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

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Published by Brown Judaic Studies


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CHAPTER ONE
PEAH CHAPTER ONE

The tractate begins by addressing three fundamental issues regarding the law of *peah*. First, we wish to know how much produce must be designated as *peah* (M. 1:2, 1:3C-E). A second unit (M. 1:3A-B) asks which produce within each field, whether that in the front, middle, or rear, validly may be designated. Finally, Mishnah delimits the types of edibles that are subject to the law (M. 1:4-5+6). These three issues are introduced by a homiletical statement regarding Torah-piety (M. 1:1) that serves the entire Division of Agriculture. By defining these basic notions, Chapter One clarifies the complex issues to be addressed in the remainder of the tractate. With this overview of the chapter in hand, let us now turn to the specifics of the rules before us.

*Peah* is presented as a progressive tax (M. 1:2). Each householder must designate an amount of food proportionate to his own wealth. But the farmer's responsibility is further determined by the needs of the poor, who have the right to be adequately supported by those who are more prosperous. The effect of this tax, then, is to narrow the gap between the richest and the poorest Israelites. Householders must give up some of what they own, while the poor are entitled to receive what they need.

Tractate Peah next turns to an issue of definition (M. 1:3). Does the word "*peah*" mean the "rear corner of the field" or does it merely refer to a "portion" of the crop, that is, any bit of food that the householder designates? The latter position, that *peah* may be designated from any portion of a crop, would mean that all of a field's produce in essence is the same. Grain growing in any part of the field could validly be designated as *peah*. The contrary view, expressed in Simeon's gloss (M. 1:3B), claims that *peah* is specific to the rear corner of the field. By definition, only grain growing in that part of the field may qualify as *peah*.

Finally, Mishnah describes the types of produce that are subject to designation as *peah* (M. 1:4-5). The law governs only those plants that a householder cultivates for himself on God's Land. That is to say, only produce upon which both God and Israelite have a claim is subject to designation. The underlying theory seems to be that the Israelite is a tenant farmer who must render a portion of all that he grows to his landlord, God. An important secondary issue is addressed at M. 1:6. The poor need not separate tithes from the *peah* they receive, for God has given them this produce as tax-exempt charity. The remaining produce kept by the Israelite farmer, however, is subject to further taxation in the form of tithes.
Support for the Poor

1:1

A. These are things that are not [subject to a specific] measure:

B. (1) [the quantity of produce designated as] peah,
(2) [the quantity of produce designated as] first fruits, [and brought to the Temple on Pentecost] (see Deut. 26:1-11),
(3) [the value of] the appearance-offering, [brought to Jerusalem on each of the three pilgrimage festivals] (see Deut. 16:16-17),
(4) [the quantity of] righteous deeds [performed],
(5) and [time spent in] study of Torah.

C. These are things the benefit of which (prwtyhn) a person enjoys in this world, while the principal (hqrh) remains for him in the world-to-come:

D. (1) [deeds done in] honor of father and mother,
(2) [performance of] righteous deeds,
(3) and [acts that] bring peace between one person and another (byn 'dm lbbrw).
(4) But the study of Torah is equivalent to all of them [together].

M. 1:1 (M. Bik. 24; T. Qid. 5:16; B. Shab. 127a; B. Hag. 6b; B. Yeb. 109a; B. Ned. 6b;
B. Qid 39b-40a, 82a; ARN 40; B. Men. 77b;
B. Hul. 137b; Tanh. Yitro 14; Sifra Sav 7:2
[Weiss, p. 35a]; Sifre Deut. #336 [Finkelstein-Horowitz, p. 386])

The pericope as a whole asserts that study of Torah is the most meritorious of all actions (D4). The two lists that comprise the unit, however, clearly are separate from each other, for their elements repeat (B4 and D2) and contradict (B5 and D4) one another. Let us therefore turn separately to the details of each section.

The first list (A+B1-5) is relevant to Tractate Peah only at B1, which accounts for the pericope's inclusion here. In order to understand this list's point, we must examine its core, the three offerings at B1-3. Each of these offerings is presented in thanks to God for bounty and prosperity (see Deut. 26:19; 26:1-11; 16:16-17), and so is subject to no specific limits. Although any act of thanks to God, however small, is deemed sufficient, no gift possibly could be large enough. The last two of the list's elements (B4-5) are not offerings, and so seem entirely separate from the foregoing. Nonetheless, they do fall under the rubric of A, for any number of these acts is deemed valuable.

