



Volume 7. Issue 6

## Understanding the Obligation of Peah

A number of *Mishnayot* learnt this week could lead to confusion if not learnt properly. The *Mishnah* (2:8) taught that if a person reaped half his field and then sold the field to another, the buyer must leave *peah* for the entire field. A later *Mishnah* (3:5) however taught that if one sells trees<sup>1</sup> in his field, the purchaser/s must leave *Peah* for each of the trees individually. *R' Yehuda* (based on the explanation of the *Gemara Chulin* 138a) explains that if however the owner began reaping the field prior to selling the tree, the seller must leave *peah* for his field and all the trees. Solving this problem reveals a deeper understanding about the obligation of leaving *peah*.

The *Gemara* explains that as soon as the owner begins to harvest, he is obligated to leave *peah* for the entire field. If so, how do we explain the earlier *Mishnah* where once the buyer purchased the remaining half, the buyer was required to leave *peah*? The *Tosfot Yom Tov*, explains that in that case the original owner sold the entire remaining half of the field leaving him nothing, whereas in this case the tree-seller had produce left standing from which to separate *peah*.<sup>2</sup> To clarify, the *Bartenura* explains that implicit in the sale of the second half was that he was not selling the *peah* that original owner was required to leave – half-minus-*peah* – with the price fixed accordingly (*Mishnah Rishona*).

Having established that the obligation to leave *peah* is at the beginning of reaping a number of questions arise. The first relates to a *Mishnah* (2:7) learnt last *Shabbat* where if the second half of the fields was cut by thieves there is no obligation to leave *peah*. The difficulty is that if the obligation has already begun, where did it go? We know that if the owner had harvested the entire field he would have been required to separate some of the cut harvest for *peah*. To this the *Bartenura* explains that the obligation is to leave *peah* standing in the field. If and only if the owner himself cuts it is he required to separate a replacement (since he did not “leave” *peah*). Consequently, since thieves cut it, he is not required to replace it.

The next question comes from the subsequent *Mishnah* (2:8) where we learn that if someone cuts half the field, sanctifies it, and then someone redeems it, then harvests the rest, the redeemer must leave *peah* for the entire field. The *Tosfot Chadashim* derives from the *Mishnah* that had the *gizbar* harvested the field while in the property of *hekdesh* and then the someone redeemed it; there would be no obligation to leave *peah*. This understanding is similar to *Mishnah* we will learn this week (4:7) that if one sanctifies a field of standing wheat and then redeems it after it has been harvested; he is exempt from leaving *peah*. The significant difference is that this *Mishnah* implies that the ruling would be the same even if the owner had sanctified the field after beginning the harvest – after the obligation of separating *peah*.

Based on this understanding the *Tosfot Anshei Shem* cites the question from the *sefer Hon Ashir*. We will learn soon learn (7:8) that if one sanctifies a vineyard that contains *olelot* (particular bunches that must be left for the poor) the *olelot* are not sanctified because they already belong to the poor – one cannot sanctify something that he does not own. The question therefore is: how can the *Mishnah* imply that one can sanctify the remaining half of the field if he is already obligated to leave half for the poor?

The *Tosfot Anshei Shem* therefore explains that the obligation of leaving *peah* is different. *Olelot* immediately belong to the poor without conditions. Even if they were blown off the vines by strong winds, they belong to the poor. With *peah*, granted that as soon as the owner begins cutting, there is an obligation to leave *peah*, nevertheless nothing yet belongs to the poor – the entire field still belongs to the owner. He is only warned not to harvest the entire field and must leave *peah*. Consequently if thieves, ants or even *hekdesh* cut the remained of the field, he is not required to replace the *peah* with standing crop.<sup>3</sup>

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<sup>1</sup> There are a number of explanations for the *kilchei ilan* that are being sold. We shall simplify by referring to them as trees.

<sup>2</sup> This is according to the understanding that in the case of the trees the owner had standing produce remaining. See the *Tosfot Anshei Shem* that

who explains that the *Bartenura* does not require the owner to have anything left over and his resolution of our question.

<sup>3</sup> The *Tosfot Anshei Shem* explains that if the second half is sold (as discussed earlier) the purchaser only acquires the original owner rights and therefore must leave *peah* for the entire field.

## Revision Questions

פאה ב' ח' – ד' ה'

- How much *peah* must be left and who must leave it, in the following cases: (ב' ח: ב')
  - Bandits reaped half the field then the owner reaped the remaining half.
  - The owner reaped half then sold half.
  - The owner reaped half and sanctified the rest. Someone then redeem that portion.
- Explain the debate about beds of grain amongst olive trees. (א: ג')
- What has happened to a field that is described as *menamer*? Explain the debate about such a field. (ב: ג')
- 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: ג')
- 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? (ה: ג')
- What is the law regarding someone who purchased trees laden with fruit with the respect to leaving *peah*? (ה: ג')
- What are the different opinions of the minimum size of a field that has the obligation of *peah*? (ו: ג')
- What laws are still applicable (aside from *peah* according to *R' Akiva*) even for the smallest possible sized field (*kol she'hu*)? (ו: 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? (ז: ח: ג')
- 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? (ז: ד')
- What would the law be if in the former case, a majority of the poor requested that the owner distribute the produce (and vice versa)? (ז: א-ב: ב')
- What is the law regarding a poor person who tries to conceal some of the standing *peah* so that he can take it? (ז: ד')
- Are there any restrictions on how the *peah* can be cut by the poor? If so, what are they and why? (ז: ד')
- 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: ד')
- What was different about how *Beit Namer* left *peah*? (ז: ד')

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### Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

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### Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

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### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*

In US dial: 718 906 6400

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
15 <sup>th</sup> August ה' אלול	16 <sup>th</sup> August ו' אלול	17 <sup>th</sup> August ז' אלול	18 <sup>th</sup> August ח' אלול	19 <sup>th</sup> August ט' אלול	20 <sup>th</sup> August י' אלול	21 <sup>st</sup> August י"א אלול
Peah 4:6-7	Peah 4:8-9	Peah 4:10-11	Peah 5:1-2	Peah 5:3-4	Peah 5:5-6	Peah 5:7-8

