The Soncino Babylonian Talmud

PEI'OH

TRANSLATED INTO ENGLISH WITH NOTES

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Pe'ah Chapter 1

MISHNAH **1. THE FOLLOWING ARE THE THINGS FOR WHICH NO DEFINITE QUANTITY IS PRESCRIBED:[1] THE CORNERS [OF THE FIELD].[2] FIRST-FRUITS,[3] [THE OFFERINGS BROUGHT] ON APPEARING [BEFORE THE LORD AT THE THREE PILGRIM FESTIVALS].[4] THE PRACTICE OF LOVINGKINDNESS,[5] AND THE STUDY OF THE TORAH.[6] THE FOLLOWING ARE THE THINGS FOR WHICH A MAN ENJOYS THE FRUITS IN THIS WORLD WHILE THE PRINCIPAL REMAINS FOR HIM IN THE WORLD TO COME: THE HONOURING OF FATHER AND MOTHER,[7] THE PRACTICE OF CHARITY, AND THE MAKING OF PEACE BETWEEN A MAN AND HIS FRIEND; BUT THE STUDY OF THE TORAH IS EQUAL TO THEM ALL.[8]**

MISHNAH 2. **ONE SHOULD NOT MAKE THE AMOUNT OF PE'AH LESS THAN ONE-SIXTIETH[9] [OF THE ENTIRE CROP]. BUT ALTHOUGH NO DEFINITE AMOUNT IS GIVEN FOR PE'AH,[10] YET EVERYTHING DEPENDS UPON THE SIZE OF THE FIELD, THE NUMBER OF POOR MEN,[11] AND THE EXTENT OF THE STANDING CROP.[12]**

MISHNAH 3. **PE'AH MAY BE GIVEN EITHER AT THE BEGINNING OF THE [REAPING OF THE] FIELD OR AT THE MIDDLE THEREOF.[13] R. SIMEON SAYS: [THIS IS SO] PROVIDED HE GIVES AT THE END ACCORDING TO THE AMOUNT FIXED.[14] R. JUDAH SAYS: SHOULD HE EVEN LEAVE [FOR THE CONCLUSION OF THE REAPING] ONE STALK, HE CAN RELY ON THIS[15] AS [FULFILLING THE LAW OF] PE'AH; AND IF HE DID NOT DO SO, [THEN EVEN THOSE STALKS LEFT AT THE BEGINNING OR AT THE MIDDLE] ARE TO BE REGARDED AS OWNERLESS PROPERTY.[16]**

MISHNAH 4. **A GENERAL PRINCIPLE HAS BEEN ENJOINED CONCERNING PE'AH: WHATSOEVER IS USED FOR FOOD,[17] AND IS LOOKED AFTER,[18] AND GROWS FROM THE SOIL,[19] AND IS HARVESTED ALTOGETHER,[20] AND IS BROUGHT IN FOR STORAGE,[21] IS SUBJECT TO THE LAW OF PE'AH. GRAIN[22] AND PULSE[23] FALL INTO THIS GENERAL PRINCIPLE.[24]**

MISHNAH 5. **AMONG TREES: THE SUMMACH, THE CAROB,[25] THE NUT, THE ALMOND, THE VINE, THE POMEGRANATE, THE OLIVE AND THE PALM[26] ARE SUBJECT TO PE'AH.**

MISHNAH 6. **ONE CAN ALWAYS GIVE PE'AH,[27] AND BE EXEMPT FROM GIVING TITHES[28] [FROM IT] UNTIL IT IS FINALLY STACKED.[29] OR ONE MAY PRONOUNCE [HIS FIELD] OWNERLESS AND BE EXEMPT FROM GIVING TITHE THEREOF UNTIL IT IS FINALLY STACKED.[30] ONE MAY FEED CATTLE, WILD ANIMALS AND BIRDS [OF THE CROP] BEFORE IT IS FINALLY STACKED AND BE EXEMPT FROM TITHES.[31] HE MAY TAKE FROM THE THRESHING FLOOR AND USE AS SEED AND BE EXEMPT FROM TITHES UNTIL IT IS STACKED.[32] SO R. AKIBA. IF A PRIEST OR LEVITE PURCHASE [THE GRAIN OF] A THRESHING FLOOR THE TITHES ARE THEIRS UNLESS THE STACKING HAS TAKEN PLACE.[33] ONE WHO DEDICATED [HIS CROP][34] AND REDEEMS IT [AFTERWARDS] IS BOUND TO GIVE TITHES SO LONG AS THE TREASURER HAD NOT YET FINALLY STACKED IT.**

(1) In the Torah; but v. the next Mishnah where Rabbinic tradition fixes the minimum at one-sixtieth.
(2) Lev. XIX, and XXIII, 22 enjoin the owner to leave unreaped the former for the poor and the stranger to gather.
(3) Bikkurim; v. Ex. XXIII, 19; Deut. XXVI, 1-11. These were presented to the priests in the Temple.
(4) Re'ayon; v. Ex. XXIII, 17; Deut. XVI, 16. Biblically, 'every man according to the gift of his hand' (Deut. XVI, 17), but Rabbinic halachah prescribes a ma'ah (a silver coin) as the minimum value of the burnt-offering and two silver coins that of the festival offering, v. Hag. 1a. According to Bertinoro, Re'ayon denoted 'appearing' in the Temple, i.e., there is no limit as to the number of times the Israelite may enter the Temple during the three festivals.

(5) Gemilluth hasadim, a term implying more than mere charity and denoting personal service to all men of all classes.
(6) Josh. 1, 8.
(7) Fifth Commandment; Ex. XX, 12, Deut. V, 16.
(8) The fuller version given in our Prayer Books (v. P.B. p. 5) is based on a Baraitha quoted in Shab. 127a.
(9) But he can, of course, give more.
(10) V. supra I, 1.
(11) If the field is large and the poor few, the amount of Pe'ah is determined by the size of the field, and he has to give the minimum of one-sixtieth; if, on the other hand, the field is small and the poor many, it is determined by the number of the poor and is to be increased beyond the barest minimum.
(12) Pe'ah may not be chosen only of the inferior crop, but from the whole field. ענוה usually identified with ענבה whence the adopted translation. V. infra VI, 7. Others render: 'according to the piety (of the landowner)'.
(13) Pe'ah need not necessarily be given at the very end of the reaping.
(14) Opinion varies as to the precise meaning of this proviso. Maim. maintains that one-sixtieth must be left at the end, irrespective of what he has left before; others interpret R. Simeon's statement to mean that what he leaves at the end must supplement towards the minimum quantity prescribed. The object of the proviso is to counteract a deceitful plea that Pe'ah had been set aside already before. Tosephta and Yerushalmi cite other reasons.
(15) I.e., the last stalk and that which he gave at the beginning or middle together constitute the Pe'ah.
(16) If nothing is set aside for Pe'ah at the end, then even that left hitherto is hefker (v. Glos.), and even the rich can acquire possession thereof no less than the poor. In this R. Judah differs from R. Simeon, whereas according to R. Simeon all that he left counts as Pe'ah and is reserved for the poor; but according to It. Judah, if nothing is left as Pe'ah at the end, then the stalks left before are treated as hefker.
(17) To exclude aftergrowths not fit for human food. And when ye harvest, Lev. XIX, 9 rules out crop not normally cut.
(18) To exclude hefker, which is already the property of the poor; hence Lev, XIX, 10 can no longer apply to it.
(19) Mushrooms, which according to the Rabbis, receive their nurture not from the soil, are thus excluded. Lev. XIX, 9 stresses the harvest of your land (soil).
(20) Not singly as they ripen, as in the case of figs.
(21) Hence greens and herbs that will not keep are excluded.
(22) Of this, five species are included: wheat, barley, rye, oats and spelt.
(23) Such as lentils and peas.
(24) Because they fulfill the conditions concerning which the general principle was laid down, they are subject to the law of Pe'ah.
(25) Or Sr. John's bread; cf, Ma'as. I, 3. The 'Aruch (s.v. חרב) says it takes seventy years for this tree to bear fruit from its planting.
(26) The eight trees here mentioned in no wise exclude others that fulfill the given conditions, but only those most common in Palestine are enumerated.
(27) If omitted from the standing corn, the stipulated amount (I, 2) must be given from the corn already cut.
(28) Tithes are of three kinds: (a) that given to the Levite, who in turn gives a tenth thereof to the priest (Num. XVIII, 26), is called First Tithe (cf. Num. XVIII, 21); (b) that which the owner himself must eat in Jerusalem (Deut. XIV, 23) is known as Second Tithe. The produce could be converted into money for which, plus one quarter of its original value, food was bought and eaten in Jerusalem (Deut. XIV, 26); (c) in the third and sixth year of the seven-year cycle a tithe was taken from the produce and given to the poor. This was known as Poor Man's Tithe, Deut. XIV, 29; XXVI, 12. Tithes are not given from Pe'ah.
(29) שימרח, 'to smoothe, to make level'. The custom was to stack the produce, after the winnowing, in upright piles, broad at the base and thinning towards the top. The 'smoothing' was the final act of making the pile even prior to its being stored. If, however, the giving of the Pe'ah was delayed until after the stacking, the tithes had to be given from it.
(30) The exemption of hefker from tithes is based on Deut. XIV, 28. A declaration of hefker after the process of stacking, when the duty of tithes had already become incumbent, does not exempt the 'ownerless' produce from tithes. The fear was lest an 'am ha-arez eat thereof under the impression that it had been tithed as soon as it had been finally stacked, Cf. Dem. III, 2.
(31) He could even snatch an improvised meal for himself since the law of tithe does not become binding prior to the final stacking. His cattle, however, could partake of regular meals therefrom. This is based on a statement in Ma'as. I, 1: 'Whatsoever is not used for food at first but only in its later stage, is not liable to tithes until it has become fit for human food',
(32) In Deut. XIV, 23, and thou shalt eat is used in reference to tithes; that used for seed is therefore excluded. Rabbinic tradition, however, compels also the tithe to be given from seeds. R. Akiba maintains that all seed before stacking is exempt.

(33) Had they purchased the store after the stacking, the tithes would not have been theirs as a penalty for snatching away the 'gifts' which might have been given to other priests and Levites. The custom indulged by some Levites of buying the grain prior to the winnowing in order to make sure of the tithes was condemned by the Rabbis.
(34) Hekdesh (v. Glos.) like hefker was not liable to tithes. Should this redemption take place before the Temple Treasurer had stacked it, the duty falls on the redeemer. Only if the stacking was done when it was still in the possession of the Sanctuary does it become exempt. The point stressed throughout the Mishnah is that the law of tithes comes into force with the stacking.

Pe'ah Chapter 2

MISHNAH 1. **THE FOLLOWING SERVE AS DIVIDING-LINES FOR PE'AH:[1] A STREAM, A POOL,[2] A PRIVATE ROAD,[3] A PUBLIC ROAD,[4] A PUBLIC PATH,[5] OR A PRIVATE PATH IN CONSTANT USE IN SUMMER AND THE RAINY SEASON, FALLOW LAND, NEWLY-CULTIVATED LAND AND A DIFFERENT SEED.[6] IF ONE CUT [YOUNG CORN] FOR FODDER, [THE PLOT SO REAPED] SERVES AS A DIVIDING-LINE.[7] THUS R. MEIR. BUT THE SAGES SAY: IT DOES NOT SERVE AS A BOUND FOR PE'AH UNLESS [THIS PLOT USED FOR FODDER] IS RE-PLOWED.[8]**

MISHNAH 2. **IF A WATER CHANNEL MAKES THE CUTTING OF THE CORN [ON EITHER SIDE] IMPOSSIBLE [FROM ITS MIDST],[9] R. JUDAH SAYS: IT SERVES AS A DIVISION.[10] ANY HILL-TOP THAT CAN BE DUG WITH A HOE,[11] ALTHOUGH THE HERD[12] CANNOT PASS OVER IT IN THEIR OUTFIT,[13] [IS REGARDED AS PART OF THE FIELD] FROM WHICH ONLY ONE PE'AH IS GRANTED.[14]**

MISHNAH 3. **ALL [THESE ABOVE ENUMERATED] SERVE AS DIVISIONS IN THE CASE OF SOWN CROPS,[15] BUT IN THE CASE OF TREES NOTHING SAVE A FENCE SERVES AS A DIVISION.[16] SHOULD THE BRANCHES INTERTWINE,[17] THEN [EVEN A FENCE] DOES NOT DIVIDE AND ONE PE'AH IS GRANTED FOR THE WHOLE FIELD.**

MISHNAH 4. **AS FOR CAROB TREES, THE GENERAL PRINCIPLE IS THAT THEY MUST BE IN SIGHT OF ONE ANOTHER.[18] RABBAN GAMALIEL SAID: THE CUSTOM PREVAILING IN THE HOUSE OF MY FATHER WAS TO GIVE SEPARATE PE'AH FROM THE OLIVE TREES IN EACH DIRECTION[19] AND [ONE PE'AH] FOR ALL THE CAROB TREES WITHIN SIGHT OF EACH OTHER. R. ELEAZAR SON OF R. ZADOK SAID IN HIS NAME, THAT ALSO FOR THE CAROB TREES THEY HAD IN THE WHOLE CITY[20] [ONE PE'AH ONLY WAS GIVEN].**

