



Matanot Aniyim... For Everyone (Revisited)

The first *Mishnah* in the final *perek* teaches that after a particular time, if any *matanot aniyim* are still left in the field, they are free for anyone to take. In the previous *Mishnah Yomit* cycle we analysed in detail the *halachic* mechanism that changes status of the *matanot aniyim* from belonging to the poor to becoming ownerless (Volume 1 Issue 9). In this article we shall look at some of the questions raised on this *Mishnah*.

The *Gemara* (*Bava Metzia* 21b) explains that at the end of the time limit, the *matanot aniyim* become *hefker* – ownerless – as the poor have given up hope of retrieving anything more (*yiush*). It is for that reason that anyone is allowed to take them.

One question found in the *Tosfot R' Akiva Eiger* is that as soon the *matanot* become *hefker* they should immediately belong to the owner of the field. Even though the owner is not aware of each of the *matanot*, he should acquire them by virtue of them being in his field.¹ *R' Akiva Eiger* asserts that this question requires great attention.

The *Tosfot Anshei Shem* answers that when the *aniyim* began to collect the *matanot*, the owner gave up any hope of retrieving anything – he was *me'ya'esh* first. Consequently an acquisition through his land cannot work. The *Shiurei R' Shmuel* however questions this explanation. The owner's *yiush* that was suggested is prior to the *aniyim* entering the field. After they have finished however, the owner can take interest in what is left and should be able to use his field to acquire it all.

The *Radvaz* (*Matanot Aniyim* 1:11) however understands that our *Mishnah* should not be understood literally. Indeed, after the *aniyim* are finished collecting from the field everything goes back to the owner. When the

Mishnah teaches that “everyone is permitted” it must therefore only be teaching that they are no longer the property of the poor.³

Another question relates to how all the *matanot* can be considered ownerless at all. We explained that it was based on the *yiush* of the *aniyim* – they gave up hope. It therefore assumes that all *aniyim* gave up hope. How can we make such an assumption? What about the *aniyim* in other cities?

The *Tosfot R' Akiva Eiger* writes that since *aniyim* in other cities know that there are local *aniyim*, they immediately give up hope of retrieving anything from that city. He however raises another question. Within the city there are minors that are poor and have a right to collect these *matanot*. *Yiush* of a minor however has no legal force.

The *Ketzer HaChoshen* (243:4) explains that *matanot aniyim* are different when it comes to minors. The *Torah* states that they should be left for the poor. To elaborate, according to the *Torah*, the *matanot* are left in the field for the poor to claim. Now since a minor cannot lay monetary claim on an object (*ein lo yad lezakot*) the *pasuk* does not apply to them – they have no legal rights to the *matanot* on a biblical level. Consequently *yiush* is not required from a minor.

Another solution that is raised is that the loss of ownership is not based on *yiush*. Rather it is based on another understanding. The *pasuk* states that the *matanot* should be left for the poor. The *Gemara* (*Chulin* 134b) understands that this means that it must be left for the poor but not for the birds and other wild animals. Therefore at that point, even if the general laws *yiush* cannot apply, the *Torah* renders them *hefker*.³

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¹ The *R' Akiva Eiger* anticipates the suggestion that perhaps this field is considered unguarded – *chatzer sheino mishtameret* – and raises difficulties with that suggestion. See inside.

² The *Mishnat Ri* suggests a different answer to *R' Akiva Eiger's* question. He explains that a *chatzer* can only acquire for the owner if he does not

know anything about what it contains. In a case like this one, where he does know about the contents, the *kinyan* requires the intention of the owner.

³ See Volume 1 Issue 9 for more details on this understanding.

Revision Questions

פאה ז' – ד' – ח' – ט'

- What is *olelot*? (ז' ד')
- Explain the debate regarding the restrictions on where one can prune his vine. (ז' ה')
- What is *kerem reva'i*? To what other law is it similar? (ז' ו')
- *Beit Shammai* and *Beit Hillel* argue whether a number of laws also apply to *kerem reva'i* – what are they? (ז' ו')
- What is the law regarding a vineyard that contains only clusters of *olelot*? (ז' ז')
- If someone sanctifies their vineyard, are the poor still able to take *olelot*? (ז' ח')
- What type of vines are *aris* and *rogliyot* and when does *shichecha* apply? (ז' ח')
- When are the general public allowed to take: (ז' ט')
 - *Leket*?
 - *Peret* and *olelot*?
 - *Matanot ani'im* from olive trees?
- When does one believe a poor person (*am ha'aretz*) who claims the produces he is selling is *leket*, *peah*, *shichecha*, *ma'aser ani*? Why is this important? (ז' י')
- Does one believe a *levi* who claims he is selling *ma'aser rishon*? (ז' י')
- Provide some examples of items that are sold, where we no longer believe him? (ז' י')
- With respect to vegetables – when do we believe the poor person? (ז' י')
- When distributing *ma'aser ani* to the poor directly from the threshing floor, what is the minimum quantity that one must give each poor person? (give the general rule) (ז' י')
- What should one do if he does not have that amount to give to everyone? (ז' י')
- What does the *gabbai tz'daka* provide for a poor person: (ז' י')
- Travelling through the city?
- Staying overnight?
- Staying for over Shabbat?
- What is the financial status of one who can take from the *tamchui*? *Kuppah*? (ז' י')
- What is the financial status of one who can take the *matanot ani'im*? How do pledges, *ketubah* and property enter into the calculations? (ז' י')
- Regarding the previous question, does it make a difference if someone had less than that amount but was trading and supporting himself with that sum of money? (ז' י')
- What does the *Mishnah* say about one who: (ז' י')
- Takes *tz'daka* when he does not need to?
- Does not take *tz'daka* when he needs to?
- Judges truthfully?
- Accepts bribes?
- Pretends to be disabled?

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Demai 1:1-2	Demai 1:3-4	Demai 2:1-2	Demai 2:3-4	Demai 2:5-3:1	Demai 3:2-3	Demai 3:4-5

