Support for the Poor in the Mishnaic Law of Agriculture:
Tractate Peah

Brooks, Roger

Published by Brown Judaic Studies


For additional information about this book
https://muse.jhu.edu/book/75392

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=2608143
INTRODUCTION

I. Poor and Priests: The Message of Tractate Peah

Tractate Peah asserts that needy Israelites are entitled to a portion of each crop that grows on the Land of Israel. The householder must designate some of his produce to meet this entitlement, while other gifts become the property of the poor entirely through processes of accident.¹ What these various types of food have in common is the fact that they are reserved for the poor alone--no one else may eat them. So the fundamental claim of this tractate is that the poor should receive some bit of the Land's yield for their exclusive use. This notion of poor-relief emerges through Mishnah's discussion of the procedures for designating and distributing the several poor-offerings mentioned in Scripture. Tractate Peah deals with each offering specified in the Mosaic Codes in the order in which they are separated during the harvesting process: that which grows in the rear corner of the field (peah; Lev. 19:9; 23:22), gleanings (Lev. 19:9; 23:22), forgotten sheaves (Deut. 24:19), separated grapes (Lev. 19:10), defective clusters (Lev. 19:10; Deut. 29:21), and poorman's tithe (Deut. 26:12). In sum, the tractate takes as its topic the entire repertoire of Scriptural references to poor-offerings.

In their discussion of these offerings, Mishnah's framers appear to be concerned with a single question: Within the holy life of Israel, how do we account for poor people's exclusive right to produce set aside as poor-offerings? To anticipate at the outset what answer we shall find, we shall examine the somewhat analogous case of the priests and the rations they receive, an analogy suggested to begin with by the tractate's setting within Mishnah's Division of Agriculture. That division deals primarily with the priestly caste and with the types of food set aside for its members.² Its tractates outline the various priestly rations—for example, tithes, heave offering, and first fruits—all of which are reserved for consumption by the priests and their families.³ But the poor, too, are entitled to certain food that no other Israelite may eat. So by placing the tractate in this context, Mishnah's redactors indicate that in their view the poor, and the poor-offerings due them, are in some way analogous to the priests, and the priestly rations given them. In fact, Mishnah's framers make this analogy explicit when they compare the poor with the priests (see M. 1:6, 4:6-8) and assert that just as the priestly caste receives tithes from each householder, so the poor should receive a part of each crop. God grants both an exclusive right to a portion of crops grown on the Land of Israel. The poor, no less than the priests, seem to be counted as a distinctive caste of Israelite society.

What conception stands behind this analogy between the poor and the priests? It is their common claim on God for protective support. Because neither group possesses a portion of the Land of Israel, neither can produce the food it needs. The priests, for their part, are forbidden by Scriptural law to own land (see Deut. 18:1-5). Instead, they act as
God's servants in the Temple and are accorded food on that account. Similarly, the poor have lost whatever portion of the Land they may have possessed, and so are entitled to receive some of its yield. God supports both the priests and the poor because they neither own land nor attain the economic prosperity promised to all Israelites who live in the Land (see Deut. 8:7-10).

These claims on God are satisfied through the action of the ordinary Israelite householder. As a tenant farmer, he works God's Land and enjoys its yield, with the result that a portion of all that he produces belongs to God. In order to pay this obligation, Israelites render to the priests grain as heave offering, tithes, and other priestly rations. Similarly, a specific portion of the Land's yield is set aside, by chance alone, for the poor. So underlying the designation of both priestly rations and poor-offerings is a single theory: God owns the entire Land of Israel and, because of this ownership, a portion of each crop must be paid to him as a sort of sacred tax (see Lev. 27:30-33). According to Mishnah's framers, God claims that which is owed him and then gives it to those under his special care, the poor and the priests.

The tractate reinforces its implicit comparison of the poor and the priests in its discussion of the manner in which poor-offerings are set aside. Only when accident separates grain from a normal crop is the food deemed to have been set aside by God for the poor. We therefore speak of produce that is set aside without any identifiable cause. Since neither the householder, his workers, nor anyone else has acted to identify which produce within a crop is to be designated, we know that God alone has reserved this particular food for the poor. Whether it is the grain that happens to grow in the rear corner of a field (and that the farmer himself will later designate as peah), or the stalks that by chance fall aside from the edge of the farmer's sickle (gleanings), all this food apportioned seemingly by accident must be left for the poor. So the framers of Mishnah believe that God alone determines what produce falls into the category of poor-offerings. In fact, the deepest expression of God's wishes for the produce of his Land is carried in the random separation of a small amount of food. This random character is reflected likewise in the designation of produce for the priests. For example, when a farmer designates heave offering from the produce he has collected at his threshing floor, he declares that the heave offering is isolated in one part of the pile. When he lifts out this produce, whatever he grabs immediately takes on the status of heave offering. He may not measure this produce or attempt to designate any specific grain. Rather, it is through chance alone that God determines which particular grain in which quantity will fall into the category of priestly rations. So in this important regard, poor-offerings are like priestly rations. In both cases, God claims a portion of his Land's yield through chance designation.

Throughout the tractate, the basic similarity between poor-offerings and priestly rations is clear. Each time the householder asserts his ownership of the Land's yield, God demands a portion for those under his protective care, the poor and the priests. Thus in the course of reaping and processing grain, God's interest in the crop is aroused at two distinct points, once in behalf of the poor, once in behalf of the priests. First, as the householder harvests the grain in his field, thereby claiming it for himself, God causes a
portion to be set aside. This bit of food, separated seemingly at random, then is available for the poor alone. (In the case of peah, of course, the poor must wait for the householder to explicitly designate what God has set aside.) Second, when the farmer later collects the food at his threshing floor, God again asserts his ultimate ownership of the Land's yield by removing some for the priests.\textsuperscript{11}

Although, as we have now seen, poor-offerings and priestly rations are analogous, they also differ in an important respect. The farmer plays no active role in identifying the produce to be set aside as poor-offerings, while he acts as God's agent in designating priestly rations. The steps a householder must take in supporting the poor and the priests all maintain this distinction. When setting aside poor-offerings, a farmer merely leaves some of his grain unharvested as peah,\textsuperscript{12} accidentally drops a few stalks as gleanings, or forgets to collect some of his sheaves. In the process through which this food is set aside for the poor, the farmer does nothing purposive. Rather, God alone determines which particular grain must be given to the poor and separates this food from the remainder of the crop. Furthermore, as we shall see, the farmer is forbidden to dispense the offerings, lest he put them to his own purposes, not God's. So the householder has no part at all in separating poor-offerings. In identifying the portion of a crop to be offered as priestly rations, by contrast, the farmer does take an active role. Here the householder is the one who reaches into a pile of grain to set aside produce for the priests. That which he grasps, a random handful, must be given directly to a priest. The farmer thus functions as God's agent by lifting out this random portion of the crop and delivering it to its proper recipients.\textsuperscript{13}

What theory accounts for the differing roles assigned to the farmer in the process through which poor-offerings and priestly rations are separated? The answer lies in the householder's relationship to the poor and to the priests. The poor have no immediate claim for support on the householder. The priests, by contrast, deserve his direct aid, because they serve in the Temple as the Israelite's representatives before God. They alone can offer animals in the Temple, thus performing an indispensable service for ordinary farmers. In return for the priests' services, the householder must maintain them by acting as God's partner in designating their food. The poor are another matter. Unlike the priests, the poor perform no service in behalf of the householder, and so have no direct claim upon him. As owner of the Land of Israel, God alone owes them sustenance to keep the promise he made to all Israelites who live in the Land. So God alone determines what grain should be given to the poor and separates this from those crops that the householder is about to reap and take as his own. The householder is entirely excluded from this process; he must not interfere in God's allotment. So the two types of offerings are analogous in all respects but the manner in which they are designated. In that regard, the contrast stems directly from the different sorts of claims these two groups assert for a portion of the Land's yield.

