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**פאה**

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# TIME 4 MISHNA

## mikra

### פאה

וּבְקִצְרְכֶם אֶת־קִצִּיר אֲרָצְכֶם לֹא תִכְלֶה פֶּאת שְׂדֵךְ לִקְצֹר וּלְקַט קִצִּירְךָ לֹא תִלְקַט:  
וְכִרְמֶךָ לֹא תַעֲוִלל וּפְרֹט כְּרִמְךָ לֹא תִלְקַט לְעֹנִי וְלִגֵּר תַּעֲזֹב אֹתָם אֲנִי ה' אֱלֹהֵיכֶם:  
(ויקרא יט:ט-י)

“When you cut the harvest of your land, do not finish off the corner of your field to cut it, and do not gather the fallen stalks.  
Do not collect the עוללות of your vineyard nor the fallen grapes of your vineyard; leave them for the poor person and the convert. I am Hashem your G-d.”

וּבְקִצְרְכֶם אֶת־קִצִּיר אֲרָצְכֶם לֹא־תִכְלֶה פֶּאת שְׂדֵךְ בְּקִצְרְךָ וּלְקַט קִצִּירְךָ לֹא תִלְקַט לְעֹנִי  
וְלִגֵּר תַּעֲזֹב אֹתָם אֲנִי ה' אֱלֹהֵיכֶם:  
(ויקרא כג:כב)

“When you cut the harvest of your land, do not finish off the corner of your field in your cutting, and do not gather the fallen stalk; leave then for the poor person and the convert. I am Hashem your G-d.”

מִקְצֵה שְׁלֹשׁ שָׁנִים תּוֹצִיא אֶת־כָּל־מַעֲשֶׂר תְּבוּאָתְךָ בַּשָּׁנָה הַהִוא וְהִנַּחְתָּ בַּשְּׂעָרֶיךָ:  
וּבֵא הַלֵּוִי כִּי אֵינְלוּ חֵלֶק וְנִחְלָה עִפּוֹד וְהִגֵּר וְהַיְתוֹם וְהָאֵלְמָנָה אֲשֶׁר בַּשְּׂעָרֶיךָ וְאָכְלוּ  
וְשָׂבְעוּ:  
(דברים יד:כח-כט)

“At the end of three years, bring out all of the tithes of your produce, in that year, and place it down by your gates.  
And the Levi will come, since he doesn't have a portion or an inheritance with you, and the convert, the orphan and the widow who are by your gates, and they will eat and be satisfied.”

כִּי תִקְצֹר קִצִּירְךָ בַּשְּׂדֵךְ וְשָׁכַחְתָּ עֲמֹר בַּשְּׂדֵה לֹא תָשׁוּב לִקְחָתוֹ לִגֵּר לִיתוֹם וְלֵאֲלָמָנָה  
יִהְיֶה לְמַעַן יִבְרַכְךָ ה' אֱלֹהֶיךָ בְּכֹל מַעֲשֵׂה יָדֶיךָ:  
כִּי תַחֲבֹט זֵיתֶךָ לֹא תִפָּאר אַחֲרֶיךָ לִגֵּר לִיתוֹם וְלֵאֲלָמָנָה יִהְיֶה:  
כִּי תִבְצֹר כְּרִמְךָ לֹא תַעֲוִלל אַחֲרֶיךָ לִגֵּר לִיתוֹם וְלֵאֲלָמָנָה יִהְיֶה:  
(דברים כד:יט-כא)

“When you will cut your harvest in your field and you will forget a bundle in the field, do not return to take it; it will be for the convert, the orphan and the widow, so that Hashem your G-d will bless you in all of the work of your hands.  
When you beat down on you olive tree, do not take its splendour for yourself; it will be for the convert, the orphan and the widow.  
When you harvest your vineyard, do not collect the עוללות; it will be for the convert, the orphan and the widow.”

## Overview

### פאה

**פאה** – end of  
the field  
**(1.1-4.9)**

- ✓ What is included in the obligation
- ✓ What is considered a distinct field
  - Physical separations
  - Different species
  - Multiple harvests
- ✓ Collecting the פאה

**לקט** –  
dropped  
stalks  
**(4.10-5.6)**

- ✓ What is included in the obligation
- ✓ If it's mixed with the farmer's stalks
  - His fault
  - Not is fault
- ✓ Who may take לקט and other מתנות עניים

**שכחה** –  
forgotten  
produce  
**(5.7-7.2)**

- ✓ What is included in the obligation
  - גמור מלאכה
  - Memorable produce
  - What's considered returning to get it
- ✓ Maximum quantity/size to be שכחה
  - Bundles
  - Stalks in the ground

**Gifts unique  
to a vineyard**  
**(7.3-7.8)**

- ✓ פרט
- ✓ עוללות
  - Definition
  - Exemptions

**All gifts to the  
poor**  
**(8.1-8.4;  
8.7-8.9)**

- ✓ When they become הפקר for anybody
- ✓ Believing a poor הארץ עם that his produce came from מתנות עניים
  - Only that which is commonly given
- ✓ A community's obligation of צדקה
  - תמחוי
  - קופה
  - Poor person from outside the community
  - Who may accept צדקה
  - Honesty

**מעשר עני** –  
1/10 for the  
poor  
**(8.5-8.6)**

- ✓ Minimum amount to give to each individual
  - At the threshing floor
  - At home
  - Saving half for particular poor people

## Key terms

### פאה

#### Rules:

**מה שקנה עבד קנה רבו** - Whatever a non-Jewish slave acquires/owns is acquired/owned by his master

**מיגו דזכי לנפשיה, זכי נמי לחבריה** - Since one is able to acquire for himself (and then give to somebody else), he is able to do so on behalf of somebody else.

