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

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CHAPTER EIGHT
PEAH CHAPTER EIGHT

This chapter completes the systematic review of the harvest and of those offerings designated for the poor, a fitting conclusion to the entire tractate. Its core (M. 8:1-4) focuses on the status of poor-offerings after the poor have gathered them. This is followed by a brief discussion of two types of charity given after the harvest, poorman's tithe and community charity (M. 8:5-7). The final unit (M. 8:8-9) defines a poor person, an issue of central importance to the application of the law. Since these three sections are distinct, I shall examine each in turn.

After the poor have had an opportunity to collect the produce designated for them, two important issues arise. First, what is the status of produce set aside for the poor, but which they never take? Perhaps that which the poor do not take remains exclusively reserved for them and may not be taken by others. According to this view, poor-offerings would be seen as sanctified for the poor just as priestly offerings are consecrated only for priests. Mishnah, however, rejects this possibility (M. 8:1). Instead, produce that the poor do not collect within a reasonable time is deemed ownerless, available to rich and poor alike. This assures that the yield of the Land of Israel is not wasted. The second issue complements the first, turning to those offerings which the poor have taken and now wish to sell (M. 8:2-4). Poor-offerings, we recall, are exempt from the separation of tithes (cf. M. 1:6, 5:5), unlike common produce. The poor therefore benefit by claiming that all produce they sell has the status of poor-offerings exempt from tithing, even if this is a lie. By doing this, they can command a higher price for their goods because the householder who buys the goods will be able to use all of the produce. But this creates a problem for householders who purchase food from the poor. Under what circumstances should they believe that this produce in fact is exempt from the separation of tithes? The basic notion is that a poor person's statement is deemed credible only when circumstances suggest that it might be true. That is to say, farmers can assume that their purchases are exempt from tithing only during the proper season or year for the distribution of poor-offerings (M. 8:2A-B), and only with regard to the sorts of food that usually are given as poor-offerings (M. 8:2D+8:3-4).

The chapter's second unit concerns types of charity given after the completion of the harvest. First, as part of the normal tithing process, farmers designate poorman's tithe (cf. Deut. 14:28-29) during the third and sixth years of the Sabbatical cycle (M. 8:5-6). The basic rule is that a fixed amount of poorman's tithe must be given to all poor individuals. This assures, first, the equitable distribution of this produce, and second, that householders do not interfere in the distributive process. The unit's rules then describe the two basic institutions for the support of a community's poor throughout the year, from one harvest season to another. The soup-kitchen (M. 8:7G) provides food for
those in immediate need, who have less than one full day's supply of food. The community fund, by contrast, provides long-term, monetary support for the indigent (M. 8:7H).

The tractate as a whole concludes with a quite practical concern: Who is deemed poor? The framers define poverty as the inability to support oneself from one harvest season to the next. Thus anyone without enough liquid assets for a full year, that is, two hundred קז, is poor. He may gather poor-offerings from this year's crops in order to sustain himself until the next harvest when poor-offerings again are distributed. A person whose money is utilized as capital, by contrast