II. The Logical Unfolding of the Harvesting Process: The Structure of Tractate Peah

When we turn to the structure of Tractate Peah, we find that it presents a systematic review of the farmer's acts in harvesting his crops. The tractate details his
reaping grain and fruit, binding this produce into sheaves, and transporting it to the threshing floor. Through these varied agricultural activities, taken up in sequential order, the farmer asserts his claim upon produce of the Land of Israel. When he begins to harvest a field, he expresses his desire to take the yield of the Land for his own use. Later, when the householder actually cuts a few stalks with his sickle, he establishes a direct claim upon those particular stalks. Then, when he binds the grain into sheaves for easy transportation to his own threshing floor, he reasserts his claim on the produce. At precisely these points, God affirms his ultimate ownership of the Land and all of its produce. This he does by taking away from the householder some grain, which then must be given over to the poor.

The logical unfolding of the harvest process thus serves to organize the entire tractate. The framers first discuss peah, the offering set aside as the farmer begins to reap his crop. Second, they treat gleanings, an offering that falls to the ground as the householder cuts the individual stalks, and, third, forgotten sheaves, food accidently left behind during the binding process. Having finished discussing those offerings that the poor take in the field itself, the sages move on to describe a type of support given to the poor after the food has been removed for processing. They briefly treat poorman's tithe, one of the several tithes designated at the threshing floor. Having worked their way through the entire harvest process, the framers now take up issues entirely outside the framework of the agricultural calendar. They briefly discuss those types of community charity given out during the entire year, and define the category of "poor." As the complement of the discussion of poor-offerings set aside during the reaping and processing of the Land's yield, these brief definitions could have been placed at either the beginning or end of the tractate's essay. Yet Mishnah's philosophers chose to dwell on these issues only after their main point has emerged: there exists a perfect correspondence between the farmer's reaping his field and God's setting aside produce for the poor. Each time the farmer claims some of the produce for his own use, God too demands a portion for the poor, who are under his special care.

Within each of the tractate's major units, the framers also follow a logical program of inquiry. They typically begin at the foundation of the matter by defining each poor-offering under discussion. Next, the sages address the distribution of this food, over and over again making the point that God alone determines what particular produce falls to each poor person. Householders must not in any way interfere as God apportions the grain. Finally, each of the units concludes with a transition that follows a set pattern. This involves shifting the topic of discussion from one particular poor-offering to rules governing poor-offerings in general; the framers thereby indicate their intention to close discussion of one particular poor-offering and move on to the next.
I. **PEAH**: The poor-offering set aside when the farmer begins to harvest his entire field (M. 1:1-4:9):

A. Basic Definition: Amount, Location, Types of Produce Subject (M. 1:1-6):

1. **Amount**:

   M. 1:1  Homiletical introduction: Five things that have no limit, including the amount of produce designated as peah. Four things the benefits of which a person enjoys both in this world and in the world to come.

   M. 1:2  The amount of produce designated as peah must be at least one-sixtieth of the crop. The amount of peah must correspond to the size of the field, the number of poor people, and the size of the yield.

2. **Location**:

   M. 1:3  Produce may be designated as peah in any part of the field. Simeon: in the rear of the field. Judah: peah must be differentiated from the remainder of the crop.

3. **Types of Produce Subject to the Law**:

   M. 1:4-5  All produce that is (1) edible, (2) tended, (3) grown on the Land of Israel, (4) harvested as a crop and (5) can be stored is subject to the laws of peah.

   M. 1:6  Produce designated as peah is exempt from the separation of tithes; so too ownerless produce, grain used as animal feed, or seed all are exempt from the separation of tithes.

B. Definition: The area of land defined as a field from which a single portion of peah must be designated (M. 2:1-3:8):

1. **Grain fields**:

   M. 2:1-2  The boundaries of grain fields are established by physical barriers such as rivers, ponds and roads.

2. **Orchards**:

   M. 2:3-4  The boundaries of orchards are established by fences. Gamaliel and Eliezer: each species of tree constitutes an orchard.

3. **Ambiguous cases in which one field is treated as two, or in which two fields are treated as one**:

   M. 2:5-6  A single field planted with two species of a single genus: if harvested separately, the two types define distinct field from each of which peah must be set aside; if harvested at one time, the entire tract of land constitutes a single field from which only one portion of peah is separated.

   M. 2:7-8  A single field, half of which is destroyed, harvested by thieves, or sold, and the remaining half of which the Israelite farmer reaps: whoever harvests the rear corner must designate peah for the entire field, for the obligation to set aside peah inheres only in the grain that grows in the rear corner.
22

Support for the Poor

M. 3:1-4 Houses-disputes in which a single field is harvested in more than one part because of spatial, temporal, or purposive considerations. Shammaites: a separate portion of produce must be set aside from each individually harvested patch. Hillelites: a single portion of produce should be separated as peah on behalf of the entire field.

M. 3:5 A single field jointly owned: the owners together set aside a single portion of produce as peah. A single field owned in two distinct parts: each owner separates a portion of peah on behalf of his own part of the field.

4. The Minimum Size of a Field:

M. 3:6 Eliezer, Joshua, Tarfon, Judah b. Beterah: small tracts of land are inconsequential, so peah need not be designated on their behalf. Aqiba: all tracts of land, however minuscule, constitute real estate, and so are subject to the laws of peah.

M. 3:7-8 Cases in support of Aqiba's view: a miniscule area of land indicates a householder's intentions for his entire estate.

C. Distributing Peah to the Poor (M. 4:1-5):

M. 4:1-2 The poor themselves are allowed to gather and divide the produce set aside as peah; the householder is permitted to interfere only to prevent damage to his property.

M. 4:3-4 Each poor person is entitled only to the amount of produce that he can gather by hand and carry.

M. 4:5 Poor people must be allowed to gather the peah three times each day; Gamaliel: to allow them easy access. Aqiba: to assure that the poor need not waste time waiting for the farmer to allow them to gather the produce.

D. Transition: A general discussion of when produce becomes subject to the laws of gleanings, forgotten sheaves, and peah (M. 4:6-9):

M. 4:6-7 These laws apply at the time when the field is reaped. Judah: the law of the forgotten sheaf takes effect only after the produce is bound into sheaves.

M. 4:8 Comparison: Produce becomes subject to the separation of tithes when the grain pile at the threshing floor is smoothed-over.

M. 4:9 Poor-offerings designated from a field belonging to a gentile are subject to the separation of tithes.

In the opening unit, A, the framers take up three central issues: (1) the amount of food to be set aside as peah, (2) where within each field the farmer must leave this grain, and (3) the types of produce subject to the laws of peah. This arrangement of topics seems to bear no particular meaning, yet the framers' discussion in fact constitutes a suitable introduction because it serves to define the category of peah. The quite lengthy unit B takes up a logically consequent topic, the definition of a field. The householder must know what area of his land constitutes a field in order to properly designate the produce that grows in the rear corner of each field. Sections B1 and B2 propose
definitions for two main types of agricultural tracts, grain fields and orchards. From this information, the framers move on to typical ambiguities (B3) concerning a single field delimited by the above criteria, yet harvested in more than one part or owned by more than one farmer. The discussion of a field's definition concludes by addressing at B4 a secondary point, a field's minimum size.