**אין קנין לנכרי בארץ ישראל להפקיע מידי מעשר** - A non-Jew who owns land in **ארץ ישראל** is not considered the owner to remove the obligation of **מעשרות**

**כל המתנה על מה שכתוב בתורה, תנאו בטל** - A condition which contradicts the **תורה** is invalid

**שתיקה כהודאה** - Remaining quiet is considered like agreeing and accepting

#### Concepts and Terms:

**גמר מלאכה** - Final stage of the harvesting process

**מירוח** - The smoothing over of the stack of produce, signifying the **גמר מלאכה**

**פרוזבול** - A document which prevents loans being cancelled at the end of **שמיטה**

**שכיב מרע** - One who is on their deathbed and therefore is **מדרבנן** able to transfer ownership of his possessions to others by instruction alone

**כתבה** - A document written at the time of marriage, part of it stipulating that if the husband dies or divorces his wife, she is entitled to a certain amount of money/property

**עונת המעשרות** - The stage of development that a particular species becomes edible and therefore obligated in **מעשרות** (tithes)

**אריסות** - An arrangement in which renters of a field work the land and receive a percentage of the crop as their wages.

**יאוש** - Giving up hope and removing from oneself the intention to collect something

- **ממון גבוה** - Something which is considered owned by Hashem/the **בית המקדש**
- **ממון בעלים** - Something which is considered personally owned

## Summaries

## פאה

- Leaving 'פאה' – the end part of one's field – for the poor:

- מְדֹאֲרֵיִתָּא, there is **no minimum amount** that one has to leave as פאה, and conversely he can leave his entire field except for the first stalk as פאה.
  - So too, the מְצוֹת of: 'בִּיכּוּרִים' – the **first fruit** to ripen which one must bring to the **בֵּית הַמִּקְדָּשׁ**; **time spent by the בֵּית הַמִּקְדָּשׁ** on the **שְׁלֹשׁ רִגְלִים**; acts of **kindness**; and **learning תּוֹרָה** every day and night, can be fulfilled with the smallest amount, but higher amounts are better.
    - The results/reward for the מְצוֹת of **honouring one's parents**, acts of **kindness** and **making peace** among people is felt in this world, although the reward is given in the next world.
    - The מְצוֹת of **learning תּוֹרָה** is as great as all the other מְצוֹת combined.
  - מְדֹרְבָּנָן, one **must leave** at least **1/60** of his field as פאה, and should ideally give more if the **size** or **yield** of his field makes it affordable for him to do so or if there is a large **number of poor** people.
- **חֻכְמִים**: One who leaves פאה at the **beginning/middle of his field** fulfils his **obligation** since the **תּוֹרָה** implies that produce can become פאה even if more harvesting is ahead.
  - ר' שמעון**: Only **1/60 at the end of the field** is sufficient to fulfil his obligation, but the other produce separated is also פאה.
  - ר' יהודה**: Leaving **1 stalk at the end of his field** is sufficient to fulfil his obligation, and only if he does so is the other produce separated considered פאה too.
- Only produce which (1) is **edible** under normal circumstances; (2) is **protected** by an owner; (3) grows and gains nourishment **from the ground**; (4) ripens and is **harvested together with the entire field**; and (5) can be **stored** for a long time, is **obligated in פאה**, since only this is considered "קָצִיר".
  - The **5 primary grains** and **legumes** such as beans fulfil all 5 conditions.
  - Although the word "קָצִיר" generally refers to crop which grows directly on the ground, in the context of פאה it includes **trees**, even though they are harvested in a different way, since the **תּוֹרָה** explicitly states that an olive tree is obligated.
- A farmer is **exempt from separating the tithes** from 'מִתְּנוֹת עֲנִיִּים' – gifts from a farmer to the poor, since the tithes are to compensate the **לוֹי/כֹּהֵן** for their lack of land in **אֶרֶץ יִשְׂרָאֵל**, but they have as much right to **מִתְּנוֹת עֲנִיִּים** as a **יִשְׂרָאֵלִי**.
  - If a farmer harvests his entire field, he is still obligated to give 1/60 of his harvested crop to the poor, but if he doesn't do so until 'מִירוּחַ' – the smoothing over of the stack of produce, signifying the completion of the harvesting process – then the **פאה is obligated in the tithes**.
    - He can exempt his produce from tithes by **declaring it 'הִפְקָר'** – **ownerless** – up to the stage of **מִירוּחַ**.
    - One may **feed meals to his animals** or **replant produce** without separating its tithes, up to the stage of **מִירוּחַ**.