Turning now to the second list (C+D1-4), we again find a core of three rules (D1-3), each dealing with the proper treatment of others. Those who follow these rules earn rewards of two kinds. They benefit in this world, for others treat them properly in return, and they are rewarded in the world to come, for God repays those who perform his commandments (Maimonides, Commentary). The point of this list, and of the entire pericope as well, becomes clear at D4. Although treating others properly earns double rewards, study of Torah, the source of all proper actions, is deemed even more praiseworthy.
A. For these things they punish a person in this world, while the principal [i.e.,
eternal punishment] remains for the world-to-come:

B. (1) for [acts of] idolatrous worship,
(2) for incest,
(3) for murder,
(4) and for gossip, [which is] worse than all of them together.

C. Doing good (zkwt) creates a principal [for the world-to-come] and bears
interest (pyrwt) [in this world].

D. As it is stated [in Scripture], "Tell the righteous that it shall be well with
them, for they shall enjoy the benefits (pry) [of their deeds"] (Is. 3:10).

E. A transgression creates a principal [i.e., eternal punishment, in the world-
to-come] but bears no interest (pyrwt) [in this world].

F. As it is stated [in Scripture], "Woe to the wicked! It shall be ill with him, [for
what his hands have done shall be done to him]" (Is. 3:11). [Note that the term
pyrwt, this worldly interest, does not occur in the verse.]

G. If so, how shall I interpret [the following verse]: "[Because they hated
knowledge and did not choose the way of the Lord, would have none of my
counsel and despised all my reproof], therefore they shall suffer the conse-
quences (pry) of their way" (Prov. 1:29-31)?

H. [The verse should be interpreted to mean:] A transgression that bears fruit
(pyrwt) [i.e., causes other transgressions] brings a penalty (pyrwt) [in this
world].

I. [But] one that does not bear fruit (pyrwt) [i.e., does not cause other trans-
gressions] brings no penalty (pyrwt) [in this world].

J. [As regards] a good intention--the Omnipresent, blessed be He, refines [it, so
that it produces] a corresponding deed.

K. [As for] an evil intention--the Omnipresent does not refine [it, so that it does
not produce] a corresponding deed.

L. As it is stated [in Scripture], "If I had cherished iniquity in my heart, the Lord
would not have listened" (Ps. 66:18).

M. But how shall I interpret [the following verse]: "Hear O earth! Behold I am
bringing evil upon this people, the fruit (pry) of their intentions" (Jer. 6:19)?

N. [The verse should be interpreted to mean:] As regards an evil intention that
bears fruit (pyrwt) [i.e., causes other transgressions]--the Omnipresent refines
[it, so that it produces] a corresponding deed, [for the performance of which the
person will be punished].
O. [But as for] an intention that bears no fruit (pyrwt) [i.e., does not cause other transgressions]—the Omnipresent does not refine [it into] a corresponding deed, [and so] one is not punished for his evil intention.

T. 1:4

Two units (A-B, C-O) take up issues completely outside the concerns of Tractate Peah, yet they respond to the form of Mishnah. The list of transgressions at A-B mirrors the list of M. 1:1D-F. Mishnah's list deals with those actions that bear rewards, while Tosefta's treats those that bring punishment. The two lists have similar superscriptions, the same number of elements, and identical formal endings (M. 1:1D; T. 1:2B).

The second unit, C-O, takes up the this-worldly consequences of: (1) M. 1:1D-E's list of good actions, C-D; (2) A-B's list of transgressions, E-I; (3) good intentions, J; and (4) evil intentions, K-O. The analysis shows that good deeds earn rewards both in this world and in the world-to-come, while punishment for transgressions is limited to the world-to-come. This entire section is tied together by a continued focus on the word pyrwt, lit. fruit, which is taken to mean the this-worldly consequences of one's actions and intentions.

1:2

A. They may designate as peah no less than one-sixtieth [of a field's produce].
B. And even though they said, "Peah has no [specified] measure" (see M. 1:1B),
C. [the quantity designated] should always accord with:
   (1) the size of the field,
   (2) the number of poor people [in the vicinity],
   (3) and the extent of the yield (\textit{nwh}).