In section C the framers turn to the distribution of peah to the poor, the next logical topic after discussing (at A and B) how this produce is set aside. The discussion here is shaped entirely by the tractate's notion that all poor people own the produce left as peah. It follows that all must have fair access to the food separated as peah.

A short transition at D signals the conclusion of the tractate's treatment of peah and prepares the way for a new topic. This is accomplished throughout the tractate by shifting the subject from peah in particular to poor-offerings in general. The sages here identify the moment when each law takes effect and they discuss the status of poor-offerings deriving from fields owned by gentiles.

In the second act of harvesting to be considered, the farmer reaps individual stalks of grain. As he or his workers claim these stalks, some of the grain falls entirely by accident and is designated by God for the poor alone.

II. GLEANINGS: The poor-offering separated when the householder cuts individual stalks (M. 4:10-5:6):

A. Definition (M. 4:10-5:2):

1. Gleanings:

   M. 4:10 During the harvest, that which falls entirely at random enters the category of gleanings.

2. Ambiguous cases:

   M. 4:11 Grains of wheat found in ant-holes: if at the bottoms of the ant holes, we assume that ants stole the grains and that they are not in the status of gleanings; if at the tops, we assume the grains fell during the harvest and are in the status of gleanings. Meir: all such produce must be given to the poor, for produce in a doubtful status is deemed to be in the category of gleanings.

   M. 5:1-2 Cases of doubt caused when produce in the status of gleanings becomes mixed together with ordinary produce. The poor receive all of the grain in a doubtful status for this is deemed to be in the category of gleanings. Simeon b. Gamaliel, Eliezer: the poor receive only the amount of food they actually lost in the mixture.

B. Distribution (M. 5:3)

   M. 5:3 Householders may not irrigate a field until the poor have gathered the gleanings because it might make the collection difficult.

C. Transition: the collection of poor-offerings in general (M. 5:4-6):

1. Poor-offerings gathered by rich people:

   M. 5:4 A travelling rich person may collect gleanings, forgotten sheaves, and peah. Eliezer: he must repay when he
Support for the Poor

returns home. Sages: he need not repay because in effect he was poor.

2. Poor-offerings gathered by poor field-owners:

M. 5:5 Sharecroppers or hired laborers who are paid part ownership in the crop may not gather poor-offerings from that field.

M. 5:6 Former owners of a field are entitled to gather the poor-offerings designated from it. Field owners and their families who collect poor-offerings from their own fields steal from the poor.

Mishnah's authors open this discussion by defining gleanings as produce that falls for no apparent reason during the harvest (A1). Having delimited this category, they turn to ambiguous cases (A2) in which there is a doubt whether or not a particular stalk should be deemed a gleaning. Their focus on such liminal cases generates a series of disputes that add precision to the preceding definition of the category of gleanings.

At B, Mishnah's authors characteristically shift their focus from the process by which gleanings are separated to God's dividing the food among the poor. As with all other poor-offerings, only God may dispense this food. To allow this, householders must guarantee the poor unimpeded access to their produce.

The transitional section, C, once again takes up a topic relevant to poor-offerings in general (cf. the parallel section at I.D). Through this by now familiar redactional technique, the framers prepare to move from their discussion of gleanings. The main point is that people may not collect the poor-offerings designated from their own fields even if these individuals otherwise qualify as poor. Since these people have direct access to the fruits of the Land, they have no right to collect an additional allotment as poor-offerings.

After the farmer has reaped a field, he binds the grain into sheaves and carries these bundles to the threshing floor for processing. Proceeding through its step by step review of the harvesting process the tractate next considers the law governing sheaves that a householder forgets in the field. Once again, Mishnah's redactors begin by defining the category of forgotten sheaves and then move on to ambiguous cases. The main point of the entire discussion is that only sheaves left in the field entirely by accident must be given to the poor. God has caused this produce to be set aside, with the result that the sheaves become the property of the poor. That which the farmer purposely leaves behind, by contrast, does not fall into the category of forgotten sheaves, because it never was forgotten at all.

III. FORGOTTEN SHEAVES: The offering separated after the farmer has completed reaping the field when he binds the grain into sheaves (M. 5:7-6:11):

A. Definition (M. 5:7-6:3):

1. What falls into the category of "Forgotten..."

M. 5:7 Only sheaves that have been forgotten by all involved in processing enter the status of the forgotten sheaf. Those that are hidden by the poor or remembered by even one worker need not be left for the poor.
2. What falls into the category of "...Sheaf"

M. 5:8 Only produce bound into a sheaf for transportation to the threshing floor is subject to the law. Both prior to this binding and after the produce reaches the threshing floor, the law cannot apply.

3. Ambiguous cases: Houses-disputes regarding the definition of "forgotten sheaf" and, by extension, "ownerless property":

M. 6:1a Hillelites: produce declared ownerless belongs to all, even if the farmer declares it reserved for poor-people. Shammaites: the farmer validly may declare produce ownerless, yet reserved for the poor alone.

M. 6:1b-6:2 Hillelites: All sheaves that the householder leaves behind are subject to the restrictions of the forgotten sheaf, even if he clearly intends to gather them later. Shammaites: sheaves that the householder intends to gather at a later time are not subject to the law, even if the householder has left them behind.

M. 6:3 Sheaves laid out for later collection, sheaves that the householder has picked up in order to take them to the city for sale--both Houses agree that they are not subject to the restrictions of the forgotten sheaf.

B. Scriptural basis: Deut. 24:19's injunction that one should not return to gather sheaves forgotten during the binding process (M. 6:4):

M. 6:4 Once the workers have had a chance to collect a sheaf, but nonetheless have passed by it, the sheaf falls into the category of the forgotten sheaf. But sheaves that they have not yet passed cannot enter this status because the workers need not "return" in order to collect them.

C. Ambiguous cases: Sheaves that the householder leaves behind, yet does not forget, with the result that they are exempt from the law of the forgotten sheaf (M. 6:5-7:2):

1. Quantity:
   a. Number: more than two sheaves are exempt from the law:

      M. 6:5 Hillelites: Two bundles left together in a field are subject to the law of the forgotten sheaf; three such bundles are exempt, for they are deemed to be in temporary storage. Shammaites: Three bundles are subject to the law, four are exempt.

   b. Volume: more than two seahs are exempt from the law:

      M. 6:6a Sheaves that contain more than two seahs, but are left in a field apparently forgotten, are not subject to the law's restrictions.


      M. 6:7 A standing crop that contains two seahs cannot fall subject to the restrictions regarding forgotten produce, even if apparently forgotten.
Support for the Poor

M. 6:8 If a householder remembers that a standing crop remains in the field, we know he will return; hence nearby sheaves do not enter the status of forgotten sheaves; this applies even if the standing crop consists of only one stalk.

M. 6:9 Two one-seah parcels of a single species of grain join together to form two seahs of produce not subject to the law of the forgotten sheaf. Two separate species do not join together. Yoseḥ: separate lots of produce join together only if not physically separated by food that belongs to the poor.

2. Types of produce intentionally left in the field:

M. 6:10a Produce set aside for use in the field as fodder or for binding other sheaves is not subject to the law, since the householder wishes to keep it in the field.