## Summaries

## פאה

- Although a פהן may keep the tithes from his own produce, if he buys somebody else's produce he must give the tithes to somebody else, to prevent him paying the owner a price lower than its full value but above the value that it would be worth after the tithes have been separated, since this puts poor פהנים at a disadvantage; if it's before פירוח, he may keep the tithes, since this decree doesn't include an uncommon case like buying the produce before פירוח.
  - o The same applies to a לוי, but he may not keep תרומה even from his own produce.
- If one's field is 'הקדש' – designated to the המקדש – at the stage of פירוח, it is exempt from tithes.

## Summaries

## פאה

- What is considered a distinct field for פאה:

- If a **river**, irrigation **canal**, 4 אמות wide private **road**, 16 אמות public road, private/public **path for walking** which is there all year round, **unplanted** strip, **ploughed** strip or strip of **another species** runs through a field, it **divides the field** into two, thus requiring two separate פאות to be separated.

**ר' יהודה**: A canal is only considered a separation if it's **too wide for somebody to cut crop on both sides** whilst standing in the middle of the canal.

- **ר' מאיר**: A strip **ploughed for animal fodder** at an earlier stage of growth than the rest of the field **divides** the field, as it's considered a different harvest to the rest of the field.

**חכמים**: It **doesn't divide** it, since it's the beginning of the whole field's harvest.

- A **mound** which is dug at the end of the harvesting using a hoe instead of an animal and plough **doesn't divide** the field, since it's obvious that it's going to be returned to and ploughed.

- Only a **wall divides trees** into 2 fields, if the branches don't intermingle above the wall.
  - **Carob trees** are considered part of the same field as long as they are **within sight** of each other, since they were typically planted far away from each other.

- This was the custom in **רבן גמליאל**'s father's household, and they considered all **olive trees** in the **same section of the city** as part of the same field, since their owners shared one olive press.

**ר' אליעזר ברבי צדוק**: Their custom was to take 1 פאה for all the carob trees in the **entire city**.

- A field **containing 1 species** is still **considered 1 field** even if it isn't all harvested on the same occasion, and a field **containing 2 species** is **considered 2 fields** even if it's all harvested on the same occasion.

→ **ר' שמעון איש המצפה** asked **רבן גמליאל** how many פאות to take from his field of **2 types of the same species** (wheat), and they went to ask the **סנהדרין** and **נחום הלבלר** told them that he has a tradition that it's **למשה מסיני** that only **if he harvests the entire field on the same occasion is it considered 1 field**.

- If **non-Jews** harvest a field or even just the end of the field for themselves, if **robbers** harvest it or if the produce was uprooted from the ground **not during the harvest**, the owner is **exempt from giving פאה**, since the **תורה**'s obligation is "when you harvest".

→ If this **occurs only to the first half** of the field, he **must leave פאה for whatever he harvested**, i.e. the second half only.

→ If the owner harvests the first half and **sells or makes the second half הקדש**, the **buyer/one who redeems it from הקדש must leave פאה for the entire field**, since it was understood at the sale/redemption that the owner hadn't left פאה yet and that he was excluding the amount of פאה for the entire field from the sale.

## Summaries

## פְּאָה

- **בית שמאי**: If **patches of grain are planted in a field of trees** which are  $18\frac{1}{4}$  אַמּוֹת apart from each other, the farmer must leave **פְּאָה** from each patch independently, since the fact that he didn't plant the grain continuously throughout the field including between the trees shows that he deliberately wants to separate the patches.  
**בית הלל**: He must leave **1 פְּאָה** for the all of the grain, since the gaps between the trees are too small for it to be practical to plant there, which means that the fact that he planted the grain in patches doesn't mean he wanted to separate them.  
→ If some **grain from one patch leans over and intermingles** with grain from another patch, they are viewed as 1 'field' so require **1 פְּאָה**.
- **ר' עקיבא**: If one **harvests the early-ripening parts of his field earlier** than the rest of the field and for a different purpose, e.g. to sell instead of to store the produce, he must leave **פְּאָה** for each patch of remaining produce by itself, because of the gaps.  
**חכמים**: He must leave **1 פְּאָה** for the entire field, since it's viewed as 1 extended harvest.  
→ If it's a field which is **normally planted in patches**, he must leave **separate פְּאוֹת** for each patch since it isn't viewed as one continuous field and harvest.
- If one harvests the produce of his field **on 2 different occasions and for 2 different purposes**, he must leave **2 פְּאוֹת**.
- One who **removes part of his crop in order to give more space** to the remaining crop is **exempt from פְּאָה**, since it's likely to be unripe and it's not harvested for its own sake.
- **חכמים**: **Onions which remain in the ground for a very long time** in order to produce seeds are **obligated in פְּאָה**, since onions are edible.  
**ר' יוסי**: They are **exempt**, since by the time they are uprooted from the ground they are practically inedible.
- **ר' יוסי**: If one's field contains **onions planted in a field of vegetables** which are exempt from **פְּאָה**, he must leave **פְּאָה** from each patch independently, since they are divided by another species.  
**חכמים**: Since the vegetables are exempt from **פְּאָה**, they are secondary to the onions so are viewed as empty space, so he must leave **1 פְּאָה**.
- 2 people who **inherit or divide a field/tree between them** must leave **2 separate פְּאוֹת**, but if they are **partners in the entire field/tree**, then they must leave **1 פְּאָה**.
- If one **sells young trees** in his field, the **buyer must leave פְּאָה** for each tree **independently**, since he doesn't own the land in between the trees so they don't combine to make 1 field.  
→ If the **seller begins to harvest** his young trees and only then sells the unharvested ones, the **seller is obligated to leave פְּאָה for the entire field**, since the obligation of **פְּאָה** was set upon him when he started the harvest, and this was understood in the sale agreement.