MISHNAH 5. **HE WHO SOWS HIS FIELD WITH ONE KIND OF SEED, THOUGH HE MAKES UP OF IT TWO THRESHING-FLOORS, NEED GIVE ONLY ONE PE'AH [FOR THE LOT]. IF HE SOWS IT OF TWO KINDS, THEN EVEN, IF ONLY HE MAKES UP OF IT ONE THRESHING-FLOOR, HE MUST GIVE TWO PE'AHS.[21] HE WHO SOWS HIS FIELD WITH TWO SPECIES OF WHEAT[22] AND HE MAKES UP OF IT ONE THRESHING-FLOOR, HE GIVES ONLY ONE PE'AH; BUT IF TWO THRESHING-FLOORS, HE GIVES TWO PE'AHS.**

MISHNAH 6. **THE STORY IS TOLD OF R. SIMEON OF MIZPAH[23] THAT HE SOWED ONCE HIS FIELD [WITH TWO DIFFERENT KINDS] AND CAME BEFORE RABBAN GAMALIEL. THEY BOTH WENT UP TO THE CHAMBER OF HEWN STONE[24] AND ENQUIRED [THE LAW]. NAHUM THE SCRIBE[25] SAID: I HAVE A TRADITION FROM R. ME'ASHA,[26] WHO RECEIVED IT FROM ABBA,[27] WHO RECEIVED IT FROM THE ZUGOTH,[28] WHO RECEIVED IT FROM THE PROPHETS AS AN HALACHAH OF MOSES FROM SINAI,[29] THAT A MAN WHO SOWS HIS FIELD WITH TWO KINDS OF WHEAT AND MAKES IT UP INTO ONE THRESHING-FLOOR MUST GIVE ONE PE'AH, IF TWO THRESHING-FLOORS, [HE GIVES] TWO PE'AHS.[30]**

MISHNAH 7. **A FIELD REAPED BY GENTILES,[31] OR ROBBERS, OR WHICH ANTS**

HAVE BITTEN [THE GRAINS THEREOF AT THE ROOTS]. OR WHICH WIND AND CATTLE HAVE BROKEN DOWN, IS EXEMPT FROM PE'AH.[32] IF [THE OWNER] REAPED HALF THEREOF AND ROBBERS THE REMAINING HALF, IT IS EXEMPT FROM PE'AH; FOR THE OBLIGATION OF PE'AH IS IN THE STANDING CORN.[33]

***MISHNAH 8*. IF ROBBERS REAPED HALF AND THE OWNER THE OTHER HALF, HE GIVES PE'AH FROM WHAT HE HAS REAPED. IF HE REAPED HALF AND SOLD THE OTHER HALF, THEN THE PURCHASER MUST GIVE PE'AH FOR THE WHOLE.[34] IF HE REAPED HALF AND DEDICATED THE OTHER HALF, THEN HE WHO REDEEMS IT FROM THE TREASURER MUST GIVE PE'AH FOR THE WHOLE.[35]**

(1) From a field divided by these into sections, Pe'ah is given separately from each.
(2) A 'wady', smaller than a stream.
(3) Only four cubits in breadth.
(4) Sixteen cubits.
(5) Much smaller than a road. If used constantly, it is a division.
(6) E.g. a plot growing spelt 'twixt two growing wheat. The length of the Iast three divisions mentioned must be three turns of the plow at least.
(7) Corn not quite a third of its full growth used to serve as fodder for cattle; hence is not to be regarded as crop from which Pe'ah is due. V. supra I, 4.
(8) The Sages hold that the cutting of fodder is to be regarded as the beginning of the reaping and consequently one Pe'ah for the whole field is to be given. Only when the plot cut for fodder is broken afresh does it indicate its separateness from the rest of the field.
(9) The reaper, standing in mid-stream, is unable to reap the field on either side.
(10) R. Judah opposes the view of the preceding Mishnah where a שלולית (the same as אמת המים) is held always to serve as a division, regardless of the stipulation here given.
(11) Isa. VII, 25. The criterion is the hoeing; the fact that its height precludes the oxen from passing over it does not serve as a division.
(12) Var. lec.: הבקר 'the herdsman'.
(13) Pack-saddle and cushions.
(14) It will not be regarded on this account as fallow ground which serves as a division. People will interpret this inability of the oxen or herdsmen to pass over it as a disinclination on their part to dig to-day.
(15) Should even a rock interrupt the even tenure of the plow across the field, it is regarded as a division (J.).
(16) The fence must be at least ten handbreadths in height. Not all trees come under this category, for the following Mishnah prescribes a different rule for the carob and olive trees. Pe'ah was given also from trees.
(17) שער 'hair'; here, the ramifications of a tree; כותש from כתש 'to crush'; here, 'to twine'. This intertwining renders the fence no division as to Pe'ah.
(18) Not even a fence divides as long as, standing near one tree, the other can be seen.
(19) East, west, north and south.
(20) Even when not in sight of one another.
(21) The point stressed is that Pe'ah is given from every kind and not according to quantity.
(22) Even of the same kind but of two different colors, like dark and white. Wheat is in a different category from seed, for here quantity rather than different species decides.
(23) With the def. article: Josh. XV, 38 (in Judah); XVIII, 26 (in Benjamin); II Kings XXV, 23. In Hos. V, 1 Mizpah appears without the def. article.
(24) V. Mid. v, 4; Sanh. XI, 2. One of the five chambers in the Temple Court, north of the Court of the Israelites. Named גזית either because of its hewn stone, or because it was 'cut off' (separate) from the other chambers, or on account of it being the seat of the Sanhedrin.
(25) לבלר from the Latin 'libellarius'.
(26) The only reference to this Palestinian Tanna who lived in the time of Hillel's descendants.
(27) Or '(his) father'. As a praenomen the reference here is probably to Abba, a contemporary of R. Johanan b. Zakkai (v. J.E. I, s.v.).
(28) For a century and a half-from the time of Jose b. Joezer (c. 160 B.C.E.) to the time of Hillel and Shammai, there were two chiefs of the Sanhedrin, a President (נשיא) and a Vice-President (אב ב"ד). V. Aboth I, 4 — 10; Hag. II, 2.
(29) A formula denoting an ancient established tradition not derived from the Written Law.
(30) This tradition makes quantity the decisive factor in the giving of Pe'ah and contradicts the view of the preceding Mishnah which made the different species of wheat the criterion.
(31) Some versions instead of 'gentiles' read 'Cutheans', a sect of Samaritans. This is due to censorial influence. The Mishnah refers to non-Jews who reaped their own field; for had they been in the employ of Jews, Pe'ah would have been due.
(32) Even if the produce reaped had been returned (v. supra I, 6). The principle to bear in mind is that

ובקצרכם (Lev. XXIII, 22) excludes Pe'ah from any reaping not done by or for the owner.
(33) Since the Law of Pe'ah comes into force with the cutting of the standing corn, it does not apply when reaped by someone other than the owner.
(34) For the Pe'ah due from the first reaping is included in that part of the field subsequently bought by the purchaser.
(35) Likewise the dedication cannot declare 'holy' the Pe'ah already due from the moment of the first reaping; accordingly the redeemer must return to the poor their due. In supra I, 6 the 'dedication' took place before Pe'ah was due, i.e., prior to any reaping whatsoever.

Pe'ah Chapter 3

MISHNAH 1. **IN THE CASE OF PLOTS OF CORN[1] BETWEEN OLIVE TREES, BETH SHAMMAI SAY ONE MUST GIVE PE'AH FROM EACH PLOT,[2] BUT BETH HILLEL MAINTAIN THAT FOR ALL [THE PLOTS] ONE PE'AH IS GIVEN. BETH SHAMMAI AGREE, HOWEVER, THAT IF THE ENDS OF THE ROWS BORDER ON ONE ANOTHER, ONE PE'AH IS GRANTED FROM ONE PLOT FOR THE WHOLE.[3]**

MISHNAH 2. **IF ONE GIVES A STRIPED APPEARANCE[4] TO HIS FIELD AND LEAVES BEHIND SOME MOIST STALKS,[5] R. AKIBA SAID, HE GIVES PE'AH FROM EVERY PATCH.[6] BUT THE SAGES SAY: FROM ONE PATCH ONLY FOR ALL. THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO SOWS DILL[7] OR MUSTARD SEED IN THREE PLACES MUST GIVE PE'AH FROM EACH PLACE.[8]**

MISHNAH 3. **HE WHO PLUCKS[9] FRESH ONIONS FOR THE MARKET AND LEAVES THE DRY ONES [IN THE GROUND] FOR LATER STORAGE, MUST GIVE PE'AH FROM EACH SEPARATELY.[10] THE SAME APPLIES TO BEANS[11] AND TO A VINEYARD. IF HE, HOWEVER, ONLY THINS THEM OUT,[12] THEN HE GIVES [PE'AH] FROM THE REMAINDER ACCORDING TO THE QUANTITY OF THAT WHICH HE LEFT. HE THAT PLUCKS UP FROM ONE PLACE,[13] GIVES FROM THE REMAINDER FOR THE WHOLE.**

MISHNAH 4. **SEED ONIONS[14] ARE LIABLE TO PE'AH, BUT R. JOSE EXEMPTS THEM.[15] IN THE CASE OF PLOTS OF ONIONS [GROWING] BETWEEN VEGETABLES, R. JOSE SAYS: PE'AH MUST BE GIVEN FROM EACH [PLOT].[16] BUT THE SAGES SAY: FROM ONE [PLOT] FOR ALL.**

MISHNAH 5. **[TWO] BROTHERS WHO HAVE DIVIDED [AN INHERITANCE] MUST GIVE [TWO] PE'AHS.[17] IF THEY AFTERWARDS AGAIN BECOME PARTNERS [IN THE WHOLE POSSESSION]. THEY NEED ONLY GIVE ONE PE'AH.[18] TWO WHO PURCHASE A TREE[19] GIVE ONE PE'AH. IF ONE BUYS THE NORTHERN SECTION THEREOF AND THE OTHER ITS SOUTHERN PART, EACH MUST GIVE PE'AH SEPARATELY. HE WHO SELLS THE TREE-STALKS IN HIS FIELD[20] MUST GIVE PE'AH FROM EACH STALK. R. JUDAH SAID: THIS IS ONLY WHEN THE OWNER OF THE FIELD LEFT NOTHING [FOR HIMSELF].[21] BUT IF HE DID LEAVE AUGHT FOR HIMSELF, HE GIVES ONE PE'AH FOR THE WHOLE.[22]**

MISHNAH 6. **R. ELIEZER SAYS: A PIECE OF GROUND, ONE FOURTH OF A KAB[23] IN SIZE IS SUBJECT TO PE'AH. R. JOSHUA SAYS: IT MUST [BE LARGE ENOUGH] TO PRODUCE TWO SE'AHS.[24] R. TARFON MAINTAINS THAT IT MUST BE SIX HANDBREADTHS BY SIX.[25] R. JUDAH B. BATHYRA[26] SAYS: [IT MUST BE LARGE ENOUGH] FOR THE SICKLE TO CUT AT LEAST TWO HANDFULS.[27] THE HALACHAH IS ACCORDING TO HIS WORDS. R. AKIBA SAYS: EVEN THE TINIEST PLOT IS LIABLE TO PE'AH AND THE FIRST-FRUITS,[28] AND [IS SUFFICIENT] FOR THE WRITING OF THE PROZBUL,[29] AND ALSO TO ACQUIRE THROUGH IT MOVABLE PROPERTY[30] BY MONEY, BY DEED OF SALE, OR BY A CLAIM BASED ON UNDISTURBED POSSESSION.[31]**

MISHNAH 7. **IF A MAN ON THE POINT OF DYING[32] ASSIGNED HIS PROPERTY IN WRITING [TO ANOTHER]. AND HE**

RETAINED ANY LAND, HOWEVER SMALL,[33] HE RENDERS HIS GIFT VALID; BUT IF HE RETAINS NO LAND WHATSOEVER, HIS GIFT IS NOT VALID.[34] HE WHO ASSIGNED IN WRITING HIS PROPERTY TO HIS CHILDREN, AND HE ASSIGNED TO HIS WIFE IN WRITING ANY PLOT OF LAND, HOWEVER SMALL, SHE THEREBY FORFEITS[35] HER KETHUBAH. R. JOSE SAYS: IF SHE ACCEPTED [SUCH AN ASSIGNMENT] EVEN THOUGH HE DID NOT ASSIGN IT TO HER IN WRITING. SHE FORFEITS HER KETHUBAH.[36]