M. 6:10b Tubers left in a field: Judah: exempt from the law, because the farmer left them in storage. Sages: subject to the law, because they have been left behind, forgotten.

M. 6:11a One who harvests while blind or unable to see—the produce he binds is subject to the law of the forgotten sheaf, because his actions show that he accepts his handicap, and intends to gather all of the sheaves.

M. 6:11b One who intends to leave the small sheaves in the field—those sheaves that he leaves are exempt from the law, because he did not forget them.

M. 6:11c One who claims that he later will gather all of the sheaves that he now forgets—the produce is subject to the law, because his intention does not have the power to abrogate the law.

3. Olive trees with distinctive features and the laws of forgotten produce:

M. 7:1a Produce on olive trees that have distinctive features, such as location, reputation, or production, is not subject to the law, because we may assume that the farmer will remember to return and harvest the tree.

M. 7:1b All other trees—two left unharvested are subject to the law, three left unharvested are exempt, because the amount of produce left behind is too great for the farmer to have forgotten.

M. 7:2a A tree distinguished by its location—exempt.

M. 7:2b A tree that contains more than two seahs of produce is exempt, because we may assume that the farmer remembers the large amount of produce.

The section begins by clarifying the conceptions of "forgotten" and "sheaf," thus delimiting the type of produce that falls into the category of forgotten sheaves. From this main definition, it turns to ambiguous cases (A3) concerning whether or not the law applies to a sheaf that the farmer leaves behind yet fully intends to gather at some later time. The opening unit is supplemented at B by a reference to the Scriptural basis for the law of the forgotten sheaf, Deut. 24:19.14 Taken together, these first two units, A-B,
comprise Mishnah’s entire theory of forgotten sheaves. That is to say, by comparing sheaves accidentally left behind with those purposely left in the field, they make the single point that only what God set aside through random circumstance must be given to the poor. Given this theory, the two sections that follow in fact introduce nothing new. C merely works out in greater detail the ambiguous cases presented at A3. Similarly, D applies thoroughly familiar rules to the case of produce left unharvested on olive trees, as indicated by Deut. 24:20.

After the topic of reaping fields of grain or olive groves, the next step in reviewing the harvesting process is to consider poor-offerings set aside while reaping other sorts of crops, namely grape vineyards. In this regard, Scripture specifies two offerings that accident alone sets aside and that the householder must leave for the poor to gather: separated grapes and defective clusters.

IV. SEPARATED GRAPES AND DEFECTIVE CLUSTERS: Offerings set aside while the householder harvests his vineyard:

A. Separated Grapes (M. 7:3):

1. Definition:

M. 7:3a Single grapes that fall due to no identifiable cause during the harvest.

2. Free access to the separated grapes:

M. 7:3b Workers who attempt to catch the separated grapes before they fall to the ground are deemed thieves.

B. Defective Clusters (M. 7:4-8):

1. Definition:

M. 7:4a Clusters without shoulders or pendants are deemed defective, and must be given to the poor.

2. Ambiguous cases:

M. 7:4b Well-formed clusters that appear to be defective; if they are harvested along with the well-formed clusters, they are deemed well formed. But if they are not harvested with the normal clusters, they are deemed defective, and must be left for the poor.

M. 7:4c Grapes that grow singly on the vine, without any cluster at all; Judah: In the status of well-formed clusters, for the produce's lack of a shoulder and pendant is not a defect. Sages: In the status of a defective cluster, for the grape lacks a shoulder and pendant.

3. When does the law of the defective cluster begin to apply?

M. 7:5 One who thins a vineyard; Judah: he may thin both the well-formed and the defective clusters, because the poor have no claim on the defective clusters until the entire vineyard is harvested. Meir: he may not thin the defective clusters, because these belong to the poor from the moment they appear on the vine.
4. Interruption: Defective clusters, separated grapes, and four-year-old vines.

M. 7:6 Hillelites: produce of a four-year-old vine is entirely analogous to produce in the status of second tithe, and so is exempt from the laws of defective clusters and separated grapes. Shammaites: these types of produce are subject to opposite rules, with the result that the produce of a four-year-old vine is subject to the laws of defective clusters and separated grapes.

5. Ambiguous case regarding the definition of defective clusters:

M. 7:7 A vineyard that contains only defective clusters; Eliezer: since this is the norm within the vineyard, the clusters are not deemed defective. Aqiba: since the clusters lack shoulders and pendants, they fall into the the category of the defective cluster.

6. Reprise: When does the law of the defective cluster begin to apply?

M. 7:8 Before the defective clusters appear, one may dedicate his entire vineyard to the Temple. Once these clusters appear, however, they belong to the poor and the farmer cannot dedicate them. Yose: if the farmer dedicates his vineyard after the defective clusters appear but before the harvest, he should give to the poor the defective clusters, and to the Temple the amount of produce that grew in the interim.

C. Transition: Poor-offerings in general: their status after the harvest has been completed, yet before the processing at the threshing floor (M. 8:1):

M. 8:1 All people, rich and poor alike, may take gleanings separated grapes, defective clusters, and forgotten olives after the poor have had an adequate opportunity to gather the offerings.

In a single terse rule concerning the law of the separated grape, the framers provide a basic definition, A1, and discuss how the householder and his workers must take pains not to deprive the poor of God's gift.

The law of the defective cluster also commences with matters of definition, B1: any cluster that has neither a shoulder nor a pendant the framers classify as malformed. This definition is followed by cases of ambiguity in which bunches of grapes appear to be defective, even though in fact they are well formed. As usual, the framers supplement their definition by taking up a problem related to God's apportioning the produce to the poor. Here they dispute at what point in the growth of a year's crop the defective clusters become the property of the poor.

The orderliness of the treatment of the law of the defective cluster is interrupted at M. 7:6. This tangentially related rule has been included here because it mentions defective clusters, but there is no apparent reason why it has been inserted in the midst of an on-going discussion.

In C, essentially separate from the foregoing, we move from poor-offerings set aside during reaping to those separated during processing at the threshing floor. This unit thus comprises a transition focusing on the span of time after the householder has finished his work in the field, but before he begins to thresh the grain. By concentrating on this
intermediate period of time, the sages conclude one discussion and set the stage for the unit to come.

The following section carries forward the systematic review by taking up the next stage in the harvest, during processing, when food is set aside for the poor. While processing his crops at the threshing floor, the householder must designate all of the required tithes and priestly rations. In the third and sixth years of the sabbatical cycle, these tithes include poorman’s tithe, the subject of the following discussion:

V. POORMAN’S TITHE: The offering separated at the threshing floor:

A. Introduction: The poor’s claims regarding poor-offerings and poorman's tithe (M. 8:2-4):

1. Under what circumstances are poor people who wish to sell produce believed if they claim that the food derives from poor-offerings or poorman's tithe and so is exempt from further separation of tithes?

M. 8:2 They are believed so long as it is the proper time of year for them to possess poor-offerings (i.e., around the harvest season).

M. 8:3-4 If they claim that the food derives from poorman’s tithe, they are believed with regard to the types of food that householders usually give them—namely, uncooked, unprocessed food.

B. Definition: The proper amount of food to give to each poor person as poorman’s tithe (M. 8:5-6):

1. Proper measures:

M. 8:5 Various measures for wheat, barley, spelt, beans, figs, wine, and olive oil. Abba Saul: the poor should be given enough of each type of food for two meals.

