the Prince, who feared it might be forgotten after the destruction of the Second Temple and the dispersion of the Jewish People in numerous places around the world. Two major writings were composed based on the Mishnah: the Babylonian Talmud (completed circa 500 AD) and the Jerusalem Talmud (completed circa 400 AD). Hence, identifying key concepts in these two books can be instrumental in defining Judaism’s approach to many issues, among them the legitimacy of private property. In this article, I will focus on Tractate Bikkurim of the Jerusalem Talmud and argue that it presents a profound and unique approach to this issue.

Tractate Bikkurim in the Jerusalem Talmud addresses the commandment of bringing the first and best fruit to the Temple as a sacrifice and, in effect, as a gift to the priests in this instance. Similarly to almost all the tractates in Seder Zeraim of the Mishnah, there is no tractate in the Babylonian Talmud on it, but only in the Jerusalem Talmud (Yerushalmi). The Yerushalmi’s Tractate Bikkurim reveals a fascinating line of thought of the ancient Hebrew Sages regarding the nature of private property in the context of a world which is not the property of humankind as a whole, but only of God, and can serve as a meaningful point of departure point for any serious discussion of the concept of private property in Judaism. In the following article, we shall become familiar with Tractate Bikkurim according to the order in which it was designed by Rabbi Yehuda HaNasi and the sages of the Jerusalem Talmud after him, and we will pursue Chazal’s attitudes as they are presented in it. It seems that aside from one part, which we will ignore in this article, the tractate is constructed entirely around the topic of the nature and legitimacy of private property, in a structured manner that is far from common in the Talmud. We will attempt to unravel this order, delve into the world of the sages of the Mishnah and Talmud, and ultimately retrace our steps to conclude relevant to contemporary discourse.

The First Fruits

The commandment of Bikkurim (first fruits) was first told to Moses in his second ascent to Mount Sinai, and is almost the last one mentioned in the list of commandments he was told there: “The choicest first-fruits of thy land you shall bring unto the house of the LORD thy God. You shall not seethe a kid in its mother's milk”, and immediately afterwards: “And the LORD said unto Moses: 'Write thou these words, for after the tenor of these words I have made a covenant with thee and with Israel.'” The commandment of Bikkurim is, therefore, an essential part of the covenant between God and the people of Israel. However, it will come into effect only upon the latter’s entry to the Land of Israel, and

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only a short time before this entrance is it explained in detail in the above-cited passage from Deuteronomy. But in practice, the entry into Israel is not enough. It is also necessary to occupy the land to reach a state that enables observance of Bikkurim: "and dost possess it, and dwell therein", and this is true for all the commandments that are only observed in the Land of Israel, including the commandment to appoint a king. Another condition for the commandment is the establishment of God's house, the place to which the first fruits are brought (in the beginning the Mishkan, the Tabernacle, in Shilo, and later the Temple in Jerusalem). Hence, we can see three general conditions that apply to the whole of Israel, which enable the bringing of Bikkurim: physical presence in the Land of Israel, a settled political situation, and the construction of the Temple. But there is a further, personal condition, which is elaborated in the Mishna, followed by the Jerusalem Talmud, which is absolute ownership of the person over the fruits he brings as Bikkurim. In fact, the first chapter of Tractate Bikkurim mostly deals with this issue, clarifying the unique ownership required over fruits so that they can be brought as Bikkurim, a type of ownership that is not required – to such an extent – for other agricultural commandments such as Peah and tithes.

The tractate begins by defining the people who do not bring Bikkurim, or alternatively bring Bikkurim and do not read the aforementioned verses describing the historical immigration to Egypt, the exodus from there "with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders" and the arrival at “a land flowing with milk and honey” through which God gives us the "fruit of the ground", the first of which we return to Him, to the place wherein He chose to make His home. Most of this passage, of course, is the basis for the Passover Haggadah and is mainly focused on the exodus from slavery to freedom, an exodus which, as we will later show, is also related to property and ownership.

The Mishna and Talmud clearly indicate that only one who has complete ownership over his or her fruits, including the land in which they grew, can both bring Bikkurim to the place which God chose and read description cited above over them, that above all else actually reflects the individual’s lack of ownership over his or her fruits, since in fact they were all given to him by the Creator. By bringing Bikkurim he is in effect making a public declaration of this (as we shall see, an essential part of the commandments of Bikkurim is bringing the fruits in a people’s procession attended by many participants).

The Mishna clearly defines who may both bring and read Bikkurim, and even one who planted a tree in his own land, but layered it into the land of another person does not bring Bikkurim (layering is taking a branch, or even the entire trunk if the tree is still young and supple, and planting it in the ground while still connected to the original tree so that it will grow new roots). Even if it is planted and layered into his own ground, but there is a path that is not his that passes in the middle (under the arch created by layering from side to side), the fruits are not considered his to bring Bikkurim from, even though they are entirely his own in proprietary terms (Rabbi Yehuda disputes this, but Maimonides ruled that the halacha is according to the Sages). The Mishna also presents the justification for this: “Why does he not bring [Bikkurim]? As it was written: ‘The choicest first-fruits of thy land you shall bring’, and hence all crops must be from your own land”. The Talmud further explains that even if a person has received permission to layer onto the land of another, this permission must be permanent, and temporary permission will not suffice.