## Summaries

## פאה

## Laws regarding land:

- **ר' אליעזר**: The **minimum sized field** which is **obligated in פאה** is a 'בית רבע' – area in which a  $\frac{1}{4}$  **קב** of seeds can be planted; this is learnt from the laws of **כלאים**.
- **ר' יהושע**: It's one which produces **2 סאה** of produce; this is learnt from the laws of **שכחה**.
- **ר' טרפון**: It's **6x6 טפחים**; this is learnt from **כלאים**.
- **ר' יהודה בן בתירה**: It must be big enough that it **can't be harvested in one movement**.
- **ר' עקיבא**: **Any amount** of land.
  - **ר' עקיבא**: Any amount of land is also sufficient to: obligate one in **בכורים**; allow one to write a 'פרזבול' – document which **prevents his loans being cancelled** in the **שמיטה** year; and **acquire movable items** via performing an act of acquisition on land.
- If a 'שכיב מרע' – one who is on their deathbed and therefore is **קודרבון** able to transfer ownership of his possessions to others by instruction alone – **instructs all of his property to be given to somebody who then performs an act of acquisition**, the **gift is invalid** if he recovers, and the act of acquisition is viewed as formality rather than replacing the transfer effected by the instruction, which is cancelled if he recovers.
  - If he **keeps some property for himself**, it is assumed that his gift was genuine and not conditioned on his death, so the transfer of ownership is **valid** and the act of acquisition is viewed as replacing the mere instruction of the **שכיב מרע**.
- If a **שכיב מרע** **gives away all his land** and gives his wife land worth less than the value of her 'כתבה' – what she receives if her husband dies or divorces her – then if she doesn't protest, she **may not claim the land for her כתבה** later on, since 'שתיקה' – remaining quiet is considered agreeing and accepting.
  - **ר' יוסי**: If she accepts this even before the **שכיב מרע**'s instructions, then she may not claim the land even in a case where she didn't receive any land from her husband.
- If one writes a document in which he **gives over all his possessions to his non-Jewish slave**, the **slave goes free** since he's owned by his master.
  - **חכמים**: If the master **excludes any of his possessions**, the **slave is also excluded** since his intention is assumed to be to only give away that which is obviously a 'possession'. Therefore, the **rest of the property also isn't transferred** to the slave, since 'מה שקנה עבד קנה רבו' – whatever a slave acquires is owned by the master.
    - **ר' שמעון**: He **does go free**, unless the master excluded a fraction of his possessions without specifying what.

## Summaries

## פאה

- Collecting the פאה:

- Whichever poor person detaches the פאה produce from the ground **first may keep it**.
  - For produce which is difficult and **dangerous to access**, e.g. dates on a palm tree, the owner should bring it down and **distribute it equally** to all the poor people present.
    - ר' שמעון**: This even applies to nuts growing on a tree with a smooth trunk.
      - If **all the poor people present agree** that this פאה should be divided in a different way to usual, they may do so.
  - If a poor person detaches some פאה from the ground and **throws it over the rest of the פאה** so that other poor people don't collect it, he is **forbidden מודר בנן to keep** even that which he himself detached and acquired, as a punishment.
  - If a poor person **lies down or spreads a cloak over the פאה** in the belief that he could acquire it like that, **other people may take the פאה from underneath him/it**.
  - It's **forbidden to use a spade or any potentially dangerous tool** to collect פאה, to avoid somebody being hurt in the competitive race to obtain as much פאה as they can.
  - **רבן גמליאל**: The poor people **may only collect פאה when the farmer is present** so that they don't take any non-פאה produce, so he must appear in the field **at least** in the (1) **early morning**, (2) **midday** and (3) **mid-afternoon**, so that even (1) mothers of young children, (2) young people and (3) old people have an opportunity to collect.
    - ר' עקיבא**: This is **the most** that he may appear in the field, since otherwise he might favour and tell particular poor people when to come.
  - The people of **בית נמר** **would leave פאה at the end of each row** of harvesting, such that each row is viewed as another field, so that the poor wouldn't need to wait until the end of the harvest to collect.

- Laws which apply to different מתנות עניים:

- A farmer who **converts to become Jewish in between detaching his produce and stacking it up** is **exempt** from giving the מתנות עניים from that produce. This includes both types of 'שכחה' – forgotten produce: (a) stalks which he forgot to detach, and even (b) bundles which he forgot to transport from the field, since (b) has the same law as (a), whose obligation set in whilst he was a non-Jew.
  - ר' יהודה**: He is **obligated to give שכחה of the bundles**, since that obligation only sets in once he is a Jew.
- If the produce is **שקדש when it is harvested**, מתנות עניים do not need to be given from it since the obligation only applies "when you harvest"; this is even if he redeems it onto money and takes back the produce afterwards.