2. Equitable distribution of poorman’s tithe:

M. 8:6a The measures of M. 8:5 apply when giving to all poor people, whether Israelites, Levites, or priests.

M. 8:6b If the householder has too little produce to give each poor person a proper measure, he allows them to divide the food, lest he favor one or another individual.

C. Types of charity given throughout the year, from one harvest season to the next (M. 8:7):

1. The transient poor:

M. 8:7a The amount of food given to the transient poor: a loaf of bread for a day trip; two meals if one stays overnight; three meals if one spends the Sabbath.

2. The community institutions of charity:

M. 8:7b Who is eligible to gather food from these institutions? Soup kitchen: anyone in immediate need, without enough food for two meals. The community fund: anyone without enough food for the near future, i.e., with less than a week’s food supply.
The framers introduce their treatment of poorman's tithe with a common redactional technique: they inquire first about poor-offerings in general and then about poorman's tithe in particular (A; cf. I.D and I.LC). This shift in topic sets the stage for a discussion that follows that established pattern. We move from definitions specifying what quantity of food each poor person should receive as poorman's tithe to the problem of distribution, namely, how to ensure that all poor people have equal access to the produce.

Having completed their systematic review of the harvest process, the framers at C describe two institutions for giving charity throughout the year, the soup-kitchen and the community fund. This discussion clearly is unrelated to the harvesting process and so stands outside the framework that organizes the tractate as a whole. Still, it has been placed at the end of the essay so as not to detract from the main point: each time the householder reaps and claims some the Land's yield for himself, God takes a portion of the produce and sets it aside for the poor.

The tractate as a whole concludes by identifying who falls into the category of a poor person and so is eligible to collect the poor-offerings discussed above. Apparently, the sages have relegated discussion of this central matter to the end of their essay in order not to interrupt the systematic review of the farmer's agricultural activities.

VI. CONCLUDING DEFINITION: Who falls into the category of "Poor"? (M. 8:8-9):

A. Definition (M. 8:8-9):

M. 8:8 Anyone with less than two hundred zuz in liquid assets is deemed poor.

M. 8:9a Anyone with as little as fifty zuz utilized as capital is not deemed poor, and may not gather poor-offerings, because he can live off the income from his money.

M. 8:9b Those who pretend to be in need eventually will be forced to gather poor-offerings; those who refuse to collect poor-offerings, even though entitled, eventually will be able to support others from their own fortunes.

The simple definition is accompanied by a concluding homily that marks the end of the entire tractate by taking up exegesis of several verses of Scripture.

The foregoing outline as a whole shows the care with which the framers created their essay. The logical arrangement of each thematic unit points out the message Tractate Peah expresses when read as an essay: each time the farmer reaps or processes produce, he claims some of the Land's yield for himself. Then some of the food also must be set aside for the poor. This ensures that God's share of the Land's yield goes to its intended recipients, the poor.

III. Mishnah in Its Larger Cultural Setting: The Context of Tractate Peah

We now shift our attention to the broader context in which Mishnah's system took shape and ask what Tractate Peah's framers inherited from the Israelite culture that preceded them and what they themselves contributed. In order to establish this diachronic context, we must turn to Mishnah's literary antecedent, Scripture. This is the
logical starting point, because Mishnah's authors ignore all else. So far as Tractate Peah is concerned, the Hebrew Bible provides the sole framework upon which to build a system of poor-relief. Scripture's basic sense in this regard—that farmers must aid the needy by setting aside various offerings from their crops—provides the fundamental principles of Tractate Peah. It follows that by understanding the Biblical rules governing poor-support, we may better understand Mishnah's system. As we shall see, the framers of Mishnah follow with only minor variation the precedent set by the Hebrew Bible. They place Scripture's rules in a fresh order, and only briefly consider some issues outside the concerns of Scripture.

In order to clarify these generalizations, let me begin by explaining Scripture's rules on poor-relief. The Hebrew Bible contains two main treatments of poor-support, one in the Holiness Code (Lev. 19:9-10; 23:22), the other in the Deuteronomic Code (Deut. 24:19-22; 26:12). Since these rules derive from different writers and settings, I shall examine each system separately. The relevant passage from Leviticus is as follows:

When you reap the harvest of your land, you shall not reap your field to its very border, neither shall you gather the gleanings after your harvest. And you shall not strip your vineyard bare [of defective clusters], neither shall you gather the fallen grapes of your vineyard. You shall leave them for the poor and for the sojourner: I am the Lord your God (Lev. 19:9-10).

The Holiness Code directs that a portion of the yield of grain fields and vineyards be rendered to the poor. Setting aside these offerings, according to the Priestly Writer, constitutes one element in Israel's life of holiness. By supporting the poor, therefore, the farmer acts in a holy manner as he works God's holy Land.

The poor-offerings, Leviticus commands, must be given to "the poor and to the sojourners." Within the priestly conception of the world here envisaged, why should underprivileged people receive such special rights? The answer emerges when we consider that, according to the Priestly Writer, all of God's Holy people are entitled to receive a portion of the Land's yield, whether ordinary Israelites, priests, sojourners, or the poor (see Lev. 27:30; Num. 18:8-19, 21-23). The poor and sojourners, like the priests, possess no share of the Land of Israel (see Num 18:20,24). Nonetheless, these groups have the right to be sustained by God with a portion of the Land's produce. That is to say, the Priestly Writer directs that they receive what they would be able to produce for themselves if they owned a piece of the Land.

The Holiness Code contains one further reference to poor-relief:

And when you reap the harvest of your land, you shall not reap your field to its very border, nor shall you gather the gleanings after your harvest. You shall leave them for the poor and for the sojourner: I am the Lord your God (Lev. 23:22).

This verse, which repeats Lev. 19:9 nearly verbatim, has been included here to complete the Priestly Writer's presentation of the agricultural calendar. These rules pertain to the reaping and processing of a householder's crops, so they are placed in the logical point in the calendar to correspond to the fall harvest season.

Scripture's second system of poor-support is contained in the Deuteronomic Code:

When you reap your harvest in your field, and have forgotten a sheaf in the field, you shall not go back to get it. It shall be for the sojourner, the
Suppor t fo r th e Poo r

fatherless, and the widow, that the Lord your God may bless you in all the work of your hands. When you beat your olive trees, you shall not go over the boughs again. It shall be for the sojourner, the fatherless, and the widow. When you gather the grapes of your vineyard, you shall not glean it afterward [of the defective clusters]. It shall be for the sojourner, the fatherless, and the widow. You shall remember that you were a slave in the land of Egypt, therefore I command you to do this (Deut. 24:19-22).

The main point is made explicitly in Deut. 24:22. According to the Deuteronomist, Israelites once were members of an unprotected class of slaves in Egypt and now must protect the rights of under-privileged classes within their midst. Israel's oppression in Egypt thus serves to justify the fact that farmers must give to sojourners, orphans, and widows a portion of the produce of grain fields, vineyards, and olive orchards. 18

Deuteronomy knows one other offering given to the poor, poorman's tithe:

When you have finished paying all the tithe of your produce in the third year, which is the year of tithing, giving it to the Levite, the sojourner, the fatherless, and the widow, that they may eat within your towns and be filled, then you shall say before the Lord your God, "I have removed the sacred portion out of my house, and moreover I have given it to the Levite, the sojourner, the fatherless, and the widow, according to all your commandments which you have commanded me. I have not transgressed any of the commandments, neither have I forgotten them (Deut. 26:12-13).