***MISHNAH* 8. IF A MAN ASSIGNED IN WRITING HIS POSSESSIONS TO HIS SLAVE, HE THEREBY BECOMES A FREEDMAN.[37] IF HE, HOWEVER, RESERVED FOR HIMSELF ANY IMMOVABLE PROPERTY, HOWEVER SMALL, HE DOES NOT BECOME A FREEDMAN.[38] R. SIMEON SAYS: HE BECOMES A FREEDMAN UNDER ALL CONDITIONS,[39] UNLESS THE MASTER] SAYS: BEHOLD, ALL MY GOODS ARE GIVEN TO SO-AND-SO MY SLAVE, WITH THE EXCEPTION OF ONE TEN-THOUSANDTH PART OF THEM.'[40]**

(1) Garden beds plowed and sown with seed between the trees and arranged in square shapes in the form of bricks. Olive trees are specifically mentioned to teach that though liable to Pe'ah (II, 4) they do not, according to Beth Hillel, act as divisions between the grain plots. Others take מלבנות to refer to the light (white) color of the grain.
(2) Since the corn of each row does not touch that of the other, each plot acts as a separate unit for Pe'ah.
(3) Since the entire field is then regarded as one, regardless of the intervening plots. (Cf. supra II, 4 in reference to the carob trees whose branches intertwined.)
(4) Each patch is reaped separately as soon as its corn is ready for cutting, a process the effect of which is to give a speckled appearance to the field. The more manured parts would, of course, ripen first.
(5) Those still unripe and not ready for cutting.
(6) When he later proceeds to cut the remaining stalks; for each patch must be regarded as a distinct unit.
(7) Dill is an 'umbelliferous, annual, yellow-flowered herb' (Concise Oxford Dictionary).
(8) Each patch is rendered a separate unit for Pe'ah, since the normal practice is not to have more than one plot of these in one field. Dill and mustard seed are subject to Pe'ah, though the general rule is to exempt vegetables (v. supra I, 4), since they are kept for seed.
(9) מחליק the act of removing at least three trees growing side by side. Another explanation is to divide the field's products into portions, some for storing and others for the market.
(10) Different objects in view convert the onions, as it were, into two kinds. Supra II, 5.
(11) Cf. Kel. III, 2.
(12) מדל is explained as the act of removing one or two olive tree seeds to allow the others crowded together more 'breathing-space'. Those seeds removed to make room for the others are not subject to Pe'ah, since their removal cannot be regarded as the beginning of reaping.
(13) יד, 'place'. Maim. explains it to mean that he reserved special parts of the field respectively for storage purposes and for the market. The Bertinoro explains מאחת יד 'If he uprooted some of the onions for the same purpose for which he leaves the rest (i.e., either for storage or for sale)'.
(14) Lit., 'the roots of onions'.
(15) Onions left in the ground too long become unfit to eat and therefore not subject to Pe'ah.
(16) Since this is not the usual practice, each plot must be regarded as a different unit, cf. supra II, 5.
(17) Each from his own portion.
(18) Since each has a right in the whole field, the number of owners makes no difference.
(19) Of those trees mentioned in I, 5.
(20) Stalks or tree-trunks from which Pe'ah is due. Cf. Kil. I, 8. Since he does not sell with the stalks the soil on which they grow, there is no connecting link to make them all of one 'kind'.
(21) Also provided that the owner did not begin to reap the field prior to selling it, for in that case his would have been the duty of giving one Pe'ah for the whole (cf. II, 8).
(22) R. Judah elucidates the opinion of the first authority quoted anonymously in the Mishnah, without in any way differing from him.
(23) Approximately 10 1/2 X 10 cubits (Bert.).
(24) Twelve kabs' space or forty-eight times the size required by R. Eleazar; R. Joshua stresses the produce rather than size of soil.
(25) One handbreadth equals four fingerbreadths (circa. 9 1/3 centimeters). R. Tarfon measures by distance instead of by dry measure. His measure equals one cubit or six handbreadths.
(26) A Tanna of the First Generation (c. 10-80 C.E.).
(27) Lit., 'to cut and repeat'. Reapers usually cut a handful at a time, cf. Ps. CXXIX, 7. If there is sufficient for two cuttings, the law of Pe'ah is binding.

(28) Ex. XXIII, 19. The word אדמתך is there mentioned and refers to wheat and barley. The stipulation regarding first-fruits, that there should be sixteen cubits soil round the tree — the space required for its proper nurture, applies only to fruits of the tree (Bert.).
(29) Explained as an abbreviation of GR. (before the council). A declaration made in court by the creditor to the effect that the operation of the law of the Sabbatical year (Deut. XV, 2) shall not apply to the loan transacted. V. Sheb. x, 3 and Git. (Sonc. ed.) p. 148, n. 4. The 'Prozbul' could only be drawn up when the debtor possessed immovable property. Of this, even the smallest amount sufficed in regarding the debt as mortgaged in a Court of Law, the principle being that the law of defrauding does not apply to immovable property, v. Sheb. X, 6.**
(30) Lit., 'property that has no security'. Movable goods cannot be resorted to by the creditor in the case of non-payment.
(31) Usucaption. The legally fixed period is three years and with it there must be a plea of purchase or any other mode of legal acquisition. v. B.B. 28a. Movable property is generally acquired by the purchaser 'drawing' it to himself (Meshikah, v. Glos.). But the tiniest piece of immovable property acquired by means of money, writ, or usucaption effects title to any movable property brought together along with it.
(32) Lit., 'one that lies sick'.
(33) Thus indicating that the assignment was not prompted by thoughts of death, with the result that he cannot retract from the gift on his recovery. Bertinoro calls attention to the fact that קרקע, (land, immovable property) mentioned in this and the following Mishnah, does not refer specifically to immovable property; for even the minimum amount of movable goods is included in this term. The word קרקע is used here since it is the sine qua non of Pe'ah, Bikkurim and Prozbul mentioned in the Mishnah preceding.
(34) Had he not anticipated death, he would not have left himself penniless; his recovery. therefore, revokes the validity of his gift.
(35) The implication is that she prefers to be regarded among the heirs of her husband rather than demand her rights under her marriage settlement, the kethubah (v. Glos.).
(36) She cannot afterwards retract and claim it.
(37) Since the slave is part of the master's possessions, he becomes owner of himself, too. A more correct reading, which not all versions have, is 'all his possessions'.
(38) Perhaps the slave is included in the part reserved for himself; if so, then the entire gift is nullified, since a slave has no legal right of possession. It is only when the master explicitly says: 'I give thee thyself and my property', that the slave becomes free, even if the owner still reserves aught for himself.
(39) Whether the master possessed naught else beside the slave and the portion reserved for himself, in which case the assignment of his possessions must refer to the slave; or whether he had other goods besides the portion reserved for himself, the slave becomes free. R. Simeon wishes to stress that the modification made in the assignment afterwards by no means invalidates the emancipation of the slave.
(40) Since this fraction is not specified, it may easily refer to the slave, though he be worth ever so much more.

Pe'ah Chapter 4

MISHNAH 1. **PE'AH IS GIVEN FROM [THE CROP] STILL DIRECTLY CONNECTED WITH THE SOIL,[1] BUT IN THE CASE OF HANGING VINE-BRANCHES[2] AND THE DATE-PALM, THE OWNER BRINGS DOWN [THE FRUIT] AND DISTRIBUTES IT AMONG THE POOR.[3] R. SIMEON SAYS: THE SAME APPLIES TO SMOOTH NUT TREES.[4] EVEN IF NINETY-NINE [OF THE POOR][5] URGE DISTRIBUTION [BY THE OWNER] AND ONE ONLY IS [IN FAVOUR] OF INDIVIDUAL SNATCHING, THIS LATTER IS LISTENED TO,[6] SINCE HE SPOKE IN ACCORDANCE WITH THE HALACHAH.**

MISHNAH 2. **BUT IT IS OTHERWISE WITH HANGING VINE-BRANCHES AND PALM TREES;[7] FOR EVEN IF NINETY-NINE URGE INDIVIDUAL SNATCHING AND ONE POOR MAN PRESSES FOR DISTRIBUTION,[8] THE LATTER IS LISTENED TO, SINCE HE SPOKE ACCORDING TO THE HALACHAH.**

MISHNAH 3. **IF [A POOR MAN] TOOK SOME OF THE PE'AH [ALREADY COLLECTED] AND CAST IT OVER THE REMAINDER [NOT YET COLLECTED],[9] HE THEREBY FORFEITS THE WHOLE.[10] IF HE FELL DOWN UPON IT,[11] OR SPREAD HIS CLOAK OVER IT,[12] IT IS TAKEN AWAY FROM HIM.[13] THE SAME APPLIES TO GLEANINGS,[14] AND THE FORGOTTEN SHEAF.[15]**

MISHNAH 4. **[THE POOR] MAY NOT REAP PE'AH WITH SCYTHES OR TEAR IT UP WITH**

SPADES, SO THAT THEY MIGHT NOT STRIKE AT ONE ANOTHER [WITH THESE IMPLEMENTS].16

MISHNAH 5. **THRICE A DAY [THE POOR] MAKE A SEARCH:17 MORNING,18 NOON,19 AND SUNSET.20 RABBAN GAMALIEL SAYS, THESE [TIMES] WERE SET LEST THE POOR SEARCH LESS OFTEN.21 ACCORDING TO R. AKIBA: THESE WERE SET LEST [THEY SEARCH] MORE OFTEN.22 [THE MEN] OF BETH NAMER23 USED TO REAP [THEIR CROPS] WITH THE AID OF A ROPE,24 AND LEFT PE'AH AT THE END OF EACH FURROW.**

MISHNAH 6. **IF A GENTILE REAPED HIS FIELD AND BECAME AFTERWARDS A PROSELYTE, HE IS EXEMPT FROM [LEAVING] GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH.25 R. JUDAH DECLARES HIM LIABLE TO LEAVE THE FORGOTTEN SHEAF SINCE THAT BECOMES Due AT THE TIME OF THE SHEAF-BINDING.26**

MISHNAH 7. **IF A MAN DEDICATED STANDING CORN [TO THE TEMPLE]. AND REDEEMED IT WHILE IT WAS YET STANDING CORN, HE IS LIABLE [TO GIVE THE POOR MAN'S GIFTS].27 [IF HE DEDICATED] SHEAVES AND REDEEMED THEM WHILST THEY WERE YET SHEAVES, HE IS ALSO LIABLE [TO RENDER THE GIFTS].28 [IF HE DEDICATED] STANDING CORN AND REDEEMED IT [WHEN IT WAS ALREADY IN] SHEAVES, HE IS EXEMPT,29 SINCE AT THE TIME WHEN IT BECAME LIABLE [AS STANDING CORN]. IT WAS EXEMPT [BY BEING DEDICATED].**

MISHNAH 8. **SIMILARLY IF ONE DEDICATED HIS HARVESTED PRODUCTS PRIOR TO THE STAGE WHEN THEY ARE SUBJECT TO TITHES30 AND REDEEMED THEM AFTERWARDS, THEY ARE LIABLE31 [TO THE GIFTS]. IF [HE DEDICATED THEM] WHEN THEY HAD ALREADY BECOME SUBJECT TO TITHES AND REDEEMED THEM, THEY ARE ALSO LIABLE [TO THE GIFTS].32 IF HE DEDICATED THEM BEFORE THEY HAD RIPENED, AND THEY BECAME RIPE WHILE IN THE POSSESSION OF THE [TEMPLE] TREASURER, AND HE AFTERWARDS REDEEMED THEM, THEY ARE EXEMPT, SINCE AT THE TIME WHEN THEY WOULD HAVE BEEN LIABLE, THEY WERE EXEMPT.33**

MISHNAH 9. **IF ONE COLLECTED PE'AH AND SAID: THIS IS FOR SUCH-AND-SUCH A POOR MAN',34 THEN R. ELIEZER SAYS HE HAS THUS ACQUIRED IT FOR HIM.35 THE SAGES SAY: HE MUST GIVE IT TO THE POOR MAN HE FIRST COMES ACROSS.36 GLEANINGS, THE FORGOTTEN SHEAF AND THE PE'AH OF GENTILES ARE SUBJECT TO TITHES,37 UNLESS HE [THE GENTILE] HAD DECLARED THEM OWNERLESS.38**

MISHNAH 10. **WHAT CONSTITUTES GLEANINGS?39 THAT WHICH FALLS DOWN DURING THE REAPING. IF WHILE HE WAS REAPING, HE GRASPED A HANDFUL OR PLUCKED A FISTFUL, AND THEN A THORN PRICKED HIM, AND WHAT HE HAD IN HIS HAND FELL TO THE GROUND, IT STILL BELONGS TO THE OWNER.40 [THAT WHICH DROPS FROM] INSIDE THE HAND OR THE SICKLE [BELONGS] TO THE POOR,41 BUT [THAT WHICH FALLS FROM] THE BACK OF THE HAND OR THE SICKLE [BELONGS] TO THE OWNER.42 [ANYTHING FALLING OUT OF] THE TOP OF THE HAND OR SICKLE,43 R. ISHMAEL SAYS, BELONGS TO THE POOR;44 BUT R. AKIBA SAYS, IT BELONGS TO THE OWNER.45**

MISHNAH 11. **[GRAIN FOUND IN] ANT-HOLES46 WHILE THE CORN IS STILL STANDING47 BELONGS TO THE OWNER;48 AFTER THE REAPERS [HAD PASSED OVER THEM]49 THOSE [FOUND LYING] UPPERMOST50 [IN THE ANT-HOLES BELONG] TO THE POOR, BUT [THOSE FOUND] BENEATH51 [BELONG] TO THE OWNER. R. MEIR SAYS: EVERYTHING BELONGS TO THE POOR;52 FOR GLEANINGS**

ABOUT WHICH THERE IS ANY DOUBT ARE REGARDED AS GLEANINGS.