The Talmud proceeds to address a fascinating issue regarding ownership, distinguishing between what lies beneath and what is above the surface. That is, whether when a person sells a pathway, they sell only the parts of the trail that are walked on or also the depth that lies beneath the path, including the area that reaches groundwater. In the modern era, this matter became of special importance, given the demand for oil, gas, and other resources extracted underground. In many cases the lack of clear ownership of what lies underground creates legal complications. While on the one hand the owners of what lies above the ground are known, and they are asked for permission to drill in some places to search for oil, when oil is found often it turns out that there can be a hundred different owners of what lies beneath the surface, that have remained from all the different cases in which the land was bought and sold throughout the years. In many cases, these matters are not well defined, and in order to continue drilling and producing oil, it is necessary to identify all the owners and split the royalties between them. In any case, there may be an interesting subject for halachic research here, but it lies beyond the scope of this paper.

The tractate proceeds to explain that just as one who has partial ownership cannot bring Bikkurim to the Temple, so one who has stolen, taken by force, or produces fruit from leased land cannot bring. For example, the Talmud asks: What is the law in the case of a branch that has been stolen and is made into a tree that the robber planted in his own land? Although it is a transgression, once the owners have despaired from seeking the branch (if they

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even noticed), the fruits are the responsibility of the robber, including concerning the commandments dependent on them, and he can also dedicate them to God:

The robber and thief and the one who has taken by force – while the owner still pursues them, their donations are not donations, their tithes are not tithes, and their hekdesh (dedication) is not hekdesh. If the owner has ceased to pursue them, their donations are donations and their tithes are tithes and their hekdesh is hekdesh.

By contrast, for matters that are considered idolatrous there is no remedy, even if their idolatrous elements are removed they still cannot be brought for "higher" uses, i.e. for sacred work: "All agree that from asherah (tree used for idol worshipping) that is no longer idolatrous, one cannot bring branches to the Temple." But what about taking the lulav [frond] of a palm tree that was previously used for idol worship but is no longer being used thusly? If the relevant mitzvot are considered "high" commandments, i.e. sacred work as was practiced in the Temple, then one cannot take a lulav from the idolatrous tree for the festival of Sukkot. However, the Talmud rules that "one can simply take a lulav from it, since these are not high commandments," meaning the items used to observe this commandment are not as sacred as the items in the Temple. But what about Bikkurim? According to Rabbi Yehuda, Bikkurim are seen as Kodshey Hagevul 'outlying' sacred items, meaning artifacts not found in the Temple and which can hence be brought from the idolatrous tree after its idolatry has been removed. In contrast, according to the Sages, Bikkurim "have been compared to artifacts of the Temple and [therefore] one does not bring them". If so, the question of ownership reveals another aspect of Bikkurim – that they must come from a completely pure source, devoid of any problematic history (again, according to the Sages, and contrary to the opinion of Rabbi Yehuda).

Unlike items used to observe commandments, the Bikkurim carry their own sanctity, and they seem to 'carry their past in memories', and this unequivocally dictates their future and the maximal sanctity they can achieve. Also they 'remember', or are 'connected', to the state of the land on which they grew itself, and ownership of this land must continue in order for them to be considered Bikkurim in the true sense of the word: "One who has set aside fruits for Bikkurim and sold his field, brings [Bikkurim] but does not read". The Talmud presents a controversy regarding ownership of the land, in the case of a sharecropper and tenant who are, in effect, owners of sorts of the land. According to Rabbi Yehuda, who, in this case as well, consistently suggests an expansive interpretation: "Tenants and sharecroppers also bring and read". The Sages differentiate between two types of tenants and sharecroppers: temporary or permanent. According to Rabbi Hiya, citing Rabbi Yochanan: "Even a permanent tenant and permanent sharecropper never brings [Bikkurim]". The various interpretations there are unclear, and the Pney Moshe discusses the matter at length and finally concludes that according to Rabbi Yehuda temporary tenants and sharecroppers also bring Bikkurim, whereas according to the Sages only permanent tenants and sharecroppers bring them.

Another case that illustrates the same point refers to a field owner who set aside his Bikkurim (when they were still attached to the tree, as we shall proceed to see), but later sold his field before bringing them to the Temple. In this case, the field owner does indeed bring the Bikkurim, which he has set aside in advance, but he does not read the parsha over them. Even if the field was not sold but was inherited by his son (if the owner died between the time the fruit was set aside and the time they were brought), the Talmud states that: "The heir brings but does not read". Similarly, one who bought only the fruits but not the trees, even if the fruits are still on the branches, does not bring Bikkurim. Neither does the seller bring them, as Maimonides explains: "The seller may not bring them, because he does not own the fruits. The purchaser may not bring them, because he does not own the land".