This rule takes its place in the unfolding of Scripture's system of tithes (Deut. Ch. 26). The main point is to assure that underprivileged groups have enough food to support themselves, and so every third year farmers must set aside a portion of their tithes for Levites, sojourners, orphans, and widows.

Having reviewed these two Scriptural systems of poor-relief, let us now consider their relationship to Mishnah's system. With regard to details and theories, Mishnah merely repeats what Scripture has already told us. So, to begin with the obvious, Mishnah's framers treat Scripture as a homogeneous book, without parts or divisions. Each offering mentioned in either of Scripture's two codes thus receives the full attention of Mishnah's authors. 19 Furthermore, the overall conceptions that characterize Mishnah's system of poor-relief—that the poor, like the priests, deserve a portion of the produce of a Land they cannot own—are derived directly from the Priestly Writer.

Mishnah's distinctive contribution to the laws of poor-relief, however, emerges only when we consider its arrangement of the various offerings described in the Hebrew Bible. The two Biblical codes loosely organize their discussion by species, considering first fields of grain (Lev. 19:9; Deut. 24:19-20), then vineyards (Lev. 19:10; Deut. 24:21), and olive groves (Deut. 24:20). Mishnah's authors, as we saw in the outline presented above, took a different tack. They placed in chronological order of the harvesting process all of the offerings due from each farmer. The following chart shows clearly how the framers improve upon Scripture's arrangement of the poor-offerings: 20
The Relationship Between Mishnah and Scripture

<table>
<thead>
<tr>
<th>Mishnah</th>
<th>I.</th>
<th>II.</th>
<th>III.</th>
<th>IV.A</th>
<th>IV.B</th>
<th>V.A-B</th>
<th>V.C</th>
<th>VI.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:1-4:9</td>
<td>Peah: given at the beginning of the harvest.</td>
<td>Lev. 19:9a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4:10-5:6</td>
<td>Gleanings: given as each stalk is reaped.</td>
<td>Lev. 19:9b</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5:7-7:2</td>
<td>Forgotten Produce: set aside while binding grain.</td>
<td>Deut. 24:19-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7:3</td>
<td>Separated Grapes: given while harvesting a vineyard.</td>
<td>Lev. 19:10b</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7:4-8:1</td>
<td>Defective Clusters: given after harvesting a vineyard.</td>
<td>Lev. 19:10a; Deut. 24:21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8:2-6</td>
<td>Poorman's Tithe: given at the threshing floor.</td>
<td>Deut. 26:12-13</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8:7</td>
<td>Community Charity: given throughout the year.</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8:8-9</td>
<td>Who Is Poor?</td>
<td>Lev. 19:10c; Deut. 24:19,21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The framers' contribution, as the chart indicates, is to present a systematic review of the harvesting process from the point when the householder reaps the first stalk (I) to the point when he processes the produce (V.A-B), and then beyond into the year (V.C). At each point, they fit into this scheme the relevant information from Scripture's two codes. Only at the end, in a brief unit (VI) do they pause to take up an issue not directly related to Scripture or the harvesting process.

But to say that Tractate Peah merely repeats, in its own words and order, the facts presented by Scripture does not constitute an adequate evaluation of the text. This very repetition constituted an enormous choice. In order to understand the possibilities before Mishnah's sages and the importance of the choice they made, we must now briefly consider the far different options taken by other Israelite groups in treating the topic of poor-support. We shall review three literary sources, The Wisdom of Ben Sira, The Dead Sea Scrolls, and the writings of earliest Christianity, because these are the only other Israelite groups that take an active interest in the subject. As we shall see, the discussion of poor-support contained in each reflects the larger system of thought of that particular document as a whole.

The Wisdom of Ben Sira, written ca. B.C. 175, emerges out of the Israelite wisdom tradition, a fact indicated by the book's opening and concluding poems about Wisdom (Chs. 1-2; 51:13-22). The wisdom genre of the book as a whole shapes the entire treatment of poor-relief. Aid for the poor is the subject of quite general aphorisms, such as, "Do not withhold a gift from the miserable, nor ignore the pleas of the downtrodden" (Ben Sira 4:4). Furthermore, advice about the proper dispensation of one's possessions (see Ben Sira 11:10-14:19) merely allows the author to make his main point by supporting the needy, one indicates that he has attained true wisdom. Since the author of Ben Sira never concretely discusses the offerings of Leviticus and Deuteronomy, we may conclude that
Suppor t fo r th e Poo r

his interest in the topic of poor-support scarcely intersects with program of Mishnah's authors.

The Dead Sea Scrolls, generally thought to have been produced by Essenes living at Qumran (ca. 150 B.C. to 70 A.D.), are concerned primarily with maintaining the holiness and purity of a monastic community. The Scrolls' discussions of topics related to poor-relief reflect this emphasis on community holiness. For example, the Covenanters of the Damascus Rule were required to give to the guardians and judges two days' earnings in each month from which to support widows, orphans, the sick, and the aged. By maintaining the community's less fortunate member, the Covenanters believed that the community as a whole would purify itself for the eschaton.

The Community Rule presents a different view. The authors of this scroll claimed that one who renounced all possessions and voluntarily submitted to poverty would lead a life of personal holiness. According to this view, all personal property would have been turned over to a bursar who would administer it for the community's benefit. The community members thus would hold all possessions in common. No individual needed to give poor-relief because all shared equally in the communal property.

From either point of view, the contrast to Mishnah should be clear. Mishnah's framers clearly assume a world in which individuals possess personal property. The responsibility of one Israelite for another almost never is surrendered to the community at large. The sages further assert that proper support of the poor constitutes part of the expression of God's ownership of the Land of Israel and acknowledges his right to determine how its yield is distributed. The householders thus must abandon his claim upon some of his produce, namely, that which God sets aside for the poor. In short, Mishnah's authors simply do not focus upon the eschaton, and, in their view, neither poor-relief nor communality of property comprise a proper mode of attaining personal holiness.

Finally, we turn to views of poor-support held by the earliest Christians, as represented in Jesus' sayings in the Gospels and in Paul's letters. Here again, each system as a whole dictates what the authors say regarding poor-relief. Jesus' sayings in general speak of the drawing near of the Kingdom of God. His view of poor-support likewise looks ahead directly to the eschaton. Jesus urged all the wealthy to sell their possessions and give the receipts as alms because, in the eschatological order he imagined, the poor would have precedence over the rich (see, for example, Luke 16:19-31). Similarly, Jesus claimed "It is easier for a camel to go through the eye of a needle than for a rich man to enter the Kingdom of God" (Mark 10:25). The new economic order proclaimed by Jesus, as I said, reflects the apocalyptic emphasis of his sayings in general.

Paul's description of poor-relief also takes its place in his overall scheme of reconciling Jewish and gentile Christians for the coming kingdom. Thus in his letters to the churches in Corinth and Galatia, Paul urged that the Christian brethren "remember the poor" (Gal. 2:10) by collecting money for those in Jerusalem. By gathering money for the predominantly Jewish Jerusalem church, Paul hoped to improve relations between the Jewish and gentile Christian communities. So the writers of the Gospels and Paul treat the topic of poor-relief quite differently from Mishnah's framers. Mishnah, as we recall, developed its points about poor-support in detailed laws that carry forward the
authoritative codes of Leviticus and Deuteronomy. Now in the early Christian sources, discussion of aid for the poor does in fact take place in the context of homilies focused upon Lev. 19:11-18. Yet poor-relief here serves primarily to emphasize points about the drawing near of the eschaton. Mishnah, by contrast, focuses not upon the end of time, but upon the present moment. For the sages, the Land of Israel is God's possession, deemed holy here and now. Their treatment of poor-offerings therefore arises out of the holiness inherent in God's Land, its produce and inhabitants. So Mishnah and the early Christian sources represent far different choices, which primarily reflect the points of insistence of the two systems viewed whole.