(1) The Law: 'Thou shalt leave it to the poor and the stranger' (Lev. XIX, 10) implies that the Pe'ah must be left to the poor to seize for themselves while it is still joined to the ground.
(2) Branches of the vine twined to an espalier.
(3) Every caution must be taken to obviate any risk to the poor during their gathering. 'Distribution' is stressed, because the owner is precluded from giving the Pe'ah to a poor relative or to the first poor man who chances to pass by the field.
(4) Smooth nut trees, being free from joints or protuberances are all the more difficult to climb.
(5) This refers to the first clause of the Mishnah.
(6) Though his claim might be weakened by the fact that he is stronger or more voracious than the other poor and likely to obtain more of the Pe'ah.
(7) In whose case the Pe'ah is given after the fruit has been plucked by the owner, as stated' in the preceding Mishnah.
(8) Though he may be weakest of the poor and his claim construed as due to the fear lest he receive little Pe'ah, his view must be upheld.
(9) Under the impression that he has in this wise gained possession of the rest; though legally, this act by no means affects a title, v. B.M. 10b.
(10) Even the Pe'ah he had gathered; this is a punishment for his greed.
(11) The law which enables a man to claim possession of things found within his four cubits, applies only to alleys adjoining open places or short cuts to public roads; not to fields owned by others. Moreover, by falling across the Pe'ah, his intention seems to have been to acquire possession by the act of falling and not by the law of אמות ד, (B.M. 10aff.).
(12) Either as an assertion of possession or to hide the Pe'ah from the view of the other poor.
(13) From our text it would seem, that with the exception of the first instance, only the Pe'ah over which he fell or spread his cloak is taken away from him, but that he is allowed to retain that gathered in the ordinary way. According to Maim., however, it would seem that in all cases is the fine imposed on him by taking away even the Pe'ah he had already gathered. (So Tosaf. Y.T.).
(14) V. infra 10.
(15) V. infra V, 8.
(16) So great might the throng of poor be, that in their eagerness to gather they might accidentally strike one another with their sickles and spades; or some quarrels might easily break out between them and these implements be improvised as weapons.
(17) אבעיות, 'searchings'. Another rendering is 'appearings'. The translation, accordingly, would be: 'Thrice a day does the owner appear in his 'field to attract the poor to come'. The word has also been connected with היבעה (B.K.I., 1) and the following translation effected: 'Thrice daily is the crop of Pe'ah removed from the field'. Cf. T.f. IV, 3.
(18) To enable poor nursing mothers to come, whilst the children are still asleep.
(19) So that young children, awake by now, assist their poor parents in the search.
(20) To enable the old and the infirm, whose pace is of necessity slow, to obtain their share before the day passes.
(21) In order to afford an equal opportunity for all poor to come.
(22) Probably so as not to take up the time of the owner unduly.
(23) Either the town mentioned in Num. XXXII, 3, or the name of a family. It has been identified by some with the modern Nimrin in Transjordania. Others explain it as a field cultivated in irregular strips and patches (cf. supra III, 2).
(24) A rope was tied around the standing corn In a straight line and the reaping went on till the end of the measuring line. This generous practice is here held up for commendation for it enabled the poor to gather at the end of each furrow, instead of waiting patiently for the very end of the reaping. Other explanations have also been offered. The people of Beth Namer used to divide the field into three portions with a rope, a portion being reaped at each of the three searches, (v. n. 1 supra); the idea being that the three kinds of poor for whom provision was made do not encroach upon one another. Var lec.: יטים, 'they made the poor to gather'.
(25) The phrase 'and when ye reap' (Lev. XXIII, 22) in reference to Gleanings and Pe'ah rules out non-Jews. In speaking of the Forgotten Sheaf, the word is also 'thy reaping' (Deut. XXIV, 19); hence a proselyte is exempt from giving the 'poor man's gifts' if the reaping took ploce before his conversion.
(26) When he has already become a Jew, upon whom all obligations are due.
(27) The law being binding as long as the corn is rooted in the soil, regardless of the change of ownership that took place in the interval.
(28) Even the Forgotten Sheaf (supra IV, 6); for Gleanings and Pe'ah automatically become due with the first reaping.
(29) The same word 'thy reaping' (Deut. XXIV, 19) that excludes non-Jews also excludes all Temple property from gifts to the poor and tithes. R. Judah would no doubt disagree with the Sages here, too, as he does in the case of the non-Jew who becomes a proselyte after the reaping.
(30) At the time when they were finally stacked (supra I, 6). Had they been finally stacked by the

Treasurer they would be exempt from tithes. (V. Ma'as l, 2 for the times when the various fruits became subject to tithes). By 'Tithes' is understood the Heave-offering. the First (or Levitic) Tithe and the Second Tithe, and the Poor Man's Tithe in the third and sixth years of the seven years' cycle.
(31) Since they ripen in his possession.
(32) One cannot dedicate the property of another, and the tithes were already virtually the property of the poor prior to the dedication.
(33) Temple property was exempt from tithes and gifts and by becoming ripe when still in the possession of the Temple, the law does not apply to them at all.
(34) A man not poor himself, i.e., a man possessing more than two hundred zuz, who wishes to acquire the Pe'ah for a poor friend.
(35) Because he could easily have declared all his possession 'ownerless' and thus rendered himself qualified to get the Pe'ah for himself; and consequently he can acquire it for another.
(36) The Sages do not admit the argument advanced by R. Eliezer (v. B.M. 9b). But if the poor man for whom he had collected passes by first, it is given to him.
(37) The law of tithes does not apply to the gifts of the poor; but since a non-Jew is exempt from tithes, the gifts of the poor obtained from his field are not treated as such and any Jew who acquires them must set aside tithes.
(38) Ownerless property is exempt from dues.
(39) Lev. XIX, 9.
(40) That which drops accidentally out of his hand is not subject to 'Gleanings'. The Bible stresses 'the gleaning of thy reaping' (Lev. XXIII, 22), thus precluding any accidental falling, such as the pricking of a thorn.
(41) After being within the hand, its falling out is not considered as accidental.
(42) This is evidently a pure accident.
(43) His fist is full to capacity and the grains that fall are those between his fingers.
(44) R. Ishmael regards the tops of his fingers as part of the hand (v. supra n. 6).
(45) R. Akiba regards the tops of the fingers as the back of the hand, hence the falling is accidental.
(46) Ants usually bring the grain into their holes.
(47) prior to the reaping.
(48) While the corn is yet uncut, the poor have no claim.
(49) The ants had probably gathered the grains from the gleanings.
(50) I.e., grain still fresh and whitish in appearance (Bert.).
(51) The grain showing signs of staleness in appearance — an even better proof that the grains had been stored in these ant-holes for some considerable time before the reaping.
(52) Even the grain found below, for some rotten grains are found even among corn freshly cut. What assurance is there that these have not been brought even after the reaping had commenced or finished?

Pe'ah Chapter 5

MISHNAH 1. **IF A HEAP OF CORN WAS PLACED [ON PART OF A FIELD] FROM WHICH GLEANINGS HAD NOT YET BEEN COLLECTED,[1] WHATEVER TOUCHES THE GROUND BELONGS TO THE POOR.[2] IF THE WIND SCATTERED THE SHEAVES,[3] ONE ESTIMATES THE AMOUNT OF GLEANINGS THE FIELD WOULD HAVE YIELDED AND GIVES THAT TO THE POOR.[4] R. SIMEON B. GAMALIEL SAYS: ONE MUST GIVE TO THE POOR THE USUAL AMOUNT THAT FALLS [AT THE TIME OF REAPING].[5]**

MISHNAH 2. **IF THE TOP OF A SINGLE EAR OF CORN [THAT ESCAPED THE SICKLE] AFTER THE REAPING[6] TOUCHES THE STANDING CORN, IF IT CAN BE CUT WITH THE STANDING CORN, IT BELONGS TO THE OWNER;[7] BUT IF NOT, IT IS THE PROPERTY OF THE POOR. IF AN EAR OF CORN OF GLEANINGS BECAME MIXED UP WITH THE STACKED CORN, [THE OWNER] MUST TITHE ONE EAR OF CORN AND GIVE THAT TO HIM [THE POOR].[8] R. ELIEZER SAID: HOW CAN THIS POOR MAN GIVE IN EXCHANGE SOMETHING THAT HAD NOT YET BECOME HIS?[9] NO; [THE OWNER] MUST TRANSFER TO THE POOR MAN THE OWNERSHIP OF THE WHOLE STACK[10] AND THEN TITHE AN EAR OF CORN AND GIVE IT TO HIM.[11]**

MISHNAH 3. **ONE SHOULD NOT [IN SOWING] MIX INFERIOR SEEDS [WITH THE REST OF THE GRAIN].[12] THUS R. MEIR. THE SAGES PERMIT IT, BECAUSE IT IS STILL POSSIBLE [FOR THE POOR TO GET THEIR PROPER DUE].[13] MISHNAH 4. IF A MAN OF PROPERTY[14] WAS TRAVELLING ABOUT FROM PLACE TO PLACE AND HAPPENED TO BE IN NEED OF TAKING GLEANINGS, THE FORGOTTEN SHEAF, PE'AH OR THE POOR**

MAN'S TITHE,[15] HE MAY TAKE THEM; AND ON HIS RETURN HOME, HE MUST PAY [FOR THE AMOUNT GATHERED]. SO R. ELIEZER. THE SAGES, HOWEVER, SAY: HE WAS A POOR MAN AT THAT TIME [AND SO HE NEED MAKE NO RESTITUTION].

MISHNAH 5. HE THAT MAKES AN EXCHANGE WITH THE POOR,[16] [WHAT THEY GIVE IN EXCHANGE] FOR HIS IS EXEMPT [FROM TITHES].[17] BUT WHAT [HE GIVES IN EXCHANGE] FOR THAT OF THE POOR IS SUBJECT [TO TITHES].[18] TWO[19] WHO LEASE A FIELD ON A TENANCY[20] MUST GIVE, EACH TO THE OTHER, HIS DUE OF THE POOR MAN'S TITHE.[21] ONE[22] WHO UNDERTAKES TO REAP A FIELD MUST NOT TAKE GLEANINGS, THE FORGOTTEN SHEAF, PE' AH OR THE POOR MAN'S TITHE.[23] R. JUDAH SAID: WHEN IS THIS SO? WHEN HE RENTS FROM THE OWNER ON THE TERMS OF [PAYING] A HALF, THIRD OR QUARTER[24] [OF THE CROP]; BUT [IF THE OWNER] HAD STIPULATED WITH HIM THAT: 'A THIRD OF WHAT THOU REAPEST IS THINE',[25] THEN HE IS PERMITTED TO TAKE GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH, BUT NOT THE POOR MAN'S TITHE.[26]

MISHNAH 6. IF ONE SELLS A FIELD THE VENDOR IS PERMITTED[27] [TO GATHER THE DUES OF THE POOR]. BUT NOT THE PURCHASER. A MAN MAY NOT HIRE A LABOURER ON THE CONDITION THAT THE SON [OF THE LABOURER] SHOULD GATHER THE GLEANINGS AFTER HIM.[28] ONE WHO PREVENTS THE POOR TO GATHER, OR ALLOWS ONE BUT NOT ANOTHER, OR HELPS ONE OF THEM [TO GATHER]. IS DEEMED TO BE A ROBBER OF THE POOR. CONCERNING SUCH A ONE HATH IT BEEN SAID: REMOVE NOT THE LANDMARK OF THOSE THAT COME UP.[29]

MISHNAH 7. A SHEAF WHICH THE LABOURERS HAD FORGOTTEN BUT NOT THE LANDLORD, OR WHICH THE LANDLORD FORGOT BUT NOT THE LABOURERS;[30] OR A SHEAF IN FRONT OF WHICH THE POOR STOOD, OR COVERED UP WITH STUBBLE, IS NOT TO BE REGARDED AS A FORGOTTEN SHEAF.

MISHNAH 8. IF ONE BINDS SHEAVES TO COVER THE TOP OF THE HEAP[31] OR TO PLACE AT THE BOTTOM OF THE STACK,[32] OR FOR A TEMPORARY PILE,[33] OR INTO [SMALL BUNDLES OF] SHEAVES,[34] HE IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF;[35] IF THEY ARE AFTERWARDS TAKEN THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES APPLY. IF ONE PILES UP THE SHEAVES FOR THE STACK,[36] HE IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; IF HE AFTERWARDS REMOVES THEM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY.[37] THIS IS THE GENERAL PRINCIPLE: WHOEVER PILES UP THE SHEAVES AT THE PLACE WHICH MARKS THE END OF THE WORK [WHERE THEY ARE GOING TO BE THRESHED]. IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY. HE, HOWEVER, WHO PILES UP THE SHEAVES AT A PLACE WHICH IS NOT TO MARK THE END OF THE WORK, IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF APPLIES.