The Bikkurim also 'carry in their memory', so to speak, not only the owner of the tree from which they were harvested but also that tree's condition, as the Talmud states: "If the spring has gone dry and the tree has been cut down, then he brings but does not read". That is to say, if between the setting aside and the bringing the tree has died, and even if the conditions that enabled it to live have been removed while the tree itself is still alive (but is no longer considered 'kosher', so to speak), its owner brings the fruits which have already been set aside but does not read the verses. This unique quality of the Bikkurim is also evident in the tremendous responsibility a person has over them, one which is also more severe than responsibility over other objects. The same Mishna states:

One who has set aside Bikkurim, but they have rotten, been robbed, stolen, lost or have been defiled – brings others instead of them and does not read. And the latter do not require fifths be paid. If they were defiled on the way he destroys them and does not read. And why is he responsible for them until they reach the Temple Mount? [Because] as it was written:'The choicest first-fruits of thy land you shall bring unto the house of the LORD thy

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God etc.', meaning he is responsible for them until they reach the Temple Mount.

Meaning, if a person has set aside Bikkurim and embarked on his journey to bring them to the temple. Still, on the way, for some reason – and even if this entirely due to coercion – the Bikkurim were lost or contaminated, that person must bring new Bikkurim in their stead. This differs from donations or tithes, for example, which, if they were lost by coercion, one does not have to bring new ones in their stead and is considered to have fulfilled his obligation.

Bikkurim and the Land

Thus far, we have discussed ownership of the person over his fruits, but the commandment of Bikkurim reflects an additional, similar type of deep connection: the relationship between fruits and their land. This is inferred by equating between the word artezcha ('your land') which appears in Parshat Bikkurim and the word 'eretz' (land) which appears in the verse that describes the Seven Species that are considered to possess unique qualities in the Land of Israel (shivat ha'minim): "a land of wheat and barley, and vines and fig-trees and pomegranates; a land of olive-trees and honey." The Talmud uses this verse to explain the saying in the Mishna that: "Bikkurim are brought only from the Seven Species". This characteristic is also unique to Bikkurim, as the other commandments – such as the donation, tithes, peah etc. – apply to all crops growing in the Land of Israel. While there too the connection to Israel is noticeable, since outside of Israel one does not give tithes or donations, but similarly to ownership, here too the commandment of Bikkurim goes one step further and demands a more absolute connection, including only fruits with an internal connection to Israel: The Seven Species with which the Land of Israel was blessed. This is also echoed in the way our tractate refers to the Sages of Israel, which can only be "grown" in the Land of Israel itself: "I have heard that wise men are not appointed outside of the Land of Israel." Rabbi Levi said: is this not stated explicitly in the Torah? [as the Torah says:] 'Son of man, when the house of Israel dwelt in their own land' – so any dwelling of yours can only be on your own land". In other words, a true dwelling of the People of Israel and the emergence of adjacent Sages who continue the chain starting from Moses, as a "truth springs out of the earth", can occur only in the place they are essentially connected to: the Land of Israel.

The Mishna proceeds to state that Bikkurim are only brought from the finest fruits, and the Talmud goes on to discuss at length the definition for this type of fruit: accumulative olives (which "accumulate oil within them"), figs at the age of seven, dates from Jericho and pomegranates from the valleys. Here, too, there is a dispute, and according to Rabbi Yossi – who represents an expansive approach, similar to Rabbi Yehuda – "bad fruits are also obligated by Bikkurim", but the Halacha rules that the best fruits are brought.

Even regarding decorating the basket Rabbi Manna demands they be made strictly of the plants growing in the Land of Israel: "All agree that Bikkurim are not to be decorated with products from outside of Israel", and: only the Seven Species can be used to decorate them. Rabbi Yossi disagrees with Rabbi Manna and says that all agree that Bikkurim are decorated with items from outside of Israel and that not only the Seven Species are used for decoration. The Talmud further adds that each of the Seven Species must be brought in its own vessel, meaning its own basket; however, there is also the possibility of bringing all the species in one basket, as long as they are carefully arranged in a particular order.

Regarding the definition of the Land of Israel, the commandment of Bikkurim is also stricter, albeit from the farmer's perspective, it is more lenient because he is obligated to give fewer gifts if part of his crops are beyond the border. Regarding Bikkurim, areas that are peripheral to the Land of Israel, but such that over time were obligated to give tithes such as the east bank of the Jordan River, which the descendants of Reuben and Gad settled, are not obligated. Rabbi Yossi the Galilean explains this is due to the east bank of the Jordan River not having the same essence as the Land of Israel: "One does not bring Bikkurim from beyond the Jordan River because this is not a land of milk and honey". In the ensuing discussion in the Talmud following this statement by Rabbi Yossi, another fascinating principle of the commandment of Bikkurim is revealed: the Talmud discusses the borders of the land 'of milk and honey', and in the course of this Rabbi Avin frames the controversy in a different way, stating that the difference is between lands that God has given to the People of Israel and lands that took the People of Israel took themselves (meaning the tribes of Reuben, Gad and half of Manasseh): "Rabbi Avin said: half of the tribe of Manasseh among them. And it was said – this was given to me, I have not taken it myself, the half was not taken by the tribe of Manasseh themselves." The tribe of Manasseh received its part from Moses and did not take it itself, so there is a debate as to whether this part of the east bank of the Jordan River should be viewed similarly. However, the principle established here presents a deeper aspect than what we have seen so far: on the one hand Bikkurim require absolute ownership over individual crops, but on the other hand this ownership is only

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considered relevant to Bikkurim when the crops are located on land that was inarguably given to the people of Israel by God, rather than land they claimed for themselves.

