



The Rich Man's Peah

The *Mishnah* (5:4) discusses a wealthy person who is travelling and runs out of food, and rules that he can take the gifts for the poor – *leket*, *shichecha*, *peah* and *maaser ani*. What he does when he returns home is the subject of debate. *R' Eliezer* maintains he would need to pay for what he took. The *Tifferet Yisrael* understands that he would need to pay the poor of his city. The *Shoshanim Le'David* however notes that the *Yerushalmi* concludes that he needs to pay the poor of the city from which he took the *matanot*. The *Chachamim* however argue that he does need to, because when he took the *matanot* he was indeed “poor”. How do we understand this debate?

When the *Yerushalmi* teaches that, according to *R' Eliezer*, the person must pay the poor of that city, the *Gemara* continues that the answer appears obvious and asks why the teaching was necessary. The *Gemara* answers that it is needed “*lemidat ha'din*”. The *Pnei Moshe* explains, that it was needed to teach that the poor of that city can legally demand the payment in *beit din*. The *Ridbaz* explains, that one might have thought that the obligation is only *midat chassidut* – not enforceable, yet desirable. According to *R' Eliezer* that is not the case.

R' Chaim Kanievsky shlita in his commentary on the *Yerushalmi* explains that this is not because it is considered as if he stole from them. Even if he was wealthy and stole the *matanot*, he could not legally be forced to pay, since there is no individual that can declare that he was the victim. *R' Chaim* explains that it is because from the outset, the permit to take the *matanot* was contingent on him paying them back.

The *Chatam Sofer* (*Chulin* 130b) has a similar explanation. *R' Eliezer* agrees with the *Chachamim* that he was indeed considered poor at that time. Nevertheless, it was temporary and all he needed was a loan and not a gift, considering that he had plenty of money at home. Consequently, while this person was allowed to take the *matanot*, he was only allowed to do so as a loan and therefore must pay the value back. The *Chachamim* however argue that since he qualifies as a poor person, he can take this *matanot* as a gift.¹ This would be like

a poor person who had 199 *zuz* – one *zuz* under the poverty line. Even though he has funds to nearly last the entire year, he can take one thousand *zuz* worth of *matanot*. *R' Eliezer* however would counter that that case is an issue of quantity. In our case, the *ani* is qualitatively wealthy, albeit short of funds in this context. According to the *Yerushalmi* it is clear, that according to *R' Eliezer*, since it is considered like a loan, he must pay the poor of that city.

The *Tifferet Yisrael*, who understand that *R' Eliezer* requires him to pay the poor of his own city, appears to understand that the obligation is *midat chassidut*. Interestingly, that is how the *Mishnah Rishona* explains the *Mishnah* – according to the *Chachamim* the person is completely exempt while according to *R' Eliezer* the obligation to pay back is *mi'midat chassidut*. We have seen that this position was rejected by the *Yerushalmi* and conflicts with the *Chatam Sofer* above.

Turning our attention to the *Chachamim*, the *Tosfot R' Akiva Eiger* understands that according to *Rambam* (*Matanot Anyim* 9:15), even though there is no “obligation” to pay, one should still do so due to *midat chassidut*. Indeed, the *Rambam* explains the position of the *Chachamim* in this way in his commentary on the *Mishnah*.

The *Tosfot R' Akiva Eiger* however finds the *Rambam* difficult. The *Gemara* also addresses the case if someone was wealthy when taking the gifts. The *Gemara* rules that *Beit Din* cannot force the individual to pay back, as we have explained above. Nevertheless, *midat chassidut* would suggest he should. The *Gemara* implies that if he was poor at that moment, due to lack of food, then even due to *midat chassidut* he would not need to pay back what he consumed.³

The *Derech Emunah* (9:108) however explains that the *Rambam* in the *Mishnah Torah* understands that this individual is completely exempt. He explains (*Tziyun Halacha* 176) that the fact that the *Rambam* compares this case with a poor person that took gifts and then became wealthy, implies that the cases are equivalent, and that there are no expectations that he pays back.

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¹ Note that this implies that he is no different to any other poor person and can take more than he needs (see *Derech Emuna* 9:106).

Revision Questions

פאה ד' ח' – ר' ב'

- In what situation would someone who sanctified their fruit and then redeemed it from *hekdesh* be exempt from taking *ma'asrot*? (ד' ר:)
- 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 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?
 - Transferring the sheaves from piles to the threshing floor?

- Explain the debate regarding *hefker le'aniyim*? (ד' י"ד:)
- Explain the debate regarding a forgotten sheaf that:
 - Is much larger than all the other sheafs. (ד' י"ד:)
 - Is placed in a very specific location. (ד' י"ד:)

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 February י"ב אדר	14 February י"ג אדר	15 February י"ד אדר	16 February ט"ו אדר	17 February ט"ז אדר	18 February י"ז אדר	19 February י"ח אדר
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	Peah 7:4-5



