



Volume 1. Issue 7.

## Rights and Responsibilities

The *Mishnah* (*Peah* 4:9) states:

Whoever cuts *peah* and says "this is for such-and-such a poor person", R' *Eliezer* says, he has acquired it for him. The *Chachamim* say, he must give it to the first poor man he meets.

The *Gemarah* (*Bavli*, *Gittin* 11b, *Bava Metzia* 9b) explains that the *Mishnah* is referring to a case where a wealthy person is trying to take *peah* for a poor person. R' *Eliezer* argues that one can apply the legal principle of "*migo*" (literally meaning "since") twice. In other words, firstly, since the wealthy person can instantly become poor by renouncing ownership of his property and be able to take *peah*, the *peah* is considered appropriate for him. Secondly, now that the *peah* is appropriate for him, since he can acquire it for himself, he can acquire it for another poor person. The *Chachamim* however argue a *migo* can only be applied once.

The *Gemarah* continues, that everyone agrees that a poor person can acquire *peah* for another, because in that situation only one *migo* would apply. In other words, since this poor person can acquire the *peah* for himself, he can also acquire it for his friend.

*Rashi* (*B.M.* 9b) explains that the *Gemarah* refers to a wealthy person other than the owner of the field. If however the owner of the field tried to acquire *peah* for someone else, even if he was poor, the *migo* would not apply. *Rashi* appears to argue that since the owner is commanded to leave *peah* for the poor, one can no longer say "since he can acquire it for himself..."

The *Tosfot* (see *Ritva B.M.* 9b) however argue that once the owner has renounced ownership of the field the commandment to leave *peah* no longer applies. How does one then explain *Rashi's* opinion?

When clarifying *Rashi*, the *Ritvah* explains that it is a *Torah* decree (*gzeirat ha'katuv*) that even if he annuls his property the *issur* still applies. *Tosfot R' Akiva Eiger* explains further that the obligation to leave *peah* is

affective at the time of harvest, and since at that point he owns the field, the *peah* become *assur* to the owner forever.

The *Gra"ch* (*stencil 2, p 139*) explains that there are two issues involved in this case. The first is a monetary issue of property rights, i.e. that only a poor person can take *peah*. The owner however also has a further prohibition of not taking *peah* for himself. A *migo*, he explains, can only be applied in monetary issues and not for *issurim*. For this reason *Rashi* argues that the *Gemarah* cannot be referring to the owner of the field.

*Rabbeinu Kreskas* (*G.* 11b) provides support for *Rashi* explaining that in the case of a poor owner, two *migos* would still be required. One that since he can renounce ownership of his field, the *peah* is appropriate for him, and the second that since he can acquire it for himself he can acquire it for others.

The *Gemarah Yerushalmi* however specifically states that the *Mishnah* is referring to a wealthy owner. Furthermore other *rishonim* argue that the *Gemarah* (cited above) does not exclude the owner of the field (*Rambam Matanot Ani'im* 2:1, *Tosfot Rosh B.M.*, *Rashi Gittin* 11b). How does one then respond to *Rabbeinu Kreskas' proof*?

*Rabbeinu Kreskas* explains a different, single *migo* is being applied: since the poor owner can acquire other poor gifts, he can acquire the *peah* for another poor person. The *Shitah Mekubetzet* however argues that this is an unwarranted extension of the *migo* rule and that it cannot be applied *me'inyan le'inyan*.

The *Ritvah* however explains that the poor owner can in fact acquire his own *peah*. Being poor, he can acquire any *peah*. Since however he is the owner of the field there is a *Torah* obligation that he must now give it to a poor person. Consequently the single *migo* would be phrased as follows: since the poor owner can acquire the *peah* to give to someone else, he can acquire it for another poor person directly.

*David Bankier*

**Revision Questions**

פאה ג' ו' - ד' י"א

- What are the different opinions of the minimum size of a field that has the obligation of *peah*? (ג' ו')
- What are laws are still applicable (aside from *peah* according to R' Akiva) even for the smallest possible sized field (*kol she'hu*)? (ג' ו')
- There are three cases listed in the *Mishnayot* where if a person gives his entire property to someone there is a significant halachic difference if he excluded a small section of his property from the gift. What are these three cases? (ג' : ז-ח')
- When is *peah* left connected to the ground for the poor to take and when is the owner require to cut and distribute the produce to the poor? (ד' א') What would the law be if in the former case, a majority of the poor requested that the owner distribute the produce (and visa versa)? (ד' א'-ב')
- What is the law regarding a poor person who tries to conceal some of the standing *peah* so that he can take it? (ג' ו')
- Are there any restrictions on how the *peah* can be cut by the poor? If so, what are they and why? (ד' ד')
- What are the three time of the day when *peah* is given? (ד' ה')
- Explain the debate between *Rabban Gamliel* and *R' Akiva* regarding why these times were established. (ד' ה')
- What was different about how *Beit Namer* left *peah*? (ד' ה')
- Is a non-Jew who converts to Judaism after harvesting his field obligated to leave *peah*, *leket* or *shichecha*? (ד' ו')
- In what situation would someone who sanctified their field and then redeemed it from *hekdesh* be exempt from leaving *peah*? (ד' ו')
- In what situation would someone who sanctified their fruit and then redeemed it from *hekdesh* be exempt from taking *ma'asrot*? (ד' ח')
- Explain the debate about whether a wealthy person can be *zoche peah* for a poor person. (ד' ט')
- When is one exempt from taking *ma'asrot* from the *leket*, *shichecha* and *peah* of a non-Jew. (ד' ט')
- What is *leket* (be specific)? Explain the debate about *rosh ha'yad* and *rosh ha'magal*. (ד' י')
- Is it *leket* if the owner drops the produce as a result of being pricked by a thorn? (ד' י')
- When does produce found in ant holes belong to the owner? When does it belong to the poor (and how much)? (ד' י"א)

**Local Shiurim**

**Sunday -Thursday**  
Between mincha & ma'ariv  
Mizrachi Shul  
David Bankier

9:50pm (after ma'ariv)  
Beit Midrash -  
Naftali Herc  
Yehuda Gottlieb

**Friday & Shabbat**  
10 minutes before mincha  
Mizrachi Shul

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
21 <sup>st</sup> Nov. ח' כסלו	22 <sup>nd</sup> Nov. ט' כסלו	23 <sup>rd</sup> Nov. י' כסלו	24 <sup>th</sup> Nov. י"א כסלו	25 <sup>th</sup> Nov. י"ב כסלו	26 <sup>th</sup> Nov. י"ג כסלו	27 <sup>th</sup> Nov. י"ד כסלו
Peah 5: 1-2	Peah 5: 3-4	Peah 5: 5-6	Peah 5: 7-8	Peah 6: 1-2	Peah 6: 3-4	Peah 6: 6-7