## Summaries

## פאה

When לֶקֶט gets mixed up with other produce:

- 1) If a farmer **piles up his grain on top of an area of the field from which the לֶקֶט hasn't yet been collected**, he **must give the poor people all of the stalks which are touching the ground**, as a punishment.
  - 2) חֲכָמִים: If **wind spreads some of the farmer's stalks** onto the ground so that they get mixed with the לֶקֶט stalks, he must give to the poor people the amount of stalks which are estimated to fall during the harvest of **this particular field**.  
רַבּוֹ שֶׁמְעוֹן בֶּן גַּמְלִיאֵל: He must give them the average amount which falls in a **regular field** (1/45).
  - 3) If a **לֶקֶט stalk gets mixed with the farmer's טָבֵל stalks** and it's unknown which one is לֶקֶט, the farmer **must give a poor man one of the stalks** and in case that stalk is טָבֵל, he **should first tithe a stalk from another pile** which requires tithing, on its behalf.  
ר' אֱלִיעֶזֶר: The farmer **should temporarily give over the entire mixture** to him before tithing it, since otherwise he would not be able to benefit from the rest of the mixture as it might include לֶקֶט.  
→ If the farmer **doesn't have another pile**, he **should tithe 2 stalks** from this mixture on its behalf, to guarantee that he is tithing a טָבֵל stalk.
- An individual stalk which was overlooked in the harvest but is **close to stalks in the unharvested part** of the field and can be cut in the same handful as them, is **not שְׂכָחָה**.
  - ר' מֵאִיר: It's **forbidden** to **harvest a good quality species together with a bad quality species**, since instead of his concentration progressively worsening as the harvest goes on, he'll make sure to use his concentration for the good quality produce and to only allow himself to drop bad quality produce, thus causing a loss to the poor.  
חֲכָמִים: It is **permitted**, since this behaviour is not guaranteed.

Who may collect לֶקֶט and other מִתְּנוֹת עֲנִיִּים:

- ר' אֱלִיעֶזֶר: If one is travelling and **temporarily can't access his money** or borrow money, he **may take מִתְּנוֹת עֲנִיִּים** but **must compensate** the poor people of that town when he has money.  
חֲכָמִים: He **doesn't need to compensate** them, since we view him as somebody who became wealthy only after receiving מִתְּנוֹת עֲנִיִּים.
- If a poor man **exchanges מִתְּנוֹת עֲנִיִּים** for other produce, the מִתְּנוֹת עֲנִיִּים **remain exempt from tithes** even if they are now owned by a wealthy man, so the wealthy man must tithe the other produce so that the poor man can also keep all that he receives.
- 2 people who **rent a field** under the arrangement of 'אֲרִיסוֹת' – where the renters take care of the field and are paid a percentage of the annual crop – **may not keep the מִתְּנוֹת עֲנִיִּים for themselves** even if they are poor, but **may each give them to each other**.  
→ One who **harvests a field** in exchange for a **percentage "of the field"** **may not take** the מִתְּנוֹת עֲנִיִּים, but if it's for a **percentage "of the harvested crop"** then he **may take** מִתְּנוֹת עֲנִיִּים but not מִעֶשֶׂר עֲנִי, whose obligation begins at the harvest.

## Summaries

## פאה

- One who **sells his land with the crop still attached** may take the עֲנָיִים, and the buyer may not, since their obligation begins at the harvest.
- One who hires a worker on condition that part of his wages will be that his son may walk behind the worker, picking up any fallen stalks, is **stealing from the poor people**.  
→ One who **doesn't give all poor people an equal chance** to collect the לֶקֶט is also stealing from the poor people.
- **Leaving 'שִׁכָּחָה' - overlooked/forgotten produce - for the poor:**
  - Bundles only **become שִׁכָּחָה** if they are **overlooked by both the worker who is harvesting and the farmer himself** if he is present, since the תּוֹרָה says "when you [referring to the worker] harvest *your* [referring to the farmer] harvest".
  - If the reason why it is overlooked is because the **poor people hid it**, it **isn't שִׁכָּחָה** since there were eternal factors which caused it to be overlooked.
  - The obligation of giving forgotten bundles **only applies at the stage that the produce is transported to the place where it will be threshed** – either when it's stacked into a large pile at the edge of the field or at the threshing floor – but not at any other time, since it's learnt from the תּוֹרָה that just like crop can only be harvested once, so too there is only one stage at which it can become שִׁכָּחָה.

## Summaries

### פאה

- **בית שמאי**: If one declares his produce to be 'הפקר' – **ownerless – only for the poor**, this is **valid** and the produce is **exempt from tithes** like normal הפקר.  
**בית הלל**: It is **invalid**; this is derived from שמיטה.