This discussion of the variety of ways in which earlier and contemporary Israelite groups had treated the topic of poor-support shows us that the sages could have done many things with the issue, but chose only to parrot Scripture. If we view Mishnah's system as a whole, we can understand why the framers find Scripture's rules on poor-relief compelling.

Within Mishnah as a whole, the Israelite householder, through his actions and intentions, is deemed the center of the world. What he thinks and does determines in many cases how the law applies. Tractate Peah, like the rest of the Division of Agriculture, adheres closely to this principle. The framers therefore arrange their discussion of the various offerings around the householder's acts in reaping the Land. At each point when the farmer takes some of the Land's yield for himself, God demands a portion of the crop. As landlord and owner of the Land of Israel, God determines what shall be done with the Land's yield and that the poor and priests should be supported.

It remains only to ask why these points, taken directly out of the Mosaic Codes, should have proven so important to Mishnah's framers. The answer emerges only when we consider Mishnah's context in the first two centuries in Palestine. We recall that the framers brought Mishnah to closure around A.D. 200, at the end of two centuries that had been disastrous for the Israelites. One hundred years after instituting provincial rule over the Land of Israel in 64 B.C., Roman soldiers had destroyed the Israelites' Temple (A.D. 70), crushed their messianic revolt (A.D. 132-133), and forbade them to occupy Jerusalem (from A.D. 135 onward). The deep impact of these events on the material life of the Israelite population is concisely summarized by Mary Smallwood:

Inevitably Palestine was in low economic water after Bar Cochba's revolt. The cessation or curtailment of the agricultural operations on which the national economy was based and the devastation of the country, especially in Judea during the later stages of the war, the breakdown of normal trade and industry, the confiscation of much Jewish Land by Rome, and the serious reduction in Jewish numbers resulted in widespread hardship and poverty for some time... (Smallwood, p. 426).

After A.D. 135, Israel was a defeated people, both politically and economically. In the face of this defeat, the framers turned to Scripture because it provided a convincing solution to the problem posed by the Roman conquest of Palestine. The message of Scripture, now reaffirmed in Tractate Peah and in the entire Division of Agriculture, is that God, not Rome, rules sovereign over the Land of Israel. God alone tells the farmer how to dispense his crops. God has a special concern for poor and indigent Israelites who suffer because of recent events. These people must be supported by the remainder of the
Support for the Poor

Israelite community because this is God's will. Given what must have seemed an insurmountable defeat, Mishnah's repetition of Scripture transmits a powerful message: The welfare of each Israelite is important to God, who remains the sole ruler of the Land of Israel.

IV. Original Meaning: The Goal of Analyzing Tractate Peah

The foregoing conclusions about the meaning and structure of Mishnah's system of poor-relief stem from my analysis of Tractate Peah. My goal in this study is to discover the meaning of Mishnah Peah for those who redacted the tractate in the second century A.D. What message did the authors wish to convey by creating this particular tractate? By asking what the framers themselves intended, we can distinguish between what I call the original meaning of the law and various other interpretations that Mishnah's rules might support. By original meaning, I refer to the message the authors wished to communicate, so far as we are able to reconstruct their intention. This original meaning of the law enables us to make judgments about the authors' own world view, and so allows us to see the shape and texture of the Judaism represented by Tractate Peah in particular and Mishnah in general.

I delineate the framers' original meaning by paying careful attention to the way these authors use Mishnaic Hebrew. The framers' logic, and so the intended meaning of the Mishnaic law, emerges through syntactic analysis of the authors' sentences and through literary study of their essay as a whole. How does knowledge of the language itself make the original meaning accessible to us? The framers cast virtually all of their rules within a small repertoire of syntactic forms. These range from simple declarative sentences--"One who does X, lo, he is exempt"--to complex structures called "apocopeation"--"One who does X to object Y--lo, the object is clean." These syntactic forms provide us with the first clue toward determining how the framers think, because they mark the beginning and end of each complete thought in Mishnaic discourse. Moreover, within their discussion of a given topic, Mishnah's authors typically utilize a single form over and over again, organizing their thematic units into a limited number of larger patterns: for example, "A householder who does X, lo, he is exempt; but one who does Y, lo, he is liable." Again, these formulary patterns point toward the relationship of one rule to another, and so help to indicate the meaning of each thematic unit.

We now turn to four specific syntactic constructions and patterns that characterize Tractate Peah. In each case, I shall explain how formal analysis enables us to reconstruct the original meaning of the law.

The most distinctive literary form in this tractate is the list. This form consists of a superscription followed by a number of items that fall under its general rubric, for example:

M. 2:1

A. These landmarks establish the boundaries of a field for purposes of designating peah:

B. (1) a river, (2) pond, (3) private road, (4) public road, (5) public path, (6) private path that is in regular use both in the dry and in the rainy
season, (7) uncultivated land, (8) newly-broken land, and (9) an area sown with a different type of seed.

The superscription at A indicates that, for the framers, a single principle unites all of the items in the list. Accordingly, the exegete must find the common thread among the various entries and show how all items relate to the superscription. That is to say, we can understand why the authors put this information together in just this manner only by paying attention to the relationships among the members of the list and between these members and their superscription. The form used by Mishnah's framers thus is the key to our understanding the original meaning of a list.

A second common literary form utilized in Tractate Peah is the dispute. This form begins with a superscription followed by at least two contrasting rulings, for example:

M. 3:1

A. As regards rectangular plots of grain sown among olive trees--

B. the House of Shammai say, "Peah is designated separately from each and every one of the plots."

C. The House of Hillel say, "Peah is designated from one plot on behalf of all the plots together".

The legal point at issue is indicated by the superscription, A, and the alternative rulings, B and C, show the range of solutions possible. As before, however, the formal aspects of the dispute shape the intended meaning of the rule at hand. By framing matters in just this way, Mishnah's editors tell us that the main point is found not in one or the other response to the superscription; rather, the meaning of such a dispute emerges when we understand how each disputing position constitutes a fitting answer to the dilemma posed by the superscription. The dispute form not only carries two possible solutions to an issue, but also manifests the larger principle that represents the point of the construction as a whole.

We now turn to a third case, in which the law's meaning emerges out of the repetition of a single form such as the simple declarative sentence. For example, we might find several such rulings, all sharing a common apodosis:

M. 16

A. One may do X, until the grain-pile has been smoothed over.

B. One may do Y, until the grain-pile has been smoothed over.

C. One may do Z, until the grain-pile has been smoothed over.

The parallel structure of these rules indicates that the framers have constructed them to convey a single principle. The exegete's task is to identify that principle by understanding why the single apodosis governs the various cases brought together in this repetition. The reader must pay attention to the formal similarities of these rules in order to grasp the point of the entire construction.

Finally, let us consider a special type of repetition very common in Tractate Peah, the triplet. In this pattern, the framers typically begin with two straightforward and unambiguous rules. The point of the whole, however, emerges only when we take account of the climactic third case.
M. 2:5

I. A. One who plants a field with wheat must designate a single portion of produce as peah, even if he reaps the grain in two separate stages and processes it at two separate threshing floors.

