



Volume 7. Issue 7

Leket Mixed in a Pile of Tevel

This week we began to look more closely at the *leket* – the obligation to leave the individual stalks that have fallen during harvest, for the poor. As with the other *matanot aniyim* about which we have learnt, *leket* becomes the property of the poor and is exempt from separating *trumot* and *ma'asrot* (*ma'asrot* for short). An issue that the *Mishnah* (5:2) deals with is if one stalk of *leket* becomes mixed into a pile that belongs to the owner. Clearly the owner must provide the *ani* (poor person) with a replacement. The difficulty is that the *ani* is due a stalk that is exempt from separating *trumot* and *ma'asrot*. Randomly selecting a replacement stalk would not satisfy as the obligation of separating *ma'asrot* would apply (unless the original *leket* was selected). The *Mishnah* explains that one must take one stalk, designate a place from which its *ma'asrot* will be separated and then hand the *ani* that stalk. What does this mean?

A word of introduction is required. One is allowed to separate *ma'asrot* from one pile to satisfy the requirement of another. The condition is however, that both piles are *tevel* – both require *ma'asrot* to be separated. The *Bartenura*, citing the *Yerushalmi*, explains that the owner separates two stalks (A and B) and declares: If A is the original *leket* then fine, if however it is not, then I designate that its *ma'asrot* will be separated from stalk B. The intention is that he will give the *ani* stalk A. The difficulty then faced is that if stalk B is the original *leket*, his original declaration is invalid – one is not allowed to designate that the *ma'asrot* will be separated from something that is exempt. Consequently, he takes a third stalk (C) and declares: If B is the original *leket*, then I designate that A's *ma'asrot* will be separated from stalk C. Since there was only one stalk of *leket* he can then safely give the *ani* stalk A which will be exempt from *ma'asrot*.

The *Rambam* (*Matanot Aniyim* 4:10) however explains the solution as follows: "...he must separate two stalks, and declare on one that if it is *leket* it is for the poor, and if it is not then its *ma'asrot* are fixed in the second stalk. He then returns and makes a condition on the second one and then gives one to the *ani* and the other is *ma'asrot*." The *Kesef*

Mishnah questions if anything is being achieved by this solution. Recall that cross designation only works if they are both *tevel*. If one is *leket* then the second will remain *tevel* and there is a risk that that one will be given to the *ani*. How do we explain *Rambam's* solution?

The *Kesef Mishnah* explains that when the *Rambam* states "and return and make a condition on the second" it is not exactly the same as the first condition, instead he states "and if the second stalk is *leket* then that is fine." In other words at the end he is left with one stalk that is *chulin* and another with *ma'asrot*. Since we are not sure which one is *chulin*, he gives both to the *ani*. The *ani* will then sell both to the *kohen* for the price of one, i.e., the *chulin* one that belongs to him.

The *Tifferet Yisrael* (*Boaz* 3) notes that *leket* has no sanctity. Consequently the *leket* that was mixed in should be considered annulled in the majority that outweighed it. So why are we bothering with all these complex condition; simply pay the *ani* the value of the *leket*! He answers that the solution must only be in a case where providing him money is not an option. Either money is not readily available when the *ani* is present or the *ani* specifically requires these stalks and does not want to be bothered with going elsewhere to purchase a replacement. With this in mind however, the *Tifferet Yisrael* has a difficulty with the *Kesef Mishnah's* explanation of the *Rambam*. According to his answer, the *ani* has to take both stalks and find a *kohen* to sell them to and then presumably take that money to buy the food he requires. Surely it would be easier if the owner give him money straight away.

The *Mishnah Rishona* suggests a different explanation of the *Rambam*. Each time the owner takes one we can apply the principle "if something is separated we can assume it came from the majority". Consequently, two stalks are enough, and he can separate from one to the other assuming they are both *tevel*. The *Mishna Rishona* however admits that according to this understanding, the *Rambam* should not required a second stipulation as he specifies.¹

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¹ See also the *Tosfot Anshei Shem's* explanation of the *Rambam*. Note that many other issues in this *Mishnah* have not been addressed: The debate

between the *Tana Kama* and *R' Eliezer*; how the owner should separate *ma'asrot* from his pile that might still have *leket* mixed in with it; etc.

Revision Questions

פאה ד' ר' - ה' ח'

- Is a non-Jew who converts to Judaism after harvesting his field obligated to leave *peah*, *leket* or *shichecha*? (ד' ר')
- In what situation would someone who sanctified their field and then redeemed it from *hekdesh* be exempt from leaving *peah*? (ד' ר')
- 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)
- What is the law regarding:
 - A pile of produce placed in a location from which *leket* has not yet been collected? (ד' י"א)
 - A case where the wind has scatter the collected produce over an area from which *leket* has not been collected? (ד' י"א)
 - A case where one ear of corn which is *leket* gets mixed up in a pile of corn? (ד' י"ב)
- When would a single standing ear of corn belong to the owner of the field and when would it belong to the poor? (ד' י"ב)
- Explain the debate regarding watering one's field prior to *leket* being collected. (ד' י"ג)
- If a wealthy person who during his travels ran out of money and was forced to eat from *leket*, *shichecha*, *peah* or *ma'aser ani* what should he do when gets home? (Explain the debate) (ד' י"ד)
- What must be done to enable the owner of a field to exchange regular produce with a poor person's produce (which were *matanot ani'im*)? (ד' י"ד)
- If a poor person is hired to reap a field, what are the two cases where may he take *leket*, *shichecha* and *peah*? Which of the two cases can he take *ma'aser ani*? (ד' י"ד)
- If a poor owner sells his field to another poor person can either of them now take the *matanot ani'im*? (ד' י"ד)
- Can a person hire someone a worker on the condition that his son collects the fallen ears of corn after him? (ד' י"ד)
- What *pasuk* does the *Mishnah* cite when describing one who prevents the poor from collecting *leket* as stealing? (ד' י"ד)
- If either the owner of the field or a worker (but not both) forgot sheafs in the field is it considered *shichecha*? (ד' י"ד)
- If a poor person hid a sheaf from the owner causing him to leave it behind, is it *shichecha*? (ד' י"ד)
- Is it considered *shichecha* if someone forgot a sheaf when: (ד' י"ד)
 - Collecting them to make other sheaf structures?
 - Collecting them to make piles?
 - Transferring the sheaves directly to the threshing floor?

Local Shiurim

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Friday & Shabbat

10 minutes before *Mincha*
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 th August י"ב אלול	23 th August י"ג אלול	24 th August י"ד אלול	25 th August ט"ו אלול	26 th August ט"ז אלול	27 th August י"ז אלול	28 th August י"ח אלול
Peah 6:1-2	Peah 6:3-4	Peah 6:5-6	Peah 6:7-8	Peah 6:9-10	Peah 6:11-7:1	Peah 7:2-3