#### Exemptions of שכחה:

- 1) **בית שמאי**: If all of the bundles in a field are the size of 1 קב and **one is 4 קב**, and he **forgets that one**, it **isn't שכחה** since we view it as four adjacent 1 קב bundles.  
**בית הלל**: It **is שכחה**, since in reality it is 1 bundle.
- 2) **בית שמאי**: If one forgets a bundle which is **next to a significant part of the field**, e.g. a stone wall, stack of grain, animals or ploughing tools, it **isn't שכחה** since it's significant and memorable enough that it's not really considered forgotten.  
**בית הלל**: It **is שכחה**, since it's not memorable enough.
- 3) The **first and last bundle** in a field **cannot become שכחה**, since it has to have been forgotten during the harvest and involve having to go back to get it.  
 → If 2 workers begin from the middle of the field and harvest in opposite directions, and they forget the bundle where they began, it **isn't שכחה**.
- 4) If a forgotten bundle is situated at the end of a row so it **might be harvested as part of another unharvested row in a different direction**, it **isn't שכחה**.
- 5) If he **lifted a bundle to take out of the field** and subsequently forgot it, it **isn't שכחה** since it's no longer "a bundle of the field".
- 6) **בית הלל**: If **3 adjacent bundles/stalks/grapes** are forgotten/dropped, they **aren't שכחה/לקט/פרט** since the תורה says "you shall leave them for the poor person and convert", implying a maximum of 2, and when it says "the orphan and the widow", these are just examples of the poor mentioned in the other פסוק.  
**בית שמאי**: This is only true when 4 are forgotten/dropped, since the תורה says they should be left "for the convert, orphan and widow", implying a maximum of 3.
- 7) If a forgotten bundle is at least the **size of 2 סאה**, it **isn't שכחה** since it's considered a stack rather than a "bundle".  
 → **רבן גמליאל**: If **2 bundles combined are 2 סאה**, all the more so they **aren't שכחה** since in general if more bundles are forgotten, the position of the farmer is improved.  
**חכמים**: They **are שכחה**, since they aren't a stack.
  - **חכמים**: Even according to רבן גמליאל, if a **bundle of 1 סאה is next to 1 סאה of standing produce**, they **don't combine** and they are שכחה.
  - **ר' יוסי**: They **do combine**, unless other produce entitled to the poor, e.g. לקט, is in between them.
  - **Onions forgotten next to garlic don't combine.**
 → If a **forgotten stalk would have grown to the size of 2 סאה** but its growth was affected by an external factor such as strong winds, it **isn't שכחה** because it could still grow more since it's attached to the ground.

### פאה

- 8) If a forgotten bundle/stalk is **close enough to a stalk which hasn't yet been harvested** that if bent over it can touch it, it **isn't שְׂכָחָה**.
  - 9) Produce **harvested for animal food cannot become שְׂכָחָה**, since it isn't bundled up.
  - 10) Produce **harvested in order to use for tying up bundles cannot become שְׂכָחָה**, since it doesn't reach its 'גִּמְרַם מְלֵאכָה' – final stage of the harvesting process.
  - 11) **ר' יהודה**: Produce whose **edible part grows in the ground**, e.g. onions, **cannot become שְׂכָחָה**, since the תּוֹרָה implies that only something which is visible like "the field" can be שְׂכָחָה.  
**חֲכָמִים**: It **can become שְׂכָחָה**, since it is planted "in the field".
- If one harvests or brings in bundles **at night** or if a **blind person** does so, overlooked bundles **do become שְׂכָחָה**, since he was careful to do this to the entire field.
    - If he **intends to collect only the big ones now**, **שְׂכָחָה doesn't apply** to any of them since he plans to collect any overlooked ones with the later harvest.
    - If he harvests his field **on condition that whatever he forgets he will go back to collect**, **שְׂכָחָה does apply** since 'תָּנְאוּ בְטֵל' – **כָּל הַמִּתְנֶה עַל מָה שֶׁכִּתּוּב בַּתּוֹרָה, תָּנְאוּ בְטֵל** – a condition which contradicts what the תּוֹרָה says is invalid.