World, Year, Soul

Thus far, we have demonstrated that Bikkurim demand a strong connection to the person – the person must have absolute ownership over them, one that can be seen as an emotional connection with the person at its center. Also, there is a connection of location in the physical world, and the fruits of Bikkurim must come specifically from the Land of Israel, according to the narrow definition of the territory originally given to the People of Israel, specifically of the fruits that are uniquely connected to this land and only when the Temple is standing. Now we shall demonstrate that there is a dimension of time, the dimension of the 'year', related to Bikkurim.

The temporal dimension of Bikkurim is what actually forms the 'official' connection to the holiday of Shavuot, and is described thusly in the Mishna: "Bikkurim are not brought prior to the gathering. The people of Tsevi'im Mountain brought their Bikkurim before the gathering and they were not accepted, for it was written in the Torah: and the feast of harvest, the first-fruits of thy labours, which you sowed in the field". In addition, there is a threshold after which Bikkurim are no longer brought: "From the holiday and until Hanukkah one brings [Bikkurim] but does not read. Rabbi Yehuda ben Beteira says: brings and reads". In addition, similarly to the rest of the agricultural commandments, one cannot use one year's Bikkurim in a different year: "One does bring new Bikkurim in place of old ones or old in place of new". This means that one cannot bring fruit that have fallen off the trees before the 15th of Shevat instead of fruit that have fallen after the 15th of the month of Shevat.

Apart from these three ties there is another connection, which challenges us to rethink the commandment of Bikkurim once again: the connection between the person and his people, especially the Gerim (proselytes) who are also connected to the holiday of Shavuot (through the Book of Ruth which is read therein, but here is not the place to expand on proselytism, the Book of Ruth and many related matters). The Talmud says: "The proselyte brings but does not read, as he cannot say 'which the LORD swore unto our fathers to give us'". In other words, even though the proselyte is an inseparable part of the People of Israel and a Jew for all intents and purposes, the commandment of Bikkurim surprises us once again by demanding a more absolute type of belonging to the People of Israel in order for one to be permitted to observe the commandment in full (note that this refers only to reading the verses, the Bikkurim themselves are brought by the proselyte as they are by any Jew). The Talmud asks - how can this be, after all the proselyte is mentioned explicitly in Parshat Bikkurim ("you, and the Levite, and the stranger that is in the midst of thee"), and Rabbi Shmuel son of Rav Yitzchak justifies this by saying that this refers to, "the kin of Moses's in-law". Consistently, here too Rabbi Yehuda supports a broader approach and says that proselytes are also considered to be sons of Abraham and therefore can read the verses of Bikkurim that relate to their fathers: "The proselyte brings and reads – why? 'For the father of a multitude of nations have I made thee'. Previously you were the father of Adam and from now on you are the father of all nations". But in a manner inconsistent with the rest of the tractate, in this case, the halachic ruling is according to Rabbi Yehuda (according to the statement of Rabbi Yehoshua ben Levi and the actions of Rabbi Abbahu). Furthermore, this is in contrast to an explicit Mishna. While this is a reference to an additional aspect of absolute ownership, in this case, the Talmud actually chooses the expansive option and includes all the diverse People of Israel in the commandment.

The Distinction

Towards the end of the first chapter, and in greater detail in the second chapter, the Talmud discusses the differences between Bikkurim and other agricultural commandments, thereby further underlining its uniqueness.

Regarding tithes there are of course many laws: second tithes can be redeemed with money to bring it to Jerusalem and in effect to 'transfer' the sanctity of the second tithe across a geographical distance through coins; the tithes have to be eliminated after a certain date; and there are different penalties for improper use of donations and tithes, the gravest being the death penalty for the consumption of Trumah (contribution) by one who is not permitted to do so (a pure priest).