(1) A fine is imposed lest his intention was to hide the 'Gleanings' due to the poor.
(2) Even if he heaps up wheat upon 'Gleanings' of barley, the wheat which touches the ground also belongs to the poor.
(3) With the result that the sheaves of the owner got confused with those of 'Gleanings' belonging to the poor.
(4) In accordance with R. Meir's principle, infra v, 3.
(5) So Bertinoro and Tiferes Yisrael; roughly, the prescribed forty-fifth part. Maim., however, in

E.M. IX, 5 explains as the amount of seed required for the field.
(6) Cf. 'Ed.' II. 4.
(7) If it is so near that it can be cut together with the standing corn in one fistful, the standing corn saves it from being regarded as 'Gleanings' since the words 'thou shalt not go back to fetch it' (Deut. XXIV, 19) do not apply to it.
(8) Upon each ear of corn there is the doubt whether it is 'Gleanings' and so exempt from all tithes, or whether it belongs to the owner and is subject to tithes. To solve this doubt, the owner must take another 'ear of corn' and give that to the poor, for the poor must be given that which is free from dues. Tithes, unlike Pe'ah (which falls due with the reaping), become liable with the final stacking. (V. supra I. 6). The 'tithing' here referred to is thus performed: Two ears of corn are brought from the stack which contains the 'ear' that became mixed up. The owner then says over one of the 'ears': 'Should this one be the "Gleanings", well and good; but if not, then let the tithe due from it be fixed in the other ear and the first be given to the poor'.
(9) R. Eliezer is surprised at the view of the Sages seeing that they maintained (supra IV, 9) that the owner has no proprietary right to transfer gifts to any particular poor. How can they now allow the owner to exchange, in the name of a poor man, an ear of corn which had so far not become his? (It will be remembered that R. Eliezer in IV, 9 was of the opinion that a man could transfer ownership of Pe'ah to another).
(10) Holding the view that a gift given on condition of returning it later is valid. This makes the exchange possible here.
(11) The Sages, without agreeing with R. Eliezer, would reply that in this case the ear of corn was regarded as the poor man's property, in order to make the exchange possible.
(12) So Bert. and Maim. who take טופח to be an inferior type of barley seed or beans; for this mixing would be to the detriment of the poor (for the 'Gleanings' might fall from the inferior grain). Aliter: One should not irrigate the field (before Gleanings have been taken) with a pitcher (טיפח) of water (an irrigation); since this would make it all the more difficult for the poor to glean.
(13) Is it not equally possible for the 'Gleanings' to fall from the superior kinds of grain? According to the second explanation: 'Is it not possible for the owner of the field to compensate the poor for their loss?'
(14) Lit., 'a householder'; one who possesses more than two hundred zuz is disqualified from receiving these poor man's dues (v. infra VIII, 8).
(15) In the third and sixth years of the Sabbatical cycle, the Second Tithe was given to the poor (Deut. XIV. 29).
(16) Giving them some other produce in exchange for the 'Gleanings'.
(17) All the dues of the poor are exempt from tithes.
(18) The produce of the owner must be tithed prior to the exchange.
(19) Poor men.
(20) An אריס is a laborer who accepts as his payment a stipulated portion of the field's harvest, The laborer thus becomes virtually the owner of the field and, though poor otherwise, is disqualified from taking the dues.
(21) In Lev. XIX, 10 the words לא תלקט לעיני are taken to refer as a warning to the poor not to gather their own 'Gleanings'. From this verse is also derived the law that one cannot gather 'dues' for another poor man (v. Git. 12a).
Hence here, each one being the owner of his part of the field, can only accept the tithe due to the other (cf. Hul. 131b).
(22) A poor man.
(23) He is no longer regarded as poor.
(24) The produce then becomes the property of the laborer already before the reaping, when still attached to the soil.
(25) Since in this case, the poor man has only a share in the corn after its reaping, the duty falls upon the owner. Even from the Forgotten Sheaf is the poor man exempt, although its law comes into force at the time of the stacking of the sheaves (after reaping), since the word 'thy reaping' cannot here be applied; for it becomes the poor man's only after it had been cut.
(26) Since the tithe becomes due after the reaping (I, 6) when the poor man is already owner of his share in the produce.
(27) If compelled by poverty to do so. This only applies if he sold the field together with the standing corn thereon. For
should he dispose of the latter and reserve the field for himself, both the vendor and buyer would be debarred; the former because 'thy field' (Lev. XIX, 9) still applies to him, and the latter because of the application in his case of 'thy reaping' (ibid.).
(28) On account of this concession, the laborer reduces his fees and the employer is thus found settling part of his debts with money due to the poor.
(29) Prov. XXII, 28; the word עולם 'of old' is read by the Mishnah as עולים 'those who go up', a euphemistic name for the poor, who 'have come down in the world' (יורדים); cf. infra VII, 3. Bert. also gives the following rendering: 'Do not change the warnings (fences round the law) that were given to those who went up from Egypt'.
(30) The principle is that before being regarded as (Forgotten Sheaf), it must have been forgotten by both.

(31) In the shape of a hat. Or perhaps the hat improvised from a few sheaves and worn by the laborers as a protection from the sun (Bert.).
(32) As a foundation for the pile above. Others explain the reference to the holes dug in the field in which the sheaves were stacked temporarily.
(33) Often used with which to bake an improvised cake (חררה) or two on live coals. Bert. appends this illuminating note: 'Some cut corn and heap it up into one place, afterwards carrying it to the threshing-floor. The names in the Mishnah are those given to the shapes of the piles prior to their removal to the threshing-floor. Accordingly, this temporary stacking does not constitute the end of the process'. In view of this explanation, חררה is a cake-shaped temporary pile.
(34) To be arranged afterwards into bigger piles, from which the threshing will be done.
(35) Those sheaves dropped during the process of carrying from place to place; for just as the law of Pe'ah in Deut. XXIV, 19 refers to the end of reaping, so the law of the Forgotten Sheaf applies only to the very end of the process of threshing.
(36) On the understanding that they are going to be threshed there.
(37) This change of mind shows that the process was not to be finished there and hence it does not conform to the general principle enunciated at the end of our Mishnah.

Pe'ah Chapter 6

MISHNAH 1. BETH SHAMMAI SAY THAT RENUNCIATION OF OWNERSHIP[1] [OF THE CROP] IN FAVOUR OF THE POOR IS VALID; BUT BETH HILLEL SAY THAT IT IS NOT 'OWNERLESS'[2] UNLESS THE RENUNCIATION IS ALSO MADE IN FAVOUR OF THE RICH, AS IN THE CASE OF THE YEAR OF RELEASE.[3] IF ALL THE SHEAVES IN A FIELD ARE A KAB[4] EACH IN QUANTITY, WHEREAS ONE COMPRISES FOUR KABS AND THAT ONE IS FORGOTTEN, BETH SHAMMAI SAY IT IS NOT DEEMED 'FORGOTTEN';[5] BUT BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.[6]

***MISHNAH 2*. IF A SHEAF IS LEFT NEAR A STONE FENCE[7] OR NEAR A STACK [OF CORN]. OR NEAR OXEN AND [FIELD] IMPLEMENTS,[8] BETH SHAMMAI SAY IT IS NOT DEEMED 'FOR GOTTEN';[9] BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.**

***MISHNAH 3*. [WHETHER OR NOT ANY SHEAF] AT THE END OF THE ROW IS TO BE REGARDED AS FORGOTTEN', THE SHEAF LYING OVER AGAINST IT SERVES AS AN INDICATION.[10] IF [THE OWNER] TOOK UP A SHEAF WITH THE INTENTION OF BRINGING IT TO THE CITY AND FORGOT IT, ALL AGREE[11] THAT IT IS NOT DEEMED A 'FORGOTTEN SHEAF'.**

***MISHNAH 4*. THESE ARE TO BE CONSIDERED ENDS OF THE ROWS:[12] IF TWO MEN BEGIN [TO GATHER] FROM THE MIDDLE OF THE ROW, ONE FACING NORTHWARDS AND THE OTHER SOUTHWARDS[13] AND THEY FORGET [SOME SHEAVES] EITHER IN FRONT OF THEM OR BEHIND THEM,[14] THEN THOSE LEFT IN FRONT OF THEM ARE TO BE DEEMED 'FORGOTTEN',[15] BUT THOSE LEFT BEHIND THEM ARE NOT DEEMED 'FORGOTTEN'.[16] IF[17] AN INDIVIDUAL BEGINS FROM THE END OF THE ROW AND HE FORGETS [SOME SHEAVES] EITHER IN FRONT OF HIM OR BEHIND HIM, THOSE IN FRONT OF HIM ARE NOT TO BE DEEMED 'FORGOTTEN',[18] WHEREAS THOSE BEHIND HIM ARE DEEMED 'FORGOTTEN'; FOR THIS COMES UNDER THE CATEGORY OF 'THOU SHALT NOT GO BACK [TO FETCH IT].[19] THIS IS THE GENERAL RULE: ANYTHING THAT CAN BE SAID TO FALL UNDER THE LAW 'THOU SHALT NOT GO BACK' IS DEEMED 'FORGOTTEN'; BUT THAT TO WHICH THE PRINCIPLE OF THOU SHALT NOT GO BACK' CANNOT BE APPLIED IS NOT DEEMED 'FORGOTTEN'.[20]**

***MISHNAH 5*. TWO SHEAVES [LEFT LYING TOGETHER] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED FORGOTTEN'.[21] TWO BUNDLES[22] OF OLIVES OR CAROBS [LEFT LYING] ARE DEEMED 'FORGOTTEN'. BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO FLAX-STALKS[23] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO BERRIES ARE DEEMED 'GRAPE GLEANINGS',[24] BUT THREE ARE NOT**

DEEMED 'GRAPE GLEANINGS'. TWO EARS OF CORN ARE DEEMED 'GLEANINGS'[25] BUT THREE ARE NOT DEEMED GLEANINGS'. ALL THESE [RULINGS] ARE ACCORDING TO BETH HILLEL;[26] OF THEM ALL BETH SHAMMAI SAY THAT THREE [THAT ARE LEFT] BELONG TO THE POOR, AND FOUR BELONG TO THE OWNER.[27]

MISHNAH 6. **IF A SHEAF OF TWO SE'AHS[28] WAS FOR GOTTEN IT IS NOT DEEMED 'FORGOTTEN'.[29] IF TWO SHEAVES [BE FOUND] THAT TOGETHER COMPRISE TWO SE'AHS, RABBAN GAMALIEL SAYS THEY BELONG TO THE OWNER, BUT THE SAGES SAY THAT THEY BELONG TO THE POOR.[30] THEREUPON RABBAN GAMALIEL SAID: 'ARE THE RIGHTS OF THE OWNER STRENGTHENED OR WEAKENED ACCORDING TO THE GREATER NUMBER OF THE SHEAVES?' [TO WHICH] THEY REPLIED, 'HIS RIGHTS ARE STRENGTHENED'.[31] THEN SAID HE UNTO THEM: 'IF, THEREFORE, ONE SHEAF OF TWO SE'AHS IS NOT DEEMED "FORGOTTEN", THEN HOW MUCH MORE SHOULD BE THE CASE OF TWO SHEAVES THAT TOGETHER CONTAIN TWO SE'AHS?' THEREUPON THEY REPLIED: 'NO. IF YOU ARGUE IN THE CASE OF ONE SHEAF [TO WHICH WE AGREED]. BECAUSE IT IS LARGE ENOUGH TO BE CONSIDERED A STACK, ARE YOU GOING TO ARGUE LIKEWISE IN THE CASE OF TWO SHEAVES WHICH ARE AS SMALL BUNDLES?'**

MISHNAH 7. **IF STANDING CORN[32] THAT CONTAINS TWO SE'AHS WAS FORGOTTEN, IT IS NOT DEEMED 'FORGOTTEN.' IF IT DOES NOT CONTAIN TWO SE'AHS NOW, BUT WAS FIT TO YIELD TWO SE'AHS,[33] EVEN IF IT WAS OF AN INFERIOR KIND OF BARLEY.[34] IT IS REGARDED AS A YIELD[35] OF BARLEY.**

MISHNAH 8. **STANDING CORN[36] CAN SAVE A SHEAF AND OTHER STANDING CORN[37] [FROM BEING REGARDED AS 'FOR GOTTEN'].[38] THE SHEAF,[39] HOWEVER, CANNOT SAVE EITHER ANOTHER SHEAF OR STANDING CORN.[40] WHAT STANDING CORN CAN SAVE THE SHEAF?[41] THAT WHICH HAS NOT BEEN FORGOTTEN, EVEN THOUGH IT IS A SINGLE STALK.[42]**