II. B. One who plants a field with wheat and barley, two entirely different species of grain, must designate a separate portion of produce as peah from each of the two fields that the different species delimit.

III. C. But if he sowed a field with two distinct types of wheat--

D. if he reaps and processes the grain in a single lot, he designates a single portion of produce as peah on behalf of the entire field.

E. But if he reaps and processes the grain in two separate lots, he must designate two separate portions of produce as peah, one from each type of wheat.

The triplet in fact makes a single point. We discern the message of the whole by noting that the first two cases, A and B, limn the area of unambiguous law. This sets the stage for the third case which addresses an ambiguity inherent in the law and resolves it. The point of the entire construction does not lie in the details of the three cases read in isolation. Only by paying attention to the larger pattern can we discover the main point of ambiguity and the solution presented by the final case.

V. Translation and Commentary: The Exegesis of Tractate Peah

Let me now explain in detail the chapter by chapter literary analysis found below. I begin my comments upon each chapter of Mishnah by presenting a brief introduction. These overviews alert the reader to important formal patterns in the chapter as a whole, and to underlying principles that unite the diverse rules. By presenting a context of legal issues for each chapter, I provide the reader with a framework within which to understand the tractate's laws.

As I turn to individual rules, I begin with a fresh translation of each pericope. Here I strive to reveal the underlying structure of Mishnah's language by imitating, as far as English permits, the word order of Mishnaic Hebrew. I identify each component of the framers' thought with a letter of the English alphabet. When Tractate Peah's authors arrange formally parallel rules to form an ongoing discussion of a particular topic, I indicate the constituents of their construction with Roman numerals. In all, the translation is designed to allow the reader to recognize a given pericope's literary forms and patterns. This information, as I stated above, guides my attempt to reconstruct the framers' original meaning.

Several aspects of the textual apparatus used in the translations now need to be explained. First, I expand the translations by adding in square brackets [ ] the legal principles that underlie Mishnah's rules. This first step in interpreting the law allows the reader to make sense of Mishnah's own terse phrasing. Second, I indicate, also in brackets, words implied by the Hebrew but not present in the text (e.g., [olive]-oil). Third, parentheses ( ) are used to indicate transliterations of idiomatic Hebrew phrases, which I translate, whenever possible, into equally idiomatic English. By supplying
transliterations, I allow the reader access to the original text of terms and phrases that elude precise translation. Finally, I have dealt, primarily in footnotes, with textual variants, as listed in the critical edition of Sacks-Hutner. This allows the reader to read a translation relatively unencumbered by critical apparatus, yet provides access to important textual traditions behind Tractate Peah. In preparing the translation, I followed the text provided by Albeck, and made reference to earlier translations of Danby, Blackman, and Bauer. I also have reproduced following each pericope the list of parallel passages found in the apparatus of Sacks-Hutner.

My commentary on each unit of law is found after the translation. In each case, my remarks follow a set pattern. I first state the main point of the pericope—that is, the original meaning for the framers—as well as the overall world view, if any, implied by this message. Then I show how I derive these conclusions by pointing out the literary forms and patterns present in the rule and by explaining how these determine my interpretation. Next, when necessary I explain principles or rules, usually stated only in other Mishnaic contexts, that form the legal matrix into which the pericope falls. These unstated assumptions on the part of Mishnah's framers often are central to discovery of Tractate Peah's meaning. Finally, should there exist several equally likely interpretations of a rule, I argue for my explanation by outlining the exegetical possibilities and stating why I think one alternative is preferable.

In addition to analysis of Mishnah Peah, I present in its entirety Tractate Peah in Tosefta, Mishnah's companion document, redacted around A.D. 350 in the Land of Israel. Because of its temporal and conceptual closeness to Mishnah, Tosefta provides important data for our reconstruction of the meaning of the Mishnah's rules. Accordingly, I present each unit of Tosefta after the pericope of Mishnah it serves. This mode of presentation best displays Tosefta as a commentary to Mishnah, even if at times it disrupts the redacted order of Tosefta. The translation here utilizes the same strategy as my translations of Mishnah, except that Mishnah-passages are underscored to show when Tosefta cites Tractate Peah's rules. My remarks focus exclusively on how each Toseftan passage relates to the corresponding pericope of Mishnah. At the end of the study, in an appendix, I provide the relevant materials from Sifra and Sifre, two works of Scriptural exegesis from the fourth century A.D. These documents carry on an extended polemic, arguing that Mishnah has no standing as independent law, but that its principles can and must be derived solely from proper exegesis of the Mosaic Codes. Sifra and Sifre show an alternative way of dealing with Scripture's topic of poor-support, and so emphasize the choices made by Mishnah's framers in formulating their rules. The translations here follow the aims and format of those provided for Tosefta.

The centuries of traditional rabbinc commentaries have added greatly to my analysis of the tractate. Their comments often supply the legal matrix critical to any understanding of the laws before us. Similarly, they often lay out the full range of possible interpretations of words, phrases, and pericopae. Their work provides the interpretive tradition that enables me to take up the task of determining Mishnah Tractate Peah's original meaning. But my study also represents a break with the interpretive tradition of rabbinc commentators. The traditional commentators' goal was
not the delineation of the original meaning of Mishnah's rules, as I have explained that concept, but rather, to explain Mishnah as part of an ongoing system of law, the halakhah. For their purposes, the meaning imputed to a Mishnaic rule by the Talmuds or by a medieval law code is authoritative. This is the case even if such interpretations do not seem to reflect the rhetoric or concerns of Mishnah's own rules. In other words, these commentaries are concerned with determining the proper legal stand on various issues as matters stood at the time they were written. With notable exceptions (Maimonides, MR), most of these exegetes are unconcerned with the meaning of Mishnah's rules in their own right, apart from the interests and concerns of the later, developed Rabbinic law—concerns often unknown within Mishnah itself. The result is that the structure of the tractate is overlooked, as is the point of the essay as a whole.

It remains now to place this work in the context of modern scholarship on Tractate Peah and Mishnah. The overall approach, with its careful attention to the interplay of form and meaning in Mishnah, carries forward the pioneering work of Jacob Neusner in _A History of the Mishnaic Law of Purities_ (22 Vols., Leiden: E.J. Brill, 1974-1977). My claim that the formal characteristics of Tractate Peah indicate the original meaning of its rules rests directly upon Neusner's work. He has shown that the present formulation of Mishnah's rules is the product of those who redacted the document around 200 A.D. Within the bounds of this assumption, we may claim that these syntactic and literary patterns attest to the framers' choices for Tractate Peah, and not to those of earlier generations who might have contributed particular rules or later authorities who interpreted the tractate. Neusner's case for our access to the meaning intended by the framers themselves is so strong that I can move beyond much of current scholarship.

Modern work on Tractate Peah has focused, first, on providing the English reader with new translations and, second, on presenting new Hebrew editions. Each of these improved upon the last, contributing philological insights and creating English technical terms to match the Hebrew. Of particular importance are the works of Danby, Blackman, Albeck, and Sacks. The only extended treatment of Tractate Peah is Bauer's German translation and commentary. He provides philological comments as well as brief explanations of the law. His focus, however, rests upon each rule read individually, not upon the tractate as the framers' essay. The methods employed here are important because they reveal Tractate Peah as a source that allows us to understand the religious imagination and world view of those who framed the document in the late second century A.D.