M. 1:2 (Y. Peah 3:1 [15a]; Y. Bik. 3:5 [65c]; B. Hul. 137b)

At issue is the proper amount of produce to be designated as peah. The first rule, A, openly contradicts M. 1:1B, and fixes an absolute minimum amount of food. This has the effect of assuring some degree of support for the poor. I cannot, however, account for the specific measure, one-sixtieth of a field's yield.

The quite separate material that follows, B+C1-3, explicitly clarifies M. 1:1B1's claim that no specific measure governs the designation of peah. The amount of food designated must accord with two criteria: the wealth of the householders who give, and the needs of the poor people who receive (Maimonides, Commentary, and Sens). Householders who own large fields (C1) or abundant crops (C3) thus have a responsibility to leave additional produce unharvested for the poor. This will not place an undue burden upon the householders and will greatly benefit the poor. Similarly, if there are many poor people in the locale, farmers must designate an amount of food large enough to sustain all of them (C2).
Peah Chapter One

A. [These are] things that have no [specified] measure:
   (1) [the quantity of produce designated as] peah,
   (2) [the quantity of produce designated as] first fruits,
   (3) [the value of] the appearance-offering,
   (4) [the quantity of] righteous deeds [performed],
   (5) [time spent in] study of Torah (M. 1:1A-B).

B. Peah has a minimum measure [specified], but it has no maximum measure [specified].

C. [As regards] one who declares all of [the produce in] his field to be peah--

D. [the produce he has designated] is not [deemed] peah.

Tosefta harmonizes the contradiction between M. 1:1's statement that peah has no specified measure and M. 1:2's claim that peah must constitute at least one-sixtieth of the field's produce. B claims that both rules are correct, for peah has a minimum measure but no maximum. M. 1:1 thus refers to the maximum measure for peah (there is none), while M. 1:2 refers to the minimum measure (one-sixtieth of a field's yield).

Next C-D take up a problem left open by the foregoing discussion. If peah has no upper limit, a farmer might wish to designate his entire field's produce for the poor (see M. 1:3C-D). Such an offering, however, would not be differentiated from the remainder of the field's produce. Since this differentiation is a necessary feature of all agricultural offerings, the crop designated does not qualify as peah.

While the pericope is applicable to M. 1:2, Tosefta's redactor has chosen it to begin Tosefta Tractate Peah. The material that corresponds to M. 1:1, it seems, has been subordinated because it does not deal with the central issues of the tractate. Tosefta thus begins with the first substantive concern of the tractate, How much produce must be designated as peah? Only then does it go on to take up the unrelated topic of rewards and punishments for one's actions (cf. T. 1:2-4).

M. 1:3 (B. Shab. 23a; Sifra Qid. 1:9 [Weiss, pp. 87a-b])
Two separate rules (A-B, C-D+E)\textsuperscript{23} have been drawn together because both address a single topic, the meaning of the word "peah" in Lev. 19:9, "You shall not harvest the corner (peah) of your field." At issue is whether the farmer must designate produce from the rear corner of his field, in accord with the word's literal meaning. The alternative is that any portion of the yield may qualify as peah, so that the householder may designate produce from all parts of his field. Let us unpack this subtle issue by turning to the cases before us.

A-B dispute this very issue, whether or not peah is specific to the rear corner of the field. One theory, expressed at A, is that all of a field's produce essentially is the same. Any of the grain in any part of the field can become peah upon the householder's designation. "Peah" thus refers to any "portion" of the crop. Simeon (B) interprets "peah" more literally. The farmer must designate the proper amount of grain while harvesting the rear corner of his field, even if he already has designated produce at the front or middle. In Simeon's view, "peah" refers first and foremost to the produce in the rear corner of the field.

Judah's lemma, C-E, is totally separate from the foregoing. He loosely interprets "peah" as any "portion" of the yield. It follows, he claims, that the farmer cannot designate his entire crop, but must retain at least a minuscule amount for his own use (C). This ensures that that householder's produce is differentiated from that which he gives to the poor, as required for all agricultural offerings.\textsuperscript{24} If the farmer does not retain some grain for himself, however, by definition he cannot designate a portion as peah. Since he forgoes this right, the produce immediately is deemed ownerless and available for all to take, rich and poor alike (E).