MISHNAH 9. **A SE'AH OF PLUCKED CORN AND A SE'AH OF UNPLUCKED CORN[43] (AND THE SAME APPLIES TO FRUIT TREES,[44] GARLIC AND ONIONS)[45] CANNOT BE COMBINED TOGETHER FOR THE PURPOSE OF COUNTING THEM AS TWO SEAHS.[46] BUT THEY MUST BE LEFT TO THE POOR. R. JOSE SAYS: IF ANYTHING THAT BELONGS TO THE POOR[47] INTERVENES, THE TWO CANNOT BE COMBINED TOGETHER;[48] , OTHERWISE, THEY MAY BE SO COMBINED.**

MISHNAH 10. **CORN USED FOR FODDER[49] OR [GRAIN-STALKS] USED FOR BINDING A SHEAF, (THE SAME APPLIES TO GARLIC-STALKS[50] USED FOR TYING OTHER BUNCHES, OR TIED BUNCHES[51] OF GARLIC AND ONIONS)[52] DO NOT COME UNDER THE LAW OF THE 'FORGOTTEN SHEAF'.[53] ANYTHING STORED IN THE GROUND LIKE THE ARUM[54] AND GARLIC AND ONIONS, R. JUDAH SAYS, THEY DO NOT COME UNDER THE CATEGORY OF THE 'FORGOTTEN SHEAF';[55] BUT THE SAGES SAY, THE LAW OF THE 'FORGOTTEN SHEAF' APPLIES TO THEM.[56]**

MISHNAH 11. **ONE WHO REAPS BY NIGHT AND BINDS SHEAVES [BY NIGHT] OR ONE WHO IS BLIND[57] IS SUBJECT TO THE LAW OF THE 'FORGOTTEN SHEAF'. IF HE INTENDS TO REMOVE ONLY THE LARGE LEAVES,[58] THEN THE LAW DOES NOT APPLY.[59] IF HE SAYS: BEHOLD, I AM REAPING ON THE CONDITION THAT I TAKE AFTERWARDS THAT WHICH I HAVE FORGOTTEN', THE LAW OF THE 'FORGOTTEN SHEAF' STILL APPLIES TO HIM.[60]**

(1) Heb. Hefker (v. Glos.). The word הבקר in our Mishnah is the Palestinian dialect for הפקר. Cf. 'Ed. IV, 3. Deemed as ownerless, the standing crop is

exempt from all tithes as is the case with all the other gifts to the poor discussed in this Tractate. The Shammaites find support for their view in Lev. XIX, 10 (v. Bert.).
(2) And, therefore, not exempt from tithes.
(3) Deut. XV, 1-6 describes the Sabbatical year in which the soil was to rest and in which all debts were cancelled. Beth Hillel argue that no hefker can be exempt from tithes unless it be declared the property of rich and poor alike, as is the case with the products of the Sabbatical year which all could enjoy.
(4) The kab was four logs == 24 eggs in size, and equal to a sixth of a se'ah.
(5) Since it comprises four kabs, it is to be regarded as a sheaf from which a row of four smaller sheaves could be made; and according to Beth Shammai (infra Mishnah 5) only three sheaves belonged to the poor, but not four. A similar provision would apply to a field in which all the sheaves were two kabs each in size and the Forgotten Sheaf of 8 kabs.
(6) Beth Hillel refuse to regard the large sheaf as so many potential smaller ones and regard it only as one sheaf that is left.
(7) Or a heap of stones piled one on top of another loosely (Bert.).
(8) Including the outfit of the oxen.
(9) The very fact that the sheaf had been left near these objects is an indication that the owner had but temporarily deposited it there.
(10) If a sheaf is left at the end of the row, then the other sheaf over against it at the end of the second row indicates whether it is to be deemed 'Forgotten'. A fuller explanation of what is implied by 'the ends of a row' is given in the Mishnah following.
(11) Even Beth Hillel. V. supra VI, 2.
(12) The reference is to many rows equally arranged; for example, ten rows of ten sheaves each, all arranged side by side.
(13) I.e., they stand back to back and face the two opposite ends of the fields. Each would thus recede further away from each other as they proceed.
(14) In the course of their gathering a sheaf or two came to be overlooked.
(15) Because Deut. XXIV, 19 can be applied to it.
(16) Since the sheaf is behind both of them, each relies on the other to pick it up.
(17) An illustration of the statement in the preceding Mishnah that the sheaf lying over against the ends of the row serves as an indication whether a sheaf is to be regarded as 'Forgotten' or not (Bert.).
(18) His intention may have been to include it in the new row about to be formed from east to 'west (Bert.).
(19) Deut. XXIV, 19.
(20) For other interpretations of this difficult Mishnah v. Tosaf. Y.T.
(21) The underlying principle seems to be, according to Beth Hillel, that whereas two can be deemed 'Forgotten', the number three suggests that these had been deposited there temporarily. Three is a number too large to be overlooked.
(22) 'Bundles' of olives, not single ones; for there must be a completion of the process of gathering (גמר מלאכה) before the law of the 'Forgotten Sheaf' is applied.
(23) These stalks must still be in the hard state, prior to being prepared for spinning and also fit for human food; otherwise the law of the 'Forgotten Sheaf' does not apply to them.
(24) V. Lev. XIX. 10.
(25) V. Ibid. XIX, 9.
(26) They find support for their contention in the words 'for the poor and the stranger', Ibid. XIX, 10, one for each; hence two in all.
(27) They cite Deut. XXIV, 19 instead of Lev. XIX, 10, and cite the words 'the stranger, the orphan and the widow' as proof that even three are to be regarded as the property of the poor.
(28) Twelve kabs are more than a man could carry. and the law regarding the 'Forgotten Sheaf' seems to stress the word to take it (Deut. XXIV, 19) that is, a sheaf which a man can easily carry.
(29) Since in size and weight it is almost as a stack, it cannot come under the law of the 'Forgotten Sheaf', which refers only to the single sheaf. V. supra the argument of the Sages.
(30) Both their views are clarified in the course of their discussion.
(31) Because the law refers only to a single sheaf that is left.
(32) The same law equally operates upon the standing corn as upon the sheaf.
(33) I.e., in a more fruitful year.
(34) 'An aquatic plant like the Colocasia' (fast.). Maim. defines it as 'a seed similar to barley'. cf. Kil. I, 1.
(35) I.e., though the ears of corn have been blasted and do not contain two se'ahs, they are treated as if they were full (Bert.).
(36) That has clearly not been overlooked.
(37) Which seems to have been overlooked and that stands near to the corn that has not been so overlooked.
(38) For when he will return to cut the corn, he will bethink himself of the sheaf and the other corn unintentionally left. According to Bert. this is based on Deut. XXIV, 19.
(39) Which has obviously not been forgotten.
(40) Which have been forgotten and which lie in its proximity.
(41) Or the forgotten standing corn near it.
(42) Aliter: 'Even a single ear of corn left unforgotten in the whole corn, can save'.

(43) Both had evidently been left forgotten; for had he forgotten only the plucked corn and not the other, the first would have saved the other from coming under the category of the 'Forgotten Sheaf'. V. preceding Mishnah.
(44) Plucked and unplucked fruit that only together combine to make two se'ahs that have been forgotten. Had all the fruit been plucked, they would have belonged to the owner, according to Rabban Gamaliel (supra VI, 6).
(45) The same refers to all vegetables; two kinds cannot be combined together.
(46) And thus not be regarded as liable to the law; supra 6, n. 10.
(47) This refers only to the field or vineyard, where there can be 'Gleanings' or 'Grape Gleanings' between one se'ah and another. Inapplicable in the case of trees, where these laws do not operate.
(48) To make two se'ahs; but they belong to the poor.
(49) The Hebrew term for corn that had not yet reached a third of its full maturity. It was usually given to the cattle, cf. supra II, 1.
(50) Others render: 'bunches of garlic on one stalk'.
(51) Tosef. Pe'ah III, 8, אוגרי
(52) These small bundles are afterwards re-tied into larger bundles; the 'finishing process' is not yet completed, hence
the law is not yet applicable. Cf. supra V, 8.
(53) They are not used for human food.
(54) A species of onion whose root is exceedingly bitter. 'A plant similar to colocasia with edible leaves and root, and bearing beans' (Jast.). Like טפי in Mishnah 7 supra. V. Sheb. V, 2; VII, 1; Ter. IX, 6. A full discussion of the word 'arum' will be found in Kohut's ed. of the 'Aruch s.v. חלוף
(55) R. Judah is of the opinion that the law of the 'Forgotten Sheaf' does not apply to things, though edible, that are stored in the ground.
(56) V. Bert. for the exegetical basis for the respective opinions of R. Judah and the Sages.
(57) Night-time or blindness cannot be grouped into the category of things that had been forgotten owing to an untoward accident. V. supra IV, 10.
(58) The largest leaves are those that began to grow first. Cf. Sheb. IV, 1. Nid. 2b.
(59) Since he does not gather them all but selects only the largest, the forgetfulness may be said to be due to untoward circumstances.
(60) The principle throughout the Talmud is that, 'If one makes a stipulation which is contrary to what is written in the Torah, his stipulation is void'. Keth. IX, 1.

Pe'ah Chapter 7

MISHNAH 1. **AN OLIVE TREE THAT HAS A DISTINGUISHING NAME[1] IN THE FIELD, LIKE[2] THE OLIVE TREE OF 'NETOFAH' IN ITS SEASON,[3] AND THAT HAS BEEN LEFT FORGOTTEN, IS NOT DEEMED 'FORGOTTEN'.[4] WHEN DOES THIS STIPULATION APPLY? [ONLY TO A TREE THAT IS DISTINGUISHED] BY ITS NAME, OR ITS PRODUCE, OR ITS SITUATION. 'BY ITS NAME': IF IT WERE [FOR INSTANCE] A SHIFKONI[5] OR BESHANI[6] TREE. 'ITS PRODUCE': IF IT YIELDS LARGE QUANTITIES. 'ITS SITUATION': IF IT STANDS AT THE SIDE OF THE WINEPRESS OR NEAR THE GAP IN THE FENCE.[7] AS FOR OTHER KINDS OF OLIVE TREES,[8] TWO [IF THEY ARE LEFT] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'.[9] R. JOSE IS OF THE OPINION THAT THE LAW OF THE 'FORGOTTEN SHEAF' DOES NOT AT ALL APPLY TO OLIVE TREES.[10]**

MISHNAH 2. **IF AN OLIVE-TREE WAS FOUND STANDING BETWEEN THREE ROWS [OF OLIVE TREES] AT A DISTANCE OF TWO PLOTS[11] FROM ONE ANOTHER, AND FORGOTTEN, IT IS DEEMED, 'FORGOTTEN.[12] IF AN OLIVE TREE CONTAINING TWO SE'AHS[13] HAS BEEN LEFT, IT IS NOT DEEMED FORGOTTEN. WHEN DOES THIS APPLY?[14] ONLY WHEN HE [THE OWNER] HAD NOT YET BEGUN [TO PLUCK THE TREE]; BUT IF HE HAD BEGUN, (EVEN IF IT WERE LIKE THE OLIVE TREE NETOFAH IN ITS SEASON)[15] AND THEN FORGOTTEN IT, IT IS DEEMED FORGOTTEN'. AS LONG AS THE OWNER HAS SOME OF THE FRUIT BELONGING TO HIM LYING AT THE FOOT OF THE TREE, HE CAN CLAIM POSSESSION OF THOSE STILL ON TOP OF THE TREE.[16] R. MEIR SAYS: [THE LAW APPLIES ONLY] AFTER THOSE WITH THE BEATING-ROD[17] HAVE DEPARTED.**

MISHNAH 3. **WHAT IS MEANT BY PERET?[18] THAT WHICH FALLS DOWN DURING THE**

VINTAGE. IF WHILE HE WAS CUTTING [THE GRAPES], HE CUT OFF AN ENTIRE CLUSTER BY ITS STALK AND THIS WAS INTERCEPTED BY THE FOLIAGE, AND THEN IT FELL FROM HIS HAND TO THE GROUND AND THE SINGLE BERRIES DISPERSED THEREFROM, THEY STILL BELONG TO THE OWNER.[19] HE WHO PLACES A BASKET UNDER THE VINE[20] WHEN HE IS CUTTING [THE GRAPES], IS ROBBING THE POOR;[21] OF HIM IT HAS BEEN SAID: 'REMOVE NOT THE LANDMARK OF THOSE THAT COME UP'.[22]

