

## והצנועין מניחין את המעות כולי –

**And the virtuous ones set aside the money, etc.**

### OVERVIEW

The משנה, cited in the גמרא here, states how they marked off ערלה, כרם רבעי, and כרם רבעי. However, רשב"ג says that this was done only on שביעית, but not the rest of the years. The משנה continues that the צנועין would set aside money, etc. תוספות qualifies when the צנועין took this action.

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אי שביעית נוהג בכרם רבעי<sup>1</sup> כדמשמע [דאמילתיה] דתנא קמא [קאי]<sup>2</sup> -

If the laws of שביעית apply to כרם רבעי, as it seems from this משנה, since רשב"ג is referencing the ת"ק -

צריך לומר דצנועין אשאר שני שבוע קיימי -

It will be necessary to assume that the action of the צנועין is referring to the other years of the שמיטה cycle, not to the seventh (שמיטה) year -

דאי אשביעית כיון שהיו זוכים מן ההפקר לא היו יכולים<sup>3</sup> לחלל:

For if the צנועין set aside money also on the שמיטה year it would not be effective, for since the passersby acquire the fruits of כרם רבעי from הפקר, so the צנועין would not be able to redeem them since they belong completely to the passersby.

### SUMMARY

The צנועין were not מחלל on שביעית (if we assume that שביעית applies to כרם רבעי).

### THINKING IT OVER

elsewhere explained that the צנועין could not be מחלל for the מלקטים (even though generally the rule is זכין לאדם שלא בפניו), since the מלקטים (who are גזלנים) cannot be מחלל<sup>4</sup>. However on שביעית where the מלקטים are not גזלנים and they could be מחלל<sup>5</sup>?! זכין לאדם שלא בפניו since they could also be מחלל for them since זכין לאדם שלא בפניו

<sup>1</sup> This means that if the fourth year of the vines was on שביעית, the laws of שביעית apply, including that the fruit of these vines are הפקר like all the produce of שביעית.

<sup>2</sup> The ת"ק mentions how כרם רבעי (and ערלה ושביעית) were marked. רשב"ג says that they were marked (seemingly referring to כרם רבעי [and ערלה]), only on שביעית for then they are הפקר. This indicates that the laws of שביעית apply to כרם רבעי (and ערלה).

<sup>3</sup> The entire discussion surrounding the צנועין is whether one can be מחלל (or מקדיש) something which is yours but is not in your possession (which is the case in the other years, since the passersby did not acquire ownership), however on שמיטה where all the produce is הפקר for all to take it is obvious that one cannot be מחלל (and certainly not מקדיש) something which is not his. See תוס' סח,ב ד"ה הוא. See 'Thinking it over'

<sup>4</sup> See עיי"ש. footnote # 48. תוספות סח,ב ד"ה הוא

<sup>5</sup> See נחלת משה.