



Volume 13. Issue 6

## Peah after the Fact

As we discussed last week, a farmer is obligated to leave some uncut produce for the poor and that this “gift” is referred to as *Peah*. If however a farmer harvested his entire field, he must still separate some of the cut produce and give it to the poor. We shall try and understand this obligation.

The *Chazon Yechezkel* (2:6) explains that there are two ways of understanding the requirement of separating *Peah* from the cut produce. The first is that this is part of the original obligation that rests on the field from the first moment of harvest. As we learnt, the obligation is from the *pasuk*, “you shall not complete your reaping to the corner (*peah*) of the field” (*Vayikra* 19:9). Alternatively, one might understand that the obligation after the harvest is a new one based on the *pasuk* also cited last week, “you shall leave”. This new obligation is one that comes to repair the violation committed when the farmer harvested his entire field.

The *Chazon Yechezkel* suggest that the *Mishnah* learnt this week (2:7) appears to be a proof for the later understanding. We learnt that if the owner of the field harvested half the field and then bandits harvested the remainder, the owner is not obligated to leave any *peah*. This would even be the case if they left the wheat behind. If the obligation to leave *peah* from cut produce stems from the original obligation to leave *peah* and that obligation rested on the wheat at the beginning of harvest<sup>1</sup>, then the owner should be required to separate produce for *peah*. The obligation already existed and all the wheat is here. If however the obligation is only to repair the violation of harvesting the entire field the *Mishnah*, it is easier to understand. Since the owner did not harvest to the end of the field he did not violate this prohibition. Consequently, we can understand why he is exempt from separating *peah* now.

The *Chazon Yechezkel* however continues that this point appears to be a debate. We find in *Yoma* (36b) the *Gemara* concluding that the debate there between *R' Yossi* and *R' Akiva* is regarding whether *Peah* is a *lav ha'nitak le'asseh*. In other words, is the instruction that the “you shall leave” written in response to a violation of not leaving *peah* and thereby coming to repair it. The practical ramification is whether the violation of not leaving *Peah* is punishable with lashes since a *lav ha'nitak le'asseh* is not. *R' Yossi* maintains that “you shall leave” is coming after one violates the prohibition. *R' Akiva* however understanding that “*me'ikara mashma*”. In other words, the instruction applies from the outset warning the farmer to leave the *Peah* in the field. The *Rashash* explains that *R' Akiva* understands that “you shall leave” is an instruction the farmer to leave *Peah* for the poor to collect and not distribute it evenly (see 4:1). If, however it is already harvested, then it must be distributed.

The *Chazon Yechezkel* cites the *Tosfot Yeshanim* who finds the position of *R' Akiva* difficult. If “you shall leave” is an instruction from the outset, why should the farmer separate *peah* from cut produce at all? Once he has violated the prohibition of cutting all the produce, there is no positive commandment that can repair his violation.<sup>2</sup>

The *Chazon Yechezkel* answers by explaining that this debate expresses the distinction we brought in the beginning of the article. *R' Yossi* is understood. He maintains that “you shall leave” expresses a new obligation; this explains why it is a *lav she'nitek le'aseh*. The violation relates to the individual and “you shall leave” comes later in response to it. *R' Akiva* however understands that the obligation is part and parcel of the original of obligation to leave *Peah*. Importantly, this obligation rests on the field and its stalks from the beginning of harvest. This is the case even if it is cut. They are the same stalks and must be given to the poor.<sup>3</sup>

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<sup>1</sup> See Volume 7, Issue 6 for a more detailed treatment of the timing of the obligation of *Peah*. The article also resolves a number of seemingly contradicting *Mishnayot* we learnt this week.

<sup>2</sup> See the *Sefat Emet* (*Yoma* 36b) on this point. He raises the question of *tashlumin* and how it impacts this debate.

<sup>3</sup> According to the understanding that the obligation is from the outset and not a response to the violation, the question remains how we can understand our *Mishnah*. The *Mefarshim* explain that the exemption of the *nochri*, *listim* or other examples brought in the *Mishnah* is based on the *pasuk*, “when you cut”. We also suggested at the end of the article that according

to this understanding the obligation is not on the individual, but rather on the field itself. We learnt (2:8) that if one cuts half the field and then sells it, the purchaser is obligated to separate all the *Peah*. Consequently, this obligation stays with the field even though the new owner was not the one to begin the harvest. Furthermore, much like we explained the position of the *Rash* last week, we may suggest that “when you cut” is requirement that relates to the field. That being the case, once the bandits cut the wheat to the end of the field, the requirement of “when you cut” is not satisfied. Consequently, the obligation to leave *Peah*, standing or cut, does not apply.

## Revision Questions

פאה ב' בי: ג' – ג' :

- According to *R' Yehudah* how wide must an irrigation channel be in order that it divides a field? (ב' בי:)
- Under what conditions is a hill not considered a halachic division? (ב' בי:)
- What is considered a halachic division in the case of trees? (ג' בי:)

How do carob trees differ from the above ruling? (ד' בי:)

- Are the following cases defined as a single field or two: (ה' בי:)

  - A field that contains one type of produce but is harvested at different times.
  - A field that contains two types of produce and is harvested at the same time.
  - A field containing two species of wheat harvested, at the same time, And at two different times.

- What is the source of this law? (ו' בי:)
- What are the four cases where a cut produce is exempt from leaving *peah*? (ז' בי:)
- How much *peah* must be left and who must leave it, in the following cases: (ח' בי:)

  - 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. (ט' בי:)
- What has happened to a field that is described as *menamer*? Explain the debate about such a field. (י' בי:)
- Does one need to leave separate *peot* when picking some produce for sale and keeping the rest for other purposes? (יא' בי:)
- What is the difference between *medel* and *machlik* and what is the difference with respect to *peah*? (יב' בי:)
- Explain the two arguments regarding onions and *peah*. (יג' בי:)
- 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? (יד' בי:)
- What is the law regarding someone who purchased trees laden with fruit with the respect to leaving *peah*? (טו' בי:)
- What are the different opinions of the minimum size of a field that has the obligation of *peah*? (טז' בי:)
- What are laws are still applicable (aside from *peah* according to *R' Akiva*) even for the smallest possible sized field (*kol she'hu*)? (יז' בי:)
- 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? (יח-יג' בי:)

## Melbourne, Australia

### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

## Efrat, Israel

*Shiur in English*

### Sunday -Thursday

Rabbi Mordechai Scharf  
9:00am  
Kollel Magen Avraham  
Reemon Neighbourhood

## ONLINE SHIURIM

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[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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

## 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
8 May ל' ניסן	9 May א' אייר	10 May ב' אייר	11 May ג' אייר	12 May ד' אייר	13 May ה' אייר	14 May ו' אייר
Peah 3:8-4:1	Peah 4:2-3	Peah 4:4-5	Peah 4:6-7	Peah 4:8-9	Peah 4:10-11	Peah 5:1-2