MISHNAH 4. **WHAT CONSTITUTES A DEFECTIVE CLUSTER?[23] ANY CLUSTER[24] WHICH HAS NO SHOULDER[25] AND [OF WHICH THE TOP GRAPES] DO NOT HANG DOWN [FROM THE TRUNK].[26] IF IT HAS A SHOULDER OR ITS TOP GRAPES HANG DOWN, IT BELONGS TO THE OWNER; IF THERE IS A DOUBT, IT BELONGS TO THE POOR.[27] AS TO A DEFECTIVE CLUSTER ON THE JOINT[28] OF A VINE, IF IT[29] CAN BE NIPPED OFF WITH THE CLUSTER,[30] IT BELONGS TO THE OWNER; BUT IF IT CAN NOT, IT BELONGS TO THE POOR. R. JUDAH SAYS: A SINGLE STALK [OF BERRIES][31] IS DEEMED AS A WHOLE CLUSTER,[32] BUT THE SAGES CONTEND THAT [THEY ARE TO BE REGARDED] AS A DEFECTIVE CLUSTER.[33]**

MISHNAH 5. **HE WHO IS ENGAGED IN THINNING OUT[34] VINES MAY THIN OUT THE VINES THAT BELONG TO THE POOR JUST AS HE THINS OUT WHAT BELONGS TO HIMSELF;[35] SO R. JUDAH. BUT R. MEIR SAYS: HE CAN ONLY DO SO TO THAT WHICH BELONGS TO HIM BUT NOT TO THAT WHICH IS THE PROPERTY OF THE POOR.[36]**

MISHNAH 6. **[AS FOR THE GRAPES OF] A VINEYARD IN ITS FOURTH YEAR,[37] BETH SHAMMAI SAY, THE LAWS OF THE ADDED FIFTH[38] AND REMOVAL[39] DO NOT APPLY TO THEM; BUT BETH HILLEL SAY, THEY DO. BETH SHAMMAI FURTHER SAY: THE LAWS OF PERET[40] AND THE DEFECTIVE CLUSTERS[41] APPLY TO THEM, AND THE POOR CAN REDEEM THE GRAPES FOR THEMSELVES;[42] BUT BETH HILLEL MAINTAIN THAT THE WHOLE MUST GO TO THE WINE-PRESS.[43]**

MISHNAH 7. **IF A VINEYARD CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS',[44] R. ELIEZER SAYS IT BELONGS TO THE OWNER, BUT R. AKIBA SAYS, TO THE POOR. SAID R. ELIEZER: [IT IS WRITTEN,] 'WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD, THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE'.[45] IF THERE IS NO GRAPE GATHERING,[46] WHENCE WILL YOU HAVE 'DEFECTIVE CLUSTERS'? SAID R. AKIBA TO HIM: [IT IS WRITTEN,] 'AND FROM THY VINEYARD SHALT THOU NOT TAKE THE DEFECTIVE CLUSTERS'[47] — EVEN IF IT CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS. IF THAT IS SO, WHY IS IT SAID: 'WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE'? — [TO TEACH THAT] THE POOR HAVE NO RIGHT TO CLAIM THE DEFECTIVE CLUSTERS PRIOR TO THE VINTAGE.[48]**

MISHNAH 8. **IF ONE DEDICATES HIS ENTIRE VINEYARD [TO THE SANCTUARY] BEFORE EVEN THE 'DEFECTIVE CLUSTERS'[49] WERE RECOGNISABLE, THE 'DEFECTIVE CLUSTERS' DO NOT BELONG TO THE POOR; BUT [IF THE DEDICATION TOOK PLACE] AFTER THE DEFECTIVE CLUSTERS WERE RECOGNISABLE,[50] THEN THEY DO BELONG TO THE POOR.[51] R. JOSE SAYS: LET [THE POOR] GIVE THE VALUE OF THEIR IMPROVED GROWTH TO THE TEMPLE.[52] WHAT CAN BE DEEMED 'FORGETFULNESS' IN THE CASE OF AN 'ESPALIER'?[53] WHEN ONE IS NO LONGER ABLE TO STRETCH FORTH HIS HAND AND TAKE THEREFROM.[54] AND IN THE CASE OF RUNNERS?[55] ONLY AFTER [THE GATHERERS] HAD PASSED BY IT.[56]**

(1) A differentiating epithet given on account of its general excellence.

(2) The word 'even' in our editions is best omitted; its inclusion here is due to its occurring in the next Mishnah.
(3) v. Ezra II, 22; Neh. VII, 26. In II Kings XXV, 23 it refers to a city near Bethlehem, in Judah, wherein olive trees were renowned. Others derive the word from נטף 'to flow', because it was a tree always overflowing with oil, and render: like an olive tree that yields much oil in its season. An alternative rendering: An olive tree which at one time bore a special name like the Netofah (olive tree).
(4) The literal interpretation of the law in Deut. XXIV, 19: 'and thou shalt forget a sheaf in the field' is of a sheaf that will always be left forgotten; but an olive tree of the kind referred to here is remembered after a time.
(5) The name applied to a species of olive tree, literally pouring forth (שפך) large quantities of oil. Others take the word as a place-name. like the following 'Beshani'.
(6) The general explanation of this word is that it is an abbreviation of the place-name 'Beth-Shean'. Others interpret the word figuratively, thus: 'A tree, that on account of the abundance of its fruit and oil, puts all the other trees to shame'. The two words are thus either taken as adjectives or proper names; though logically they would point to being place-names. s1nce they are included under the rubric of 'in its name' and not 'in its produce'. But then the retort of those who treat them as adjectives would be: 'If so, then why are they not included as examples of "in its situation"?' Others again render as the 'ill-yielding'.
(7) When its trunk is used to block up the gap in the fence.
(8) Those not distinguished by a special title.
(9) Agreeing with Beth Hillel, v. supra VI, 5.
(10) R. Jose referred to the days when owing to the Hadrianic persecutions (2nd cent. C.E.) Palestinian olive trees were rare; for the owner who left behind olives would bethink himself of them later, but at a time when the olive trees were no rarity, he would agree that the law of the 'Forgotten Sheaf' applies even to them (v. Bert.).
(11) A malben is a small garden plot, quadrangular in shape and three handbreadths in width, cf. supra III, 1, 4.
(12) As it is hidden from view by the other trees. V. supra V, 7. The reason why olive trees receive here such frequent mention, though the law applies to other trees, is that they are the most common trees of Palestine.
(13) V. supra VI, 6.
(14) This refers back to the opening Mishnah of this Chapter: 'When does the law not apply to the tree of a special name?'
(15) It would be considered 'Forgotten' unless the fruit comprised two se'ahs.
(16) The fruit still ungathered at his feet is an indication that the 'finishing process' of plucking the whole tree has not yet been completed. V. supra V, 8.
(17) Aliter: 'The workers searching after the remaining (hidden) olives'. This searching was done with the aid of a stick, w1th which they used to beat the branches, so that the olives still nestling between the leaves may fall down. T.J. Pe'ah substitutes the word כרכר 'turner' for the מחבא of our Mishnah.
(18) 'Grape Gleanings'. Lev. XIX, 10. V. supra VI, 5, n. 6.
(19) Only those grapes belong to the poor that fall to the ground in the natural course of the vintage. The case cited in the Mishnah can be construed as an accidental cause.
(20) With the intention of collecting therein the single grapes that fall.
(21) The reason being that single grapes (peret) are already prior to their reaching earth the property of the poor.
(22) V. supra V, 6, n. 3.
(23) 'Oleleth (lit., 'grape gleaning') which, according to Lev. XIX, 20 must be given to the poor. 'Oleleth here used for a defective cluster is connected with עולל (a small child), the defective cluster being in proportion to the full cluster as that of the child to the man.
(24) That still remains on a stem.
(25) Its grapes hang loose and do not rest on other stalks as if on a shoulder as is usual with fully ripe grapes.
(26) Lit., 'have no pendant'.
(27) Who always receive the benefit of the doubt. V. supra IV, 11.
(28) The word usually applied to the knee-joint, or the leg from under the hip bone to the ankle; Hul. IV, 6. Here it refers to one branch of the vine that comes out of another branch, like so many joints, or to that part of the vine which is bent down and laid in the ground to rise at another place; cf. Rail. VII, 1.
(29) Namely, the defective cluster on the joint of the vine.
(30) That adjoins it.
(31) Single grapes that are joined to the stem itself or to the rib of the cluster and not small bunches on top of one another.
(32) Belonging, accordingly, to the owner.
(33) And, therefore, the property of the poor.
(34) המדח, V. supra III, 3, n. 4.
(35) The reason being a logical one: since the object of this thinning out process is so that the grapes, or the clusters, may grow better by being less cramped together. V. next note.
(36) According to R. Meir, the poor are to be regarded only in the role of purchasers of the defective clusters, not as partners (which is the

view of R. Judah) with the original owners; hence the latter have no right to touch these grapes.
(37) Cf. Lev. XIX, 23-25. After the first three years during which the fruit of any tree could not be eaten (ערלה), the fruit was in the fourth year taken to Jerusalem to be enjoyed there.
(38) Though the grapes required redemption if not taken to Jerusalem, yet the 'Fifth' which is prescribed for Second Tithe, need not be added; for the Torah mentions this only in the case of the Second Tithe. V. B.M. 55b.
(39) This refers to the removal from the house of fruits in the third and sixth year of the Sabbatical period; Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 3, 6; Sheb. VII, 1.
(40) V. supra VII, 3.
(41) V. supra VII, 4.
(42) The poor can eat the grapes wherever they are, provided that they afterwards bring the redemption money to Jerusalem.
(43) Since in their view the grapes are 'consecrated', the poor have no right to them and they are, therefore, the property of the owner to bring them to Jerusalem or redeem them, as he thinks fit. Even the 'defective clusters' are thus 'trodden' together with the other grapes and the value of the whole yield taken off to the Holy City.
(44) I.e., in the entire vineyard there is not a single cluster which has either shoulder (כתף) or pendant (נטף).
(45) Deut. XXIV, 21.
(46) The extent of a vintage is at least three full clusters yielding at least one fourth of a log (v. Glos.). Since our Mishnah speaks of defective clusters, hardly likely to produce this required vintage the grapes therefore belong, according to R. Eliezer, to the owner.
(47) Lev. XIX, 10. This verse does not mention 'grape gathering' at all but just 'thy vineyard'; hence, according to R. Akiba, even a vineyard of defective clusters belongs to the poor.
(48) They must wait until the owner has finished gathering his grapes. R. Eliezer would take R. Akiba's verse to debar the owner from taking possession of the defective clusters before he has finished the vintage.
(49) V. supra VII, 4. In ordinary circumstances, these would become the share of the poor.
(50) To be defective and not full clusters.
(51) The generally accepted principle being that a man cannot consecrate anything which does not belong to him.
(52) Unto the Temple authorities is due the value of the improvement the grapes have made since they were first dedicated. Cf. Me'il. III, 6.
(53) A lattice-work on which trees or shrubs are trained. In Kil. VI, 1 the word is explained as a row of at least five vines running along a fence, or perched on any high pole.
(54) When, later, he recalls the grapes thereon, he finds that he can no longer reach them.
(55) These are ground-trained vines; grapes growing in a row on isolated vines, almost foot level.
(56) For getting all about them. Each 'runner' vine is regarded as a border-bed or an outmost furrow by itself; on this account, the owner, after having forgotten to collect them once, can no longer return to them.

Pe'ah Chapter 8

MISHNAH 1. **FROM WHAT TIME ARE ALL MEN PERMITTED TO TAKE THE 'GLEANINGS'? AFTER THE LAST TROOP OF THE POOR[1] HAD GONE. AND IN THE CASE OF 'PERET'[2] AND 'DEFECTIVE CLUSTERS'?[3] AFTER THE POOR HAD GONE INTO THE VINEYARD AND COME BACK AGAIN.[4] AND IN THE CASE OF THE OLIVE TREES? AFTER THE DESCENT OF THE SECOND RAINFALL?[5] SAID R. JUDAH: 'BUT ARE THERE NOT SOME WHO DO NOT HARVEST THEIR OLIVES BEFORE THE SECOND RAINFALL?' NO;[6] [THE TIME LIMIT FOR OLIVES IS] AFTER THE POOR MAN GOES OUT[7] AND CANNOT BRING BACK WITH HIM [MORE THAN THE VALUE OF] FOUR ISSARS.[8]**

MISHNAH 2. **THEY[9] ARE TO BE BELIEVED CONCERNING GLEANINGS', THE FORGOTTEN SHEAF AND PE'AH DURING THEIR [HARVEST] SEASON, AND CONCERNING THE POOR MAN'S TITHE[10] DURING THE WHOLE YEAR THEREOF. A LEVITE IS ALWAYS TO BE TRUSTED.[11] THEY MUST NOT BE TRUSTED [IN OTHER CASES] SAVE IN THOSE THINGS WHICH MEN ARE WONT TO GIVE THEM.[12]**

MISHNAH 3. **THEY ARE TO BE TRUSTED CONCERNING WHEAT,[13] BUT NOT CONCERNING FINE FLOUR OR BREAD;[14] CONCERNING RICE STILL IN ITS STALK,[15] BUT NOT WHEN IT IS EITHER RAW OR COOKED.[16] THEY CAN BE TRUSTED CONCERNING BEANS BUT NOT WHEN THESE ARE POUNDED, WHETHER RAW OR COOKED. THEY ARE TO BE BELIEVED**

