



## Cheating on Peret

The *Mishnah* (7:3) discusses the gift of *peret*, individual grapes that fall during harvest that must be left for the poor. The *Mishnah* explains that if the farmer places his basket at the base of the vine during harvest, then he is stealing from the poor and cites the following *pasuk*: “do not breach the border of the *olim*” (*Mishlei* 22). The *derasha* is based on reading the *pasuk* differently from how it is written. It is written “*olam*” (long standing border), yet we read it as “*olim*”. One understanding is that it refers to the *olim* – those that came out of Egypt – when it was agreed not to take advantage of the poor. Alternatively, out of respect for the poor, the *pasuk* is using opposite language. They have gone down in their fortunes yet the term *olim*, that suggests ascent, is used. One might ask, if it is indeed stealing, what is the need from the cited *pasuk*?

The *Mishnah Rishona* also addresses the necessity of the *pasuk* posing the following question. If the grapes are considered *peret* as they fall, then one has violated the prohibition of “you shall not take the *peret* of your vineyard”. He suggests that it is from this *pasuk* and the *derasha* that reads the word as *olim*, that we learn that it is already considered *peret* before it reaches the ground. The *Mishnah Rishona* understands that *olim* suggests it is referring to this gift of *peret* and that it belongs to the poor even when it is above (*olim*) and not yet hit the ground.

Interestingly, the *Gra* (*Shenot Eliyahu*) understands from the *Yerushalmi*'s conclusion that the grapes are only considered *peret* once a bunch falls to the ground and comes apart. Consequently, the *Mishnah* is referring to one that places a soft reed basket that will catch the grapes and prevent them from falling apart. Therefore, it is not really theft since it never became *peret*; he prevented it becoming the property of the poor. Consequently, the *pasuk* cited in our *Mishnah* is necessary to teach that the practice is nonetheless wrong.

The *Tosfot Anshei Shem* however notes that the *Rash*, *Rosh* and *Bartenura* understand the *Yerushalmi* differently and conclude that the grapes are considered *peret* as they fall. The *Ridbaz* (*Yerushalmi* 7:3, s.v. *hada*) notes that the fact that the *Mishnah* states that is *gezel* (theft) suggests that it is already the property of the poor as it falls. The *Tosfot Anshei Shem* therefore cites the *Lechem Shamayim* who explains that the *Mishnah* is dealing with an individual who is not intending to catch the *peret*, but rather placing the basket there for convenience while harvesting. Even though one is not intending to steal, one should not do so since it is possible that some *peret* will fall in.

The *Derech Emuna* (*Tziyon Halacha* 4:175) provides two answers. The first is that the prohibition of stealing is not violated since it is considered *mamon shein lo tovin* – money that has no specific claimant. He has not stolen from any person; he has taken property that can be claimed by poor people. Also, with respect to the prohibition of taking *peret*, since he is not actively taking the *peret*, perhaps that prohibition also is not violated. Consequently, the *Mishnah* cites an additional *pasuk* to teach that the practice is still wrong.

*Rav Chaim* suggests another context in which the biblical prohibitions are not violated leaving a gap from the *pasuk* in *Mishnah* to fill. That would be if a worker is harvesting and not the vineyard's owner. It is not *gezel* since it is *mamon shein lo tovin* as explained above. Also, the worker is not collecting *peret* from his own field. Consequently, the prohibition of taken *peret* from one's vineyard is also not violated. The *Mishnah* therefore cites the *pasuk* in *Mishlei*, that finding such loopholes through which one takes advantage of the poor is contrary to the standard set at the genesis of our nation.

*Yisrael Bankier*

**Revision Questions**

פאה ו' ג' – ו' ה'

- In which specific cases would *Beit Hillel* agree that a forgotten sheaf is not considered *shichecha*? (ו' ג')
- What is considered roshei *shurot*? (ו' ד')
- What is the maximum number of forgotten sheaves that would be considered *shichecha*? (Include both opinions) What other *matanot ani'im* share this law? (ו' ה')
- What is the limit on the size of a sheaf for it to be considered *shichecha*? Explain the debate regard two forgotten sheaves that add up to this size? (ו' ו')
- What is the limit on the size of forgotten standing wheat for it to be considered *shichecha*? Is there a difference if there is an unusually small yield in the forgotten area? (ו' ז')
- How much standing wheat is required to save nearby forgotten standing wheat or sheaves from becoming *shichecha*? (ו' ח')
- Can sheaves save forgotten standing wheat or sheaves from becoming *shichecha*? (ו' ט')
- Do standing and cut wheat or onions and garlic combine to the measure that exempts them from *shichecha*? Include *R' Yosi's* opinion. (ו' י')
- Produce that have particular uses are exempt from *shichecha* – what are these uses? (ו' יא')
- Explain the debate regarding whether produce that grows underground are exempt from *shichecha*? (ו' יב')
- Does *shichecha* apply to produce forgotten by a blind person, or produce that was cut at night? (ו' יג')
- What is the effect of making the following condition: I am reaping my field on the condition that I will take anything I forget? (ו' יד')
- What three qualities of an olive tree would exempt it from the law of *shichecha*? (ו' טו')
- Explain the opinion of *R' Yosi* with regards to *shichecha* and olive trees. (ו' טז')
- Explain the law of *sata'im* by olive trees? [Note: this *mishnah* is understood differently by the *Rishonim*] (ו' טז')
- Explain the debate regarding when olives left in the tree are considered *shichecha*? (ו' טז')
- What is *peret*? (ו' טז')
- Can someone place a basket under the vine when picking grapes? (ו' טז')
- What is *olelot*? (ו' טז')
- Explain the debate regarding the restrictions on where one can prune his vine? (ו' טז')

**ONLINE SHIURIM**

*Yisrael Bankier*  
[mishnahyomit.com/shiurim](http://mishnahyomit.com/shiurim)

*Rabbi Reuven Spolter*  
 mishnah.co

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishnah/](http://www.shemayisrael.com/mishnah/)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

**APPS**

*Mishnah Yomit*  
[mishnahyomit.com](http://mishnahyomit.com)

*All Mishnah*  
 Orthodox Union

*Mishna Yomi*  
 Our Somayach, South Africa

*Kehati*

**SHIUR ON KOL HALOSHON**

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
 Then select: 1 – 2 – 4

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 February כ"ט אדר	21 February כ"א אדר	22 February כ"ב אדר	23 February כ"ג אדר	24 February כ"ד אדר	25 February כ"ה אדר	26 February כ"ו אדר
Peah 7:6-7	Peah 7:8-8:1	Peah 8:2-3	Peah 8:4-5	Peah 8:6-7	Peah 8:8-9	Damai 1:1-2