T. 1:5a

A. A farmer may designate [produce as] peah [while harvesting] the front, the middle, or the rear [of his field] (cf. M. 1:3A).

B. And if he has designated [this produce as peah], whether [while harvesting] the front, the middle, or the rear [of his field], he has fulfilled [his obligation regarding peah].

C. R. Simeon says, "If he has designated [produce as peah], whether [while harvesting] the front, the middle, or the rear [of his field], he has designated [the required amount of produce in the rear corner of his field]--lo, [that which he has designated] is deemed peah.

D. "But he must designate [as peah] the [required] measure [of produce while harvesting] the rear [of the field]" (M. 1:3B).

E. R. Judah says, "If [the farmer] retained one stalk of grain [for himself, he may declare the] adjoining [field] as peah [for the poor]. But if [he did] not [retain at least one stalk for his own use, but rather designated the entire field's produce as peah], he has not [actually] designated [the produce in the field as peah]. Rather, [he has designated it] as ownerless property" (M. 1:3C-E).

F. Said R. Judah, "Under what circumstances does this [namely, A-D] apply?

G. "[It applies] when [the farmer] has designated [the required amount of produce in the rear corner of his field], and wishes to add [to it]."
Tosefta sharpens the dispute between M. 1:3A and Simeon, M. 1:3B, by clearly stating at A-D the contrary opinions of the two authorities. The material that follows, E+F-G, appears to cite and explain M. 1:3C-D. The setting provided by E, however, is inappropriate to Judah's explanation, F-G. Instead, it seems that Judah harmonizes A-B and C-D (Lieberman, TZ, p. 42). He claims that A-B apply only after the farmer has given the required amount of produce in the rear corner of his field. This being the case, A-B and C-D make precisely the same point: peah may validly be designated in any part of the field, so long as the proper amount of produce is designated while harvesting the rear corner of the field. It therefore appears that E was added after the pericope was redacted, probably due to the mention of Judah at F.

T. 1:6

A. R. Simeon said, "For [the following] four reasons, a person must designate [produce as] peah only [while harvesting] the rear [of his field]:

B. "On account of:
   (1) robbery from the poor,
   (2) the idleness of the poor,
   (3) appearance's sake,
   (4) and deceivers.

C. "Robbery from the poor--how so?

D. "This assures that the time will never come when there is no [poor] person there [in the field to collect peah], such that [the farmer] may say to a poor relative (Cpy mdCtW),25 'Come and collect [all of] this peah for yourself.' [If the farmer was allowed to designate all of the peah for his own family, the other poor people in the town would not have fair access to the produce, thus robbing them of what rightfully is theirs (cf. M. 8:6).]

E. "The idleness of the poor--how so?

F. "This assures that poor people will not be sitting around and watching [the farmer] all day, saying, 'Now he is designating peah, now he is designating peah!' Rather, since [the farmer] designates [produce as] peah [while harvesting] the rear [of his field, the poor person] may go about his business, and may return to collect [the peah] at the end [of the harvest].

G. "Appearance's sake--how so?

H. "This assures that passers-by will not say, 'Behold how so-and-so harvested his field and did not designate [any produce as] peah!' For so it is written in Torah, "You shall not harvest the corner of your field" (Lev. 19:9). [That is, since the produce actually designated as peah will have been collected before the farmer finishes harvesting his field, when he does finish it will appear that he never designated any produce.]

I. "Deceivers--how so?

J. "This assures that [the deceivers] cannot say, 'We have already designated [produce as peah while harvesting the other parts of our fields]."
"Another explanation [of the case of deceivers]:

"This assures that [the deceiver] does not retain the highest quality [produce for himself], and designate [peah] from the lowest quality. [Instead he must designate produce while harvesting the rear of his field, regardless of its quality, high or low.]

Tosefta clearly presents Simeon's reasons for insisting that the householder designate peah while completing the harvest of his field (M. 1:3B).

T. 2:6

A. [As regards] a householder who designated peah for the poor,
B. [and] they said to him, "Designate [produce] for us on that side [of the field]--
C. [if] he designates for them both [the produce on] this [side] and [the produce on] that [side],
D. lo, this [produce he designates, on both sides of the field] is in the status of peah.

