



Brother's in Peah

The *Mishnah* (3:5) discusses the laws of *peah* as they relate to partnerships. The first case is regarding brothers that share an inheritance. The *Mishnah* explains that if they divided the property, they would each need to leave *peah* for their own fields. If they then decided to combine and form a partnership, then only one *peah* needs to be left. The *Mishnah* continues that if two people bought a tree together in partnership, then only one *peah* needs to be left. If however one bought one side of the tree and the other bought the other, then each would need to leave *peah*.

The *Mishnah Rishona* explains that the novelty of the *Mishnah* is regarding the case where brothers divided and then joined together. When they initially divided, each brother took one side of the field. When they came together, one might view the case as similar to where two people purchased each side of a tree and each must still leave their own *peah*. Consequently, the *Mishnah* teaches that in the case of the brothers, only one *peah* needs to be left. The reason is, when they came together, they will now be sharing in each kernel, rather than dividing the produce by location.

The *Mishnah Rishona* however continues by citing the opinion of the *Rosh* that if brothers divided a single tree, then only *peah* needs to be left. The position is at first difficult to understand. The *Mishnah* appears to suggest that even a tree can be subdivided like a field. Consequently, if the brothers have divided the tree, then it would seem that they should each leave their own *peah* for their side of the tree. The *Mishnah Rishona* suggests that the *Rosh* understood this from the wording of the *Mishnah*. Since the *Mishnah* did not continue by discussing a case of brothers dividing a tree, but rather two individuals purchasing a tree, it implies that the case of inheritance would not have the same law. The *Mishnah Rishona* however suggests that the case was not mentioned since normally a tree would not be worth dividing. How do we understand the position of the *Rosh*?

The *R' Chaim Kanievsky shlita*, (*Derech Emuna, Biur Halacha, Peah* 3:16) probes why if a field is owned by two

different people one cannot leave *peah* from one field for the other. We find that for *terumah* one can separate from their own produce to satisfy the requirements for another. So why is *peah* different? He first cites the *Rash* who explains that each of them have the obligation to separate *peah* from "their field" ("*sadcha*"). This would seem that once the parts of the field have different owners, it is considered like the case where there are two species, and *peah* must be left for each.

The above understanding however does not fit with the explanation of the *Rosh* above. If the heirs divide the ownership of the tree, how can only one *peah* be left from that tree. It should be now considered like two distinct fields. Furthermore, we have learnt (2:8) that if one harvests half their field and then sells it to another, the purchaser must leave *peah* for the entire field. The *Bartenura* explains that the obligation to leave *peah* was created at the beginning of the harvest. It is therefore considered as if the sale did not include that section that needed to be left as *peah*. *R' Chaim* however asks, how can one leave *peah* for the section owned by the other? Granted that that the obligation started at the beginning of the harvest, he notes that according to the *Yerushalmi* the law would be the same, even if the owner sold half the field prior to harvest.

The *R' Chaim* therefore suggests that the *Rash* means, that since the *Torah* states "*sadcha*" each have an obligation to separate for their field and do not have an obligation for anyone else's. Consequently, each one should ideally separate from their own field. That is not to say that if one did separate for another's field it would not work. He notes that even though *Rashi (Chulin)* explains that it would not work, he suggests that this may only be on a rabbinic level. Consequently, in the case where the brothers are dividing a tree from an estate or one is selling half of his unharvested field, the *Chachamim* were lenient to allow one to separate *peah* from one's section of a field for another's.

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Revision Questions

פאה ג: ג' – ד': ז'

- Does one need to leave separate *peot* when picking some produce for sale and keeping the rest for other purposes? (ג': ג')
- What is the difference between *medel* and *machlik* and what is the difference with respect to *peah*? (ג': ג')
- Explain the two arguments regarding onions and *peah*. (ד': ז')
- What is the law regarding inheritors and people who purchase trees in partnership? When do they leave *peah* together and when do they leave *peah* independently? (ז': ז')
- What is the law regarding someone who purchased trees laden with fruit with the respect to leaving *peah*? (ז': ג')
- What are the different opinions of the minimum size of a field that has the obligation of *peah*? (ז': ג')
- What are laws are still applicable (aside from *peah* according to *R' Akiva*) even for the smallest possible sized field (*kol she'hu*)? (ז': ג')
- 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'-ז')
- 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': ז')
- 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)? (ז'-ז': ז')
- What is the law regarding a poor person who tries to conceal some of the standing *peah* so that he can take it? (ז': ז')
- Are there any restrictions on how the *peah* can be cut by the poor? If so, what are they and why? (ד': ז')
- What are the three time of the day when *peah* is given? (ז': ד')
- Explain the debate between *Rabban Gamliel* and *R' Akiva* regarding why these times were established. (ז': ז')
- What was different about how *Beit Namer* left *peah*? (ז': ד')
- Is a non-Jew who converts to Judaism after harvesting his field obligated to leave *peah*, *leket* or *shichecha*? (ז': ז')
- In what situation would someone who sanctified their field and then redeemed it from *hekdesh* be exempt from leaving *peah*? (ז': ז')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 February ה' אדר	7 February ז' אדר	8 February ז' אדר	9 February ח' אדר	10 February ט' אדר	11 February י' אדר	12 February י"א אדר
Peah 4:8-9	Peah 4:10-11	Peah 5:1-2	Peah 5:3-4	Peah 5:5-6	Peah 5:7-8	Peah 6:1-2