The first mishna in this chapter actually starts with the similarities: "[violating] Bikkurim and Trumah implies a death penalty, and fifths and are forbidden for foreigners", and distinguishes both and tithes that do not carry such severe penalties. The connection between Trumah and tithes comes from the verse, "And the LORD spoke unto Aaron: 'And I, behold, I have given thee the charge of My heave-offerings; even of all the hallowed things of the children of Israel unto thee have I given them for a consecrated portion, and to thy sons, as a due for ever". In contrast, the following mishna details the matters that are similar between tithes and Bikkurim

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but different from Trumah: “There are things in tithes and Bikkurim different than in Trumah: The Bikkurim and tithes must be brought to a place (the Temple), must be accompanied by confession and are forbidden to the Onnen, and Rabbi Shimon permits”. The Mishna proceeds to list two additional disputes between the Sages and Rabbi Shimon, wherein Rabbi Shimon is lenient on both Bikkurim and tithes while the Sages are stricter (and in both cases Maimonides rules similarly to the Sages). Of particular interest is how the Sages conclude that Bikkurim should be explicitly taken to the Temple along with the commandment of tithes:

But unto the place which the LORD your God shall choose out of all your tribes to put His name there, even unto His habitation shall you seek, and there you shall come; and there you shall bring your burnt-offerings, and your sacrifices, and your tithes, and the offering of your hand, and your vows, and your freewill-offerings, and the firstlings of your herd and of your flock;

The Talmud writes that “the offering of your hand means Bikkurim”, by way of comparison with the verses that explicitly relate to Bikkurim: “And the priest shall take the basket out of thy hand, and set it down before the altar of the LORD thy God”. The connecting word between these two verses is 'hand', and not just any hand, but your hand, your hands. The foremost expression of human creativity in practice is also what brings the fruits of this creation to the basket ("and you shall put it in a basket”) and from there to the priest, whose hands lift the Bikkurim skywards. The basket is a symbol of gifts, a symbol of freedom borne out of the liberation of ownership and true ownership that comes from a partnership with the World’s Creator.

The third debate between Rabbi Shimon and the Sages relates to the mixing of tithes or Bikkurim with regular fruits, and the Talmud also discusses the law regarding crops that grew from the tithe (meaning, seeds that were put aside as tithe):

Rabbi Shimon would also say: Bikkurim does not forbid the fruit being mixed with them, and the crops grown from their seeds, from being eaten in Jerusalem. What is the difference between tithes and Bikkurim? Tithes are not brought to Jerusalem, whereas Bikkurim are brought.

Surprisingly, in this case, Bikkurim seem to have less stringent demands than tithes, but we wish to argue that, in fact, this is the same line of thought: Bikkurim are so distinct from other things that they do not mix and are not disqualified. They are the 'noble gases' of agricultural commandments.

What does this mean? For example, if a fig that is a tithe fell into a basket of figs that are not tithes, but mere 'regular' figs (chulin), the entire basket has to be consumed with the sanctity of tithes (i.e. in tahara). The crops that had grown from a first tithe from which Trumah for the Cohen was not taken, will be treated as chulin (in the case of crops whose seeds perish over time). In contrast, Rabbi Shimon is more lenient regarding Bikkurim and states that “Bikkurim does not forbid the fruit being mixed with them, and the crops grown from their seeds, from being eaten in Jerusalem”, and according to him the distinction is that “tithes are not brought to Jerusalem, whereas Bikkurim are brought”. Meaning, if a Bikkurim fig fell into one hundred chulin figs, it is essentially vanquished within the mixture and no longer considered Bikkurim. Similarly, if the seeds of Bikkurim were sown in the ground, and the plant’s seeds are perishable, the fruit that will grow are not considered Bikkurim and can be eaten as chulin (similarly to tithes).

After the Talmud presents similarities between Bikkurim and tithes and Terumah, and differences between each of them, the third mishna describes elements that are similar in tithes and donations but are different for both compared to Bikkurim: “That Terumah and tithes make the granary forbidden and are of defined amounts and apply to all fruits, both in front of the House (when the Temple exists) and not in front of the House (when the Temple does not exist), and to sharecroppers and tenants and sikrikin (violent robbers) and thieves – [produce owned by those people] qualify for Terumah and tithes, but not to Bikkurim”. However, some things apply to Bikkurim and do not apply to Terumah and tithes: “That Bikkurim are purchased along with the land, one can turn his entire field into Bikkurim and he is responsible for them, and they require a sacrifice, a song, lifting and night over”. If we attempt to summarize the fundamental differences between Terumah and tithes compared to Bikkurim, the foremost difference would be that the formerare stricter in terms of the forbiddances that apply to the entire stack into which they fall. On the other hand, they apply to a much broader range of fruits, including fruits of tenants and even robbers.

The first difference the Mishna mentions regarding Bikkurim is that they "are purchased along with the land", while tithes and donations can be applied to fruits only after they have been pulled out of the ground. In addition, the sanctity of Bikkurim can only be applied when the house of God stands in its place: "in front of the House". It seems to us that this is the most notable characteristic compared to similar agricultural commandments, and it is the same principle we have been examining thus far: ownership and connection to

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the land, to Israel and to the place and the connection between heaven and earth which takes place inspired by the Divine Presence in the Temple. This is also the source of the other difference that we have already noted, and that one who brings Bikkurim is “responsible for them.” Afterwards there is a list of unique characteristics of Bikkurim that have no equivalent, in negative form, when compared to tithes.