## Summaries

### פאה

#### שְׁכָחָה for trees:

- If a **tree is renowned** because of its quality or position in its field and the farmer will therefore remember it even without seeing it again, **שְׁכָחָה** **doesn't apply** to it.
    - If he had **begun to harvest that tree**, it **is שְׁכָחָה** since he might think that he harvested the entire tree, unless the remaining fruit make up 2 סָאָה.
  - **ר' יוסי**: During the period after the destruction of the 2nd בֵּית הַמִּקְדָּשׁ when many olive trees in אֶרֶץ יִשְׂרָאֵל were destroyed, an **olive tree could not become שְׁכָחָה** since every olive tree was significant and memorable.
  - The fruit of a **tree situated in the middle row** (except at the end of the row) of 3 rows of trees with patches in between each row **cannot become שְׁכָחָה**, since the reason for forgetting them can be attributed to them being hidden.
  - **חֲכָמִים**: Until the **harvested fruit at the bottom of the tree has been collected** by the workers, the fruit left on the tree **isn't שְׁכָחָה**, since the workers check for remaining fruit when collecting the ones at the bottom, so the harvest hasn't yet been completed.
  - **ר' מאיר**: They aren't שְׁכָחָה until a **worker has checked for remaining fruit with a stick**.
- **Gifts for the poor which are unique to a grapevine:**
    - The only tree whose fruit of a tree **which fall during and as a direct result of the harvest** go to the poor is a vine, and this is known as 'פֶּרֶט'.
      - The poor are entitled to the פֶּרֶט grapes as soon as they fall off the cluster, even before reaching the ground, so **placing a basket at the bottom** of the vine to catch and keep the fallen grapes is **stealing from the poor**.
    - A **cluster of grapes which is underdeveloped** such that (a) it hasn't got a 'בְּתוּף', i.e. the grapes on the secondary branches which grow off the main branch don't rest on each other, and (b) it hasn't got a 'נֶטֶף', i.e. it lacks the individual grapes growing on the top part of the main branch, is called an 'עוֹלָלָת' and **goes to the poor**.
      - If it's a **doubt** as to whether it has one of these factors, he **must give it to the poor**.
      - An underdeveloped cluster which is **growing out of the same spot on the main branch** as an 'אֶשְׁכּוּל' – developed secondary branch – such that if the אֶשְׁכּוּל is cut off the underdeveloped cluster would come off with it, **it's an עוֹלָלָת** since it's considered to be growing from the אֶשְׁכּוּל so isn't a secondary branch itself.
      - **ר' יהודה**: If the **entire main branch is full of individual grapes** growing tightly together, it **isn't an עוֹלָלָת** since having a בְּתוּף just requires that the grapes are close together.
      - **חֲכָמִים**: It **is an עוֹלָלָת**, since it has no secondary clusters.
      - **ר' יהודה**: If one **removes part of his crop from the ground early** in order to give enough space and nutrients to remaining crop, he **may remove עוֹלָלוֹת too**, since the poor are **like a partner** of the farmer, whose consent is not needed for this.
      - **ר' מאיר**: He **may not**, since the poor are **like a buyer**.

## Summaries

## פאה

- **ר' אליעזר**: If a vineyard only contains עוללות, the farmer may keep them since the תורה says “when you harvest, don’t harvest the עוללות”, implying that the obligation only applies if other non-עוללות produce is harvested too.
- ר' עקיבא**: They go to the poor, since another פסוק just says “don’t harvest the עוללות in your vineyard”; the other פסוק is teaching that the poor may not take the עוללות before the harvest.
- If one makes his vineyard הקדש before it’s recognisable which clusters are עוללות, it’s valid and the vineyard is exempt from עוללות.
- **חכמים**: If he does so once it’s recognisable, the עוללות don’t become הקדש with the rest of the field and may be collected by the poor.
  - ר' יוסי**: Since the עוללות gained nourishment from הקדש ground, the poor people must give the increase in value since the field was made הקדש to the המקדש.
- If a grapevine is wrapped around posts and wooden frames such that the farmer would shake the branches after harvesting them in order to uncover hidden grapes, forgotten grapes only become שכחה after the farmer has distanced himself too far to shake the branches.
- **בית שמאי**: Regarding ‘נטע רבעי’ – produce which grew in its tree’s 4th year and must be eaten in ירושלים, (a) one doesn’t need to add on a 5th of its value if he redeems it onto money; (b) ‘ביעור’ – eating/destroying it before פסח of the 4th and 7th year of the שמיטה cycle – doesn’t apply to it; (c) it is obligated in ענינים since it’s considered ‘ממון בעלים’ – personal property of the owner – and this must also be eaten in ירושלים.
  - בית הלל**: None of the above is true; this is learnt from a ‘גזירה שוה’ – when a common word/root is found in 2 different פסוקים and thus a law stated regarding one of the פסוקים is applied to the other – with מעשר שני, and it too is considered ‘ממון גבוה’ – the High One’s property.



## Summaries

## פאה

## • Laws which apply to מתנות עניים:

- Once most of a particular gift has been collected from a field and the **poor no longer bother to search in that field**, it **becomes הפקר** for anybody to take, since the 'יאוש' – giving up hope and removing from oneself the intention to collect something – of the poor people relinquishes their ownership of the gifts.
  - For **שכחה**, **לקט** and **פאה**, this is once the **נמושות** – which either refers to the elderly poor who look downwards and therefore spot most of the gifts, or the 2nd group in this field – have been through the field.
    - **חכמים**: For **olive trees** which are harvested during the cold season so there wouldn't be **נמושות**, this is **when the 2nd rain falls**.
    - ר' יהודה**: It's once **there are less than 4 meals-worth left in the field**, which is the amount needed for a poor man and his wife for 1 day.
  - For **פרט** and **עוללות**, this is once **1 group of poor people have been through** the field, since because of their popularity, any poor people who wanted grapes would make sure to collect them immediately in the first group.
- If one **buys produce from a poor person who claims that he received it as one of the מתנות עניים**, **he is believed** if it's something which is **commonly given** as **מתנות עניים** and **it is around the time of the harvest**, so the buyer **doesn't need to tithe** the produce.
  - If one buys from him '**מעשר עני**' – 1/10 of a farmer's produce which must be given to the poor in the 3rd and 6th years of the **שמיטה** cycle – then **he's believed** the **entire 3rd and 6th year**, since it's a larger quantity than the other gifts so it lasts.
    - He's believed about **vegetables** which are obligated **מדרבנן** in **שני** if they are raw, and if there is only a little bit then even if they are cooked, because since they don't last in storage, if the farmer forgot to tithe his produce at the harvest then he would only have cooked vegetables to give.
    - If the poor person sells him **oil** which he claims was given to him as **מעשר עני**, **he's believed**, but **not** if he claims it was **שכחה**, since there are usually too few olives left for it to be worth making into oil.
  - If one buys '**מעשר ראשון**' – 1/10 of a farmer's produce which must be given to a **לוי** every year – then the **לוי is believed** if he claims that he separated '**תרומת מעשר**' – 1/10 of the **מעשר ראשון** which the **לוי** must give to a **כהן** – since the punishment for eating produce without doing so is an early death.