Tosefta reiterates the point of M. 1:3A. The farmer may designate peah in any part of the field, whether at his own initiative, or at the request of the poor.

1:4-5

A. They stated a general principle governing [the designation of produce as] peah:
B. Whatever is
   (1) edible,
   (2) cultivated [as private-property] (na'mir),
   (3) grown from the Land [of Israel],
   (4) harvested as a crop,
   (5) and can be preserved in storage,
   is subject to [designation as] peah.
C. Grain and legumes are included in this general principle.

D. And among [types of] trees,
E. [the fruit of] (1) a sumac tree, (2) carob trees, (3) walnut trees, (4) almond trees, (5) grape vines, (6) pomegranate trees, (7) olive trees, (8) and date palms, is subject to [designation as] peah.

M. 1:5 (M. Maas. 1:1; T. Pes. 2:20 [3:20]; Y. Peah 3:2-3 [17c]; Y. Shab. 7:1 [9a]; Y. Pes. 4:9 [31b]; B. Shab. 68a; B. Pes. 56b; B. Ḥul. 131a; B. Nid. 50a; Sifra Qid. 1:7-8 [Weiss, p. 87a])
The main point of the five part list in (B) is that the law governs only agricultural produce of the Land of Israel (B1-3). This is because Mishnah’s framers regard the Land as the exclusive property of God. When Israelite farmers claim it as their own (B2) and grow food on it (B1, 3) they must pay for using God’s earth. Householders thus must leave a portion of the yield unharvested as peah, and give this food over to God’s chosen representatives, the poor. The underlying theory is that householders are tenant farmers who pay taxes to their landlord, God.

In addition to conditions applicable to all agricultural offerings (B1-3), we are presented with two constraints particular to peah (B4-5). The first arises because, as we shall see (M. 1:6), peah must be designated during the harvest. But a farmer who picks a single piece of fruit cannot possibly leave behind a portion as peah. What follows is that edibles picked individually are exempt from the law, while those reaped as a crop are subject. Finally, since produce set aside as peah remains in the field until the poor come to collect it (M. 4:1), food that easily spoils is not subject to the law (B5).

The secondary material that follows (C, D-E) focuses on the claim that only produce harvested as a crop is subject to the law (B4). The two species at C present a gray area, for they neither are harvested as a crop nor picked individually. In the cases of both grain and legumes, the householder reaps small patches of produce, as they ripen. Since it is possible for him to leave standing as peah some of the yield each time he harvests a small area, the entire crop is deemed subject to the law (C). Trees present a further ambiguity (D-E), for their fruit usually ripens and is picked one piece at a time. The specific trees listed, however, bear fruit that is harvested as a crop. Hence a portion may be left for the poor as peah, and the law applies.

T. 1:7

A. [As regards] vegetables—even though they are harvested as a crop (cf. M. 1:4B4), they cannot be stored (cf. M. 1:4B5). [Hence they are not subject to designation as peah.]

B. [As for] figs, even though they can be stored, (cf. M. 1:4B5), they are not harvested as a crop (cf. M. 1:4B4). [Hence they are not subject to designation as peah.]

C. R. Yose in the name of R. Judah says, "Figs [that are picked immediately after they ripen, while they still are] moist [and full], are exempt from [designation as] peah, since the first and the last do not ripen at the same time [lit., the first do not wait for the last]." [This being the case, they are not harvested as a crop (cf. M. 1:4B4).]

D. R. Eleazar in the name of R. Sadoq says "Jujubes are subject to [designation as] peah."

E. Others say, "So too the fruit of white fig-trees and peas [are subject to designation as peah]."
Tosefta continues to adjudicate ambiguous cases. The species listed at A-B exhibit some, but not all, of the criteria for liability, and so are exempt from the law of peah. Yose (C), Eleazar (D), and others (E) focus on the manner in which produce is harvested (cf. M. 1:4B4-5). Moist figs (C) are harvested individually, as each ripens, and so they are not subject to the law of peah. Jujubes (D), the fruit of white fig-trees (E), and peas (E), by contrast, are harvested in small patches, as areas of the field ripen. They therefore fall into the same operative category as grain and legumes (M. 1:4C), and are subject to designation as peah.

I.