On The Way to Jerusalem – the Third Chapter

This chapter describes in what is perhaps the most scenic in the entire Mishnah, the process of bringing the Bikkurim, starting from dedicating them to be Bikkurim and until their sacrifice on the altar by the priest. In the first stage, "A man goes to his field and sees a fig that has sprouted first [in Hebrew: biker], a cluster of grapes that has sprouted first, a pomegranate that has sprouted first– he ties a band around them and says: these are Bikkurim". Rabbi Shimon says that nevertheless they must once again be called Bikkurim after they have been gathered from the tree or the field, while there is a debate as to whether at the time that the Bikkurim are set aside they should already be ripe fruit, or “even premature, even unripe” fruit will suffice (according to the Sages).

In ancient times, the people were divided into twenty-four classes, corresponding to twenty-four shifts of priests (Cohanim) and Levites, who would all make a pilgrimage to work at the Temple once a week, so that each class would travel twice a year on average. When the priests’ guard would travel to fulfill its tasks at the Temple it would be accompanied by part of the class that belonged to it, to be the emissaries of the entire People of Israel. At the same time, sacrifices were made on behalf of the public, while the rest of the class members gather in synagogues in their hometowns and pray that God’s will accept the sacrifices.

During the sacrifice of the Bikkurim all members of the class would gather and form “one city of that class so that none would travel alone and for the King’s honor”, as described by the Pney Moshe. The pilgrimage itself was conducted calmly, “they would not walk for the entire day but only two arms lengths each day”, and the synagogue cantors accompanied them. During night stops the people would not sleep in houses out of fear that the houses may be impure, and they will be contaminated and could not enter the Azara (the part of the Temple regular Israelites were allowed to enter, given they were pure, and not only priests) immediately upon arrival at the city. During the journey, the people would read various verses from the Book of Psalms, depending on their progress. At the head of the procession walked a bull whose horns were coated with gold and adorned with an olive wreath, and a flute player would accompany him. Upon drawing nearer to Jerusalem, the party would send a messenger to the city to announce their arrival. Depending on the size of the delegation, Jerusalem's dignitaries would come to welcome them to the city. Upon their entrance, all the artisans would stand to greet them. The Talmud explains that they would decorate the baskets (the Tenne) with additional fruit of the same species found in them, and there were rules regarding these fruits as well: “The Bikkurim, the additions to the Bikkurim, and the decorations of the Bikkurim”. The Talmud asks of the honor shown to a delegation, thus arriving: “Is there [recognition to a] great [person] and small [person] in Jerusalem?! Rather, this is what we have learned: [the delegation is honored] according to the number of people, the amount that went out [to greet them] was according to the crowds coming in [to the city]”. In other words, the people are not honored according to their own identities, whether they are scholars, wealthy, and so on, but only by the size of the delegation they are part of. From the fact that all the artisans stood in honor of the pilgrims bringing Bikkurim, the Talmud continues to a comprehensive discussion regarding the general matter of standing in honor: to respect the elderly, the wise, etc.

The equality that Jerusalem imposes on everybody also affects the Bikkurim bringers themselves, as they are all required, immediately upon entering the city, to place their baskets on their shoulders, and “even King Agrippa would place his basket on his shoulder entering the city, and until he reaches the Azara”. Upon arrival at the Azara they would remove the fledglings from the basket and read the Bikkurim verses with the baskets are still on their shoulders (and so as not to embarrass those who do not know how to read, it was decided that the verses be read aloud for all to hear so that they could repeat them). Then they would place the basket alongside the altar, bow, and leave the Azara. Along with the Bikkurim themselves, which are "assets of the priest", the basket itself was also given as a gift to the priests, and it would represent the one who brought it: "The rich bring their Bikkurim in baskets of silver and gold and the poor bring them in baskets made of peeled willow branches, and the baskets and the Bikkurim are given to the priests".

In this mishna, at the end of the chapter, the debate that runs throughout the tractate between Rabbi Yehuda and the Sages reappears. Rabbi Yehuda says that the Bikkurim can be given to a friend priest as a favor. In contrast, the Sages say that Bikkurim are given to the priests present at the time “and they divide them between themselves as they would with other artifacts of the Temple”. One would assume the situation would be

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opposite: Rabbi Yehuda, who throughout the tractate narrows the demands of ownership to expands the scope of Bikkurim, sees them as 'less' of a private asset of the bringer, who therefore should not be permitted to determine who receives the Bikkurim specifically. On the other hand, the Sages who strictly demanded absolute ownership throughout the tractate should have concluded that this ownership also means that one can choose his friend to be the recipient of the Bikkurim as a favor. But from a deeper perspective this makes perfect sense, and in fact it seems there is no dispute regarding the nature of the Bikkurim and their message: the deeper the ownership of Bikkurim at the beginning, thus their concession at the end is more definite and total, whereas when the ownership over the Bikkurim is looser to begin with their concession at the end is more flexible. But both sides foretell the same spirit: the Bikkurim are a symbol of our non-ownership of the world, precisely because of our ownership of them.