Leaving '**מעשר עני**' – 1/10 of one's produce – for the poor:

- Unlike the other **מתנות עניים**, the **farmer may choose how to distribute** the **מעשר עני** if he does so **at home**, since the **תורה** says "you shall give" it. However, if he gives it out **in the field**/threshing floor, he **may only choose how to distribute up to half** of it, but the rest must be used to give 2 meals-worth to each poor person, since the **תורה** also says "you shall leave" it, implying that you can't choose how to distribute it.

## Summaries

## פאה

**ר' עקיבא**: He doesn't need to give the amount that a person *would choose* to eat for 2 meals, rather **the amount that one can manage with is sufficient**.

→ If there **isn't enough** in the half which must be distributed equally for 2 meals-worth each, he should allow them to **split it between themselves**, so as not to directly give them less than 2 meals.

## A community's צדקה obligations:

- A community's צדקה fund must make sure to provide **2 ready meals** for a **poor man who passes through the city**, a place to sleep and bedding if he is staying the night, and 3 meals if he is staying for **שבת**.
- The **קופה** was a צדקה fund in each community which each household had to contribute to and which provided **14 meals** for each poor person of that community **each ערב שבת**, and only those who didn't have enough to eat for a week could receive this.
  - The money was **collected by 2 people** together in order to avoid corruption, since they had rights to take the belongings of those who didn't pay; it was **distributed by 3 people** together, which is the minimum number of judges needed to judge a monetary case.
- The **תמחוי** was a צדקה fund which provided **2 meals each morning** for poor people who weren't part of that community and didn't have enough to eat for a day.
- One who **owns 200 זוז** of money/property which is readily available to be **used may not take עניינים or צדקה**, and if he does then he will **end up poor** enough to take charity, as a punishment.
  - If he owns less than 200 זוז and **receives a lot in one go**, he **may take** it even if he'll now have more than 200 זוז.
  - If he only **has 50 זוז but does business with it** so can support himself for a year, he **may not take**.
  - One who is **allowed to take but he rather works extra hard and doesn't take** from others will be rewarded that he'll **end up supporting others**, and the **פסוקים** promising great reward to he "who trust in Hashem" apply to such a person, as well as to an **honest judge** who makes decisions for Hashem's sake.
  - One who **pretends to be disabled** in some way in order that others pity and help him more will be punished that he'll **end up with that disability**.
  - A **dishonest/corrupt judge** will be punished that **his eyesight will worsen**.

# TIME 4 MISHNA

## TEST

### מסכת פאה

1. List 2 of the 5 obligations which the **מִשְׁנָה** states can be fulfilled with even the smallest amount.
2. List 3 of the 5 conditions for a species to be obligated in **פֶּאֵה**.
3. Define and explain the significance of 'מִירוּחַ' with regards to tithing produce.
4. What is the only thing that can divide trees which are near to each other into 2 different fields, thus requiring 2 separate designations of **פֶּאֵה**?
5. Give 1 reason for why crop which is removed from the ground in order to give enough space and nutrients to the remaining crop is exempt from **פֶּאֵה**.
6. What is a **מְרַע שְׂכִיב** and what is unique about the way he can transfer the ownership of something to somebody else?
7. In what scenario would the farmer distribute **פֶּאֵה** to the poor people equally instead of them competing over it?
8. When are the 3 times that a farmer appears in the field to allow the poor people to collect the **מִתְּנוֹת עֲנִיִּים**?
9. What was the unique way in which the people of **בֵּית נֶמֶר** designated **פֶּאֵה**?
10. State the exception to the rule of 'הַמוֹצִיא מִחֻבְּרוֹ עָלָיו הָרְאִיָּה' which is found in this **מִסְכְּתָא**.
11. What is the reason for the opinion that holds that it's forbidden to harvest a good quality species with an inferior species?
12. At what stage of the harvesting process can bundles become **שְׂכָחָה**?
13. What is the maximum number of adjacent forgotten bundles which can become **שְׂכָחָה** according to **בֵּית הַלֵּל**?
14. If one harvests his field on condition that whatever he forgets he will go back to collect, does **שְׂכָחָה** apply and why?
15. What are the 2 gifts for the poor which are unique to a vineyard?
16. What is **כֶּרֶם רְבָעִי** / **נֶטֶע רְבָעִי** and what do **בֵּית הַלֵּל** compare it to?
17. Why may even wealthy people collect **מִתְּנוֹת עֲנִיִּים** after a while?
18. What is difference between the way that **מַעֲשֵׂר שְׁנִי** is distributed and the other **מִתְּנוֹת עֲנִיִּים** are distributed?
19. What were the 2 **צְדָקָה** 'funds' in each community called?