A. "At any time [after the harvest, the farmer] may designate [produce] as peah, [with the result that the produce he designates] is exempt from [the separation of] tithes,

B. "until [the grain-pile] is smoothed-over.\(^35\) [At this point the entire heap of grain becomes subject to the separation of tithes (see M. Maas. 1:6). The farmer therefore must tithe the produce, and then designate peah.]

II.

C. "And [the farmer] may give away [produce] as ownerless property, [with the result that the produce he gives away] is exempt from [the separation of] tithes,

D. "until [the grain-pile] is smoothed-over. [At this point the produce become subject to the separation of tithes and remains so even if he later declares it to be ownerless.]

III.

E. "And [the farmer] may feed cattle, wild animals, and fowl [from the produce that he harvests, with the result that the produce he feeds them] is exempt from [the separation of] tithes,

F. "until [the grain-pile] is smoothed-over. [At this point, the produce becomes subject to the separation of tithes.]

IV.

G. "And [the farmer] may collect [grain] from the threshing floor, and sow [it, with the result that the grain he sows] is exempt from [the separation of] tithes,

H. "until [the grain-pile] is smoothed-over. [At this point the produce becomes subject to the separation of tithes]," the opinion of R. Aqiba.

V.

I. [As regards] a priest and a Levite who bought [grain at] the threshing floor\(^36\) --the tithes [that otherwise would be separated from the produce that they have purchased] belong to them,

J. unless [the grain-pile] is smoothed-over. [If this is the case, the farmer must separate tithes before he sells the produce, and may give them to the priest of his choice.]

VI.

K. [As regards] one who dedicates [produce to the Temple], and then redeems [it--the produce he redeems] is subject to [the separation of] tithes,

L. unless [the Temple]-treasurer smoothed-over [the grain-pile]. [If this is the case, the farmer incurs no liability to separate tithes when he redeems the
produce, for the Temple owned the produce when it normally would have become subject to the separation of tithes.]

M. 1:6 (T. Dem. 7:6; Y. Peah 1:1 [16c], 2:4 [17b], 4:1 [18a]; Y. Maas. 3:1 [51c-d]; B. Ber. 31a; B. B.Q. 94a; B. San. 88a; B. Mak. 16b; B. Tem. 6a)

Six formally parallel rules present a single principle regarding the separation of tithes. The repeated apodosis (B, D, F, H, J, L) makes the point that produce becomes subject to tithing as soon as the farmer processes it, the critical moment when he takes possession of the food. Before smoothing over the grain-pile he may dispose of the food freely; he has not yet claimed full ownership of it, and so need not separate tithes (cf. M. Maas. 1:1). Once he has processed the grain, by contrast, the farmer has claimed exclusive ownership of it. This arouses the intense interest of God, the farmer's agricultural partner. The householder must pay to God, so to speak, a part of the profits. With the main point in hand, let us turn to the specific rules.

The first four cases (A-H), attributed to Aqiba, provide straightforward illustrations of this principle and require no further discussion. Two rules concerning ownership complete the unit (I-J, K-L). Produce that priests, Levites, or the Temple own at the moment of processing is not subject to the separation of tithes. The priests and Levites themselves may eat the tithes that otherwise would be separated from food they possess (I-J). Grain owned by the Temple is exempt because God's appointees already own it (K-L). If at a later point the farmer redeems the produce, he still need not separate tithes. At the crucial moment of processing, when the law might have taken effect, the Temple owned the food. Apparently, Mishnah's redactors have included the entire unit here because peah is mentioned at A-B.

T. 1:5b

A. [If the farmer] did not designate some of the standing [crop as peah], he should designate some of the [grain bound into] sheaves.

B. [If he] did not designate some of the [grain bound into] sheaves [as peah], he should designate some of the [grain in the] stack.

C. [If he] did not designate some of the [grain in the] stack [as peah], he should designate some of the [produce in the] grain-pile.

D. [This rule applies] so long as he has not smoothed-over [the grain-pile].

E. But once he has smoothed-over [the grain-pile, the farmer] must [first] designate tithes [from the produce], and [then] designate [peah as well].

Tosefta explains how the situation described at M. 1:6 A-B could come about. A farmer should designate peah during the harvest (A). If he does not, however, he may designate the produce at any stage in processing. Once he finishes processing the food, however, he first must separate tithes, and then designate peah (E). This is because processing renders produce subject to the separation of tithes, as at M. 1:6.