I argue that the tractate ends with a discussion of ownership for a good reason. And not just general ownership, but rather ownership over the most essential item that the People of Israel possess: the Torah. The Talmud inquires about the reasons that permit one to sell a Torah scroll. According to Rabban Shimon ben Gamliel, one is allowed to sell a Torah scroll to marry a woman and to study Torah, and on the question of basic sustenance ("his life") he chooses to remain silent, although later it is revealed that according to the letter of the law one is also permitted to sell for this reason. But even though this is the letter of the law, the chapter ends with the statement: "One who keeps a Torah scroll in his home, on him it was written: 'Wealth and riches are in his house; and his merit endures forever.'"

Conclusion

A human's ownership over his or her humanly creation in the world has meaning, at least in the halachic sense, and this is clear from the extensive discussion of laws of property and ownership in the Torah and the Halacha. But how can one balance between the two? How can there be a human society wherein private ownership is one of its foundations and among the tools to regulate it while preventing it from losing touch with the source of its being and becoming confused between the true and temporary owner? In this paper, I have attempted to demonstrate that the commandment of Bikkurim, as interpreted in the Jerusalem Talmud, leads us directly to this point, in addition to being an extra offering of the priests that is accompanied by sacrifice and pilgrimage. On the one hand Bikkurim demand, for the very sake of them being brought as a commandment, the essence of ownership on several levels, or as we defined: owner in space, 'world' (the Land of Israel and its fruits and the Temple); ownership in time, 'year' (the holiday of the atzeret, gathering, the start of the period for brining Bikkurim); and spiritual ownership (the person's ownership of his fruits and freedom).

On the other hand, the commandment of Bikkurim consists of bringing them to the priest and in effect ceding them, as part of a ceremonial and joyous process and not as an experience of loss, as well as reading parshat Bikkurim that serves as a declaration of man's lack of ownership over his Bikkurim and all his possessions, before God. It my humble opinion the deep ownership required concerning Bikkurim comes to denote that this is not a case of assets being abandoned or mixing ownership between human beings, but rather the opposite: the mandate given to us by the true owner to use His world is what gives the ownership of every one of us actual validity for the duration of our lives. It forms the foundation for economics based on private property and the free trade between free people (as is demanded of those who bring Bikkurim). But at the same time, we must preserve the connection to that which is beyond us, to put the essence of the objects we own in the Tenne (the basket used to bring the Bikkurim to the Temple)and to raise them to holiness while declaring our concession of them every time a new, once every year, in the holiday of the gathering.

Locke, Fruman, and Adams

Both the Talmud and Locke share a fundamental view of creation as a manifestation of God's blessing and, as such, His property. However, when addressing the core questions we previously discussed—regarding the nature of humanity, its role, and its relationship to divine grace—Locke presents a perspective that diverges sharply from that of the Mishnah.

For Locke, God's blessing is an invitation for human beings to utilize their own inner capacities to secure their sustenance. Divine grace, in this view, grants individuals the freedom to claim ownership of their labor's fruits, distinguishing personal effort from the broader divine gift of creation. The moral imperative that emerges from this framework is essentially the duty to cultivate economic growth as an extension of God's grace. Yet, unlike the Talmudic outlook, Locke's perspective lacks a philosophical or ethical foundation for placing limits on human creativity and expansion.

Another key distinction lies in the transition—or lack thereof—between the divine and human realms. In Locke's framework, labor itself is the direct basis for ownership; working the land immediately grants an individual rights over its produce. This suggests a

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seamless continuity between divine grace and human effort, with no mediating stage. By contrast, the Talmud insists on a clear transition between God's domain and human ownership, expressed through specific obligations such as the gifts for the poor and the ability to relinquish one's claim over harvested produce before it reaches the threshing floor.

From the Talmudic perspective, an economic and cultural system based on Locke's philosophy poses a profound danger—to humanity itself and to any society built on these principles. The very act of stepping into the field—where divine blessing is realized—carries inherent risks, as human nature is fraught with desires, impulses, and survival instincts that can threaten both individuals and the sanctity of divine blessing. Thus, the Talmud's moral imperative is to establish boundaries wherever divine grace is manifest.

In contrast to Locke, the Talmud does not see intellect and labor as the foundations of private property. On the contrary: the more human beings harness these divine gifts to exert control over nature's blessings, the more their primary spiritual movement should be one of restraint—relinquishing the role of creator, limiting the impulse to appropriate, and ultimately, renouncing ownership itself.