WHEN THEY DECLARE THAT THEIR OIL IS FROM THE 'POOR MAN'S TITHE', BUT THEY ARE NOT BELIEVED WHEN THEY CLAIM THAT IT IS FROM THE FEW OLIVES THAT HAVE BEEN KNOCKED DOWN.17

MISHNAH 4. **THEY ARE TO BE TRUSTED CONCERNING RAW VEGETABLES,18 BUT NOT CONCERNING THOSE THAT ARE COOKED, UNLESS HE HAD ONLY A SMALL QUANTITY; FOR SO IT WAS THE CUSTOM OF THE HOUSEHOLDER TO TAKE OUT OF HIS STEW-POT [AND GIVE TO THE POOR].19**

MISHNAH 5. **ONE MUST NOT GIVE TO THE POOR FROM THE THRESHING-FLOOR,20 LESS THAN A HALF KAB OF WHEAT OR A KAB OF BARLEY.21 R. MEIR SAYS: [ONLY] HALF A KAB.22 [ONE MUST GIVE] A KAB AND A HALF OF SPELT, A KAB OF DRIED FIGS OR A MINA23 OF PRESSED FIGS; R. AKIBA SAYS: [ONLY] HALF. [ONE MUST GIVE] HALF A LOG24 OF WINE; BUT R. AKIBA SAYS: A QUARTER.25 [ONE MUST GIVE] A QUARTER OF OIL; BUT R. AKIBA SAYS: AN EIGHTH.26 AS FOR OTHER KINDS OF PRODUCE, ABBA SAUL SAYS, [THE AMOUNT GIVEN MUST BE SUCH] AS TO ENABLE THE POOR MAN TO SELL THEM AND BUY WITH THE PRICE THEREOF FOOD SUFFICIENT FOR TWO MEALS.**

MISHNAH 6. **THIS MEASURE IS STIPULATED FOR THE PRIEST, LEVITE AND ISRAELITE ALIKE.27 SHOULD HE DESIRE TO SAVE AUGHT,28 HE CAN ONLY RETAIN A HALF29 AND GIVE THE OTHER HALF AWAY. IF HE HAS ONLY A VERY SMALL QUANTITY,30 THEN HE MUST PLACE IT BEFORE THEM AND THEY THEN DIVIDE IT AMONG THEMSELVES.31**

MISHNAH 7. **ONE MUST NOT GIVE THE WANDERING POOR MAN LESS THAN A LOAF WORTH A PONDION32 AT A TIME WHEN FOUR SE'AHS [OF WHEAT COST] ONE SELA'.33 IF HE SPENDS THE NIGHT [AT A PLACE], ONE MUST GIVE HIM THE COST OF WHAT HE NEEDS FOR A NIGHT.34 IF HE STAYS OVER THE SABBATH HE IS GIVEN FOOD FOR THREE MEALS.35 HE WHO HAS THE MEANS FOR TWO MEALS, MUST NOT ACCEPT ANYTHING FROM THE CHARITY DISH;36 AND IF HE HAS FOR FOURTEEN MEALS, HE MAY NOT ACCEPT ANY SUPPORT FROM THE COMMUNAL FUND.37 THE COMMUNAL FUND IS COLLECTED BY TWO38 AND DISTRIBUTED BY THREE PEOPLE.39**

MISHNAH 8. **HE WHO POSSESSES TWO HUNDRED ZUZ, 40 MAY NOT TAKE 'GLEANINGS', THE FORGOTTEN SHEAF, PE'AH OR THE POOR MAN'S TITHE. IF HE POSSESSES TWO HUNDRED MINUS ONE DENAR,41 THEN EVEN IF A THOUSAND [MEN] EACH GIVE HIM [ONE ZUZ], HE MAY ACCEPT.42 IF HIS PROPERTY IS MORTGAGED UNTO HIS CREDITORS OR TO THE KETHUBAH43 OF HIS WIFE, HE MAY ACCEPT. THEY44 CANNOT COMPEL HIM45 TO SELL HIS HOUSE OR HIS TOOLS.46**

MISHNAH 9. **IF A MAN POSSESSES FIFTY ZUZ AND HE USES THEM FOR HIS BUSINESS, HE MUST NOT TAKE [THE POOR GIFTS].47 WHOEVER DOES NOT NEED TO TAKE [CHARITY] AND YET TAKES, WILL NOT DEPART FROM THIS WORLD BEFORE BEING ACTUALLY IN NEED OF HIS FELLOW-MEN;48 BUT HE WHO NEEDS TO TAKE AND DOES NOT TAKE,49 WILL NOT DIE BEFORE HE WILL HAVE COME IN OLD AGE TO SUPPORT OTHERS FROM HIS OWN [BOUNTY]. CONCERNING HIM THE VERSE SAYS: BLESSED BE THE MAN WHO TRUSTETH IN THE LORD AND WHOSE HOPE IS THE LORD.50 THE SAME MAY BE APPLIED TO A JUDGE WHO JUDGES IN TRUTH ACCORDING TO ITS INTEGRITY.51 AND IF A MAN IS NOT LAME,52 BLIND OR HALTING, AND HE FEIGNS TO BE AS ONE OF THESE, HE WILL NOT DIE IN HIS OLD AGE BEFORE HE ACTUALLY BECOMES AS ONE OF THESE;53 AS IT IS SAID: HE WHO SEARCHES FOR EVIL, IT SHALL COME UNTO HIM,54 AND ALSO AS IT IS SAID: RIGHTEOUSNESS, RIGHTEOUSNESS SHALT THOU SURELY**

PURSUE.[55] AND ANY JUDGE WHO ACCEPTS A BRIBE OR WHO PERVERTS JUSTICE WILL NOT DIE IN OLD AGE BEFORE HIS EYES HAVE BECOME DIM, AS IT IS SAID: AND A GIFT SHALT THOU NOT ACCEPT; FOR A GIFT BLINDETH THEM THAT HAVE SIGHT.[56]

(1) נמושות from מוש 'to grope', 'search'. T.J. gives two explanations of the word. They are either so called because they are the very last searchers; or because they are the very old people, who have to grope their way painfully along (supra IV, 5). When these last have gone and the poor no longer seem to claim it, it becomes 'ownerless' — the property of rich and poor alike.
(2) V. supra VII, 3.
(3) V. supra VII, 4.
(4) A second time; v. Ta'an. 6a.
(5) Circa 23rd Heshwan (Ned. VIII, 5; Ta'an. I, 4). So called because this rain fructifies the soil. 'The rain is husband to the soil' (Ta'an. 6b). Cf. also Lev. XIX, 19. The Talmud (Ta'an. 6b) explains what is meant by a satisfactory second rainfall; when the soil is left fit to be used for sealing the mouth of a cask.
(6) This, therefore, cannot be the stipulated time.
(7) Of the vineyard.
(8) An issar == 8 perutahs (the smallest copper coin current). This sum was calculated as sufficient for a man to buy meals — two for himself and two for his wife. Cf. infra 7.
(9) Even the uninstructed poor ('amme ha-arez) are to be relied on when they claim that the wheat they sell is what they received as gifts and hence exempt from all tithes.
(10) The tithe was given during the third and sixth year of the Sabbatical cycle.
(11) He is to be trusted in his declaration that the wheat is the 'First Tithe'. Since this tithe to the Levite was unrestricted as to time, there is no doubt that he must afterwards give the tithe due to the priest. Just as an Israelite 'am ha-arez was not suspected of retaining for himself the terumah due to the priest, because the penalty of eating this terumah was death at the hands of heaven, so the Levite is not to be suspected of having failed to give the 'tithe of the tithe' which he owes to the priest. (Num. XVIII, 26).
(12) As explained in the following Mishnah.
(13) To state that they receive it as Poor Man's Tithe.
(14) It is not usual to give these to the poor on account of the additional trouble and expense they involve. The same reason applies to the other instances cited in our Mishnah.
(15) Because in this state it was usually given to the poor. The word שערה is also explained as the kernels of the rice after the threshing and prior to the peeling of the husks.
(16) That is after the rice has been threshed or peeled.
(17) It is hardly likely that the oil could have been produced from the few olives left on the tree after the continual beatings (נקוף) made upon it during the harvest-time, for the olives to drop down. (Cf. Isa. XVII, 6; XXIV, 13); and since the poor only receive the few remaining olives, their statement is not credible. Cf. Hallah III, 9.
(18) Vegetables (since they are perishable) though exempt from Pe'ah, supra I, 4, are subject rabbinically to the poor Man's Tithe.
(19) It is very likely that the owner, having forgotten to give his dues, does so afterwards direct from the stew-pot. This, however, would only be a small quantity; for as explained (supra 3, n. 5) it is unlikely for the owner to give the poor readily prepared food.
(20) The measures quoted in the Mishnah are based on the stipulation of Deut. XXVI, 12 that the gifts to the poor must be such as to satisfy them. This refers to the Poor Man's Tithe only; for with regard to 'Gleanings' or Pe'ah or the 'Forgotten Sheaf', the owner could leave these dues in the field for the poor to divide among themselves (supra IV, 1).
(21) . A kab == 4 logs == one sixth of a se'ah == 24 eggs (in size).
(22) The variance as to the amounts mentioned here is due to what is considered sufficient to satisfy temporarily the needs of the poor.
(23) A weight measure equaling 25 sela's or 100 denars. After the figs are pressed, they are sold according to weight.
(24) A log (v.n. 3) was 2 litras.
(25) Of a log. This is the standard measure mentioned in connection with religious ceremonies. V.B.B. 58b.
(26) All the measures given here apply only when the distribution takes place in the threshing-floor, amidst the scene of plenty; in his house, however, the owner can obey the dictates of his own heart, since the Rabbis have not fixed a minimum.
(27) The priest and the Levite, like the Israelite, are subject to the Poor Man's Tithe of which they must give sufficient for at least two meals (Bert.). Moreover, even if the priest and Levite had already received their tithes, they are further entitled, should they be very poor, to the stipulated minimum due to the poor (R. Samson of Sens).
(28) He is not desirous of giving away all the tithes he has at once, but would save some for his own poor relatives.
(29) For this purpose, but not more.
(30) After setting aside the half for his poor relative, the remainder is not sufficient with which to give each poor man the stipulated amount.

(31) As long as the poor have all that is left, it does not matter even if each does not receive the stipulated amount. The onus is thus shifted from the owner to the poor.
(32) Abridged from dupondium, a Roman coin equal to a half zuz or two issars (Ma'as. Sh. IV, 8).
(33) The sela' == 4 denars == 24 ma'ah == 48 pondions. Four se'ahs would equal twenty-four kabs, though actually in the loaf worth one sela', there would be less than this amount, since the baker would wish to profit for the expense of grinding and baking. Only when the distribution takes place in the threshing-floor is the poor to receive not less than the stipulated sum — half a kab; when receiving a baked loaf, this need not be more than a quarter of a kab, or six eggs in size. V. 'Er. VIII, 2.
(34) I.e., for bed and warmth; Shab.118a.
(35) On the Sabbath day each Jew is enjoined to partake of three meals.
(36) Tamhui, a dish containing victuals for distribution among the poor, each receiving at least the amount of two meals, v. B.B. 8b.
(37) The Kuppah from which sustenance was disbursed among the poor every Friday, and since he has enough to eat for the whole of next week, he is not entitled to poor relief from this source.
(38) All charitable collections must be undertaken by at least two accredited persons, Shek. V, 2.
(39) The disbursement required the presence of three adjudicators as in a Beth din; v. B.B. 8a.
(40) The sum considered by the Rabbis sufficient for food and clothing for a whole year.
(41) Latin denarius, another name for a zuz. Roughly speaking, a denar or zuz may he considered the equivalent of a shilling or mark (Danby).
(42) The poor man's gifts above mentioned.
(43) The marriage contract, v. Glos.
(44) The overseers of the poor.
(45) The applicant for these gifts.
(46) Or such articles of furniture used to adorn his house on the Sabbath and festivals. Cf. Keth. 68a.
(47) Fifty zuz sunk in business are as good as two hundred lying idle.
(48) As a penalty for robbing the poor of their due.
(49) Preferring to lead a humbler, more economical life instead.
(50) Jer. XVII, 7.
(51) Lit., 'who judges a true judgment according to its truth', i.e., an absolutely true verdict which can be arrived at by the judge if he endeavors to find out the truth himself and does not rely on evidence alone, v. Sanh. (Sonc. ed.) p. 27, n. 8. A judge whose hope is God is one to whom the truth is above the fear of men; cf. Shab. 10.
(52) The distinction drawn between חגר and פסח is that the first describes a man lame in one foot and the second a man lame in both. (cf. II Sam. IV, 4). A few versions add also 'deaf and dumb'.
(53) In accordance with the Rabbinic principle that God punishes 'measure for measure'.
(54) Prov. XI, 27.
(55) Deut. XVI, 20.
(56) Ex. XXIII, 8; the verse goes on: 'and perverteth the words of the righteous'. The judge who accepts a gift to pervert judgment is compared to the man who feigns blindness. He, therefore, courts the same punishment.