As I once learned from my teacher and rabbi, Rabbi Menachem Fruman of blessed memory, who was also a groundbreaking leader in interfaith diplomacy, this 'two-thronged' movement grants the greatest liberation. We talked with him about the Hitchhiker's Guide to the Galaxy. There it is told that to learn how to fly, all one needs to do is jump towards the ground and miss it, and throughout the book the protagonist – Arthur Dent – tries many times to do so and each time smacks into the ground. But one time, he absentmindedly forgets to hit the ground and begins to fly. It appears to us that the commandment of Bikkurim presents us with a similar opportunity: to dive right into the heart of ownership, the pinnacle of private ownership according to all the strictest rabbinical demands, compared to Rabbi Yehuda, that is the precise thing that creates most of the gaps between human beings; and yet to miss it upon arriving to Jerusalem, where all become equal and even King Agrippa carries his basket on his shoulder as the last of the ordinary men, as a prime example of tolerance and coexistence. To miss the gaps and learn how to fly.

References:

1. See: John Locke, Two Treatises of Government (Vermont: Everyman Library, 1924). In this I have also relied on the groundbreaking article by Rav Dov Berkowitz: Dov Berkowitz, "Those Who Bring to the Threshing Floor: A Consideration of the Meaning of Private Property in Light of Tractate Pe'ah," in On Economy and Sustenance, ed. Aharon Ariel Lavi and Itamar Brenner (Tel Aviv: ContentoNow, 2016), 29– 65.

2. Psalms 49:17-18.

3. Exodus 34: 26-27.

4. Siftey Khakhamim, there.

5. Mishna Bikkurim 1:1.

6. Yerushalmi Bikkurim 1b.

7. Yerushalmi Bikkurim 2a.

8. Ibid.

9. Yerushalmi Bikkurim 5b.

10. Yerushalmi Bikkurim 6b.

11. The Pney Moshe is a comprehensive commentary on the Talmud Yerushalmi, encompassing almost all of it, written by Rabbi Moshe Margalit in the 18th century in Germany.

12. Yerushalmi Bikkurim 4a: "One who has set aside his Bikkurim and later sold his field, brings but does not read".

13. Mishneh Torah, Hilchot Bikkurim, chapter 2:14. Following Yerushalmi Bikkurim 5a.

14. Ibid. 4b.

15. However, he does not read the passage on Bikkurim over them since they are not the first fruit of his land, and in addition he does not need to pay fifths for them.

16. Deuteronomy 8:8.

17. Yerushalmi Bikkurim 2b.

18. Yerushalmi Bikkurim 11b. The cited verse is from Ezekiel 36:17. 19. Psalms 85:12.

20. While The Sages of Caesarea permitted Sages be ordained outside of Israel, this was only with the intention of returning to Israel.

21. Yerushalmi Bikkurim 2b.

22. Mishneh Torah, Hilchot Bikkurim, chapter 2:3. 23. Yeruhslami Bikkurim 12b.

24. Yerushalmi Bikkurim 6a.

25. Yerushalmi Bikkurim 6a.

26. Yerushalmi Bikkurim 2b.

27. Ibid. 4b.

28. Yerushalmi Bikkurim 3a. See also further in that passage : "And if his mother was Jewish he brings and

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reads". And one might ask why the Mishna calls one whose mother was Jewish a 'proselyte', when ostensibly one whose mother is Jewish is already a Jew for all intents and purposes. The answer is that the Mishna mentioned this to say that one whose father is not Jewish can also read the verses of Bikkurim since he is Jewish for all intents and purposes

29. Deuteronomy 26:11.

30. Yerushalmi Bikkurim 3a.

31. Yerushalmi Bikkurim 3b. The cited verse is from Genesis 17:5.

32. Yerushalmi Bikkurim 6a, the mishna at the end of the folio.

33. Numbers 18:8.

34. Yerushalmi Bikkurim 8a. Onnen is someone whose one of this close relatives died and still has not been buried. In such a case the Onnen is relieved of all positive mitzvot, until his or her relative is properly buried and the official seven days of mourning begin (with their own restrictions).

35. Deuteronomy 12:5-6.

36. Yerushalmi Bikkurim 8a.

37. Deuteronomy 26:4.

38. Ibid, verse 2.

39. Yerushalmi Bikkurim 8a.

40. This applies to Jerusalem, according to the law of davar she'yesh lo metirin (an item whose prohibition will eventually fade), since in Jerusalem one may eat with sanctity and hence the tithes are forbidden in certain scenarios. We have not expanded on this issue which is not central to the matter at hand.

41. Another important matter that arises regarding this issue, from the discussion of an item whose seeds are perishable versus one whose seeds are not perishable, is the inclusion of additional – perhaps even surprising – crops as Bikkurim: "arums and garlic and onions are bound by Bikkurim".

42. The last part refers to things that need to be done along with the bringing of the Bikkurim: an animal sacrifice, a song by the Levites in the Temple, lifting the Bikkurim upward on the altar by the priest - and those who brought Bikkurim must spend a night in Jerusalem.

43.Yerushalmi Bikkurim 10b.

44. Yerushalmi Bikkurim 8a

45. Yerushalmi Bikkurim 12b.

46. Yerushalmi Bikkurim 12a.

47. Yerushalmi Bikkurim 12b.

48. Yerushalmi Bikkurim 12a.

49. Yerushalmi Bikkurim 13a. The cited verse is from Psalms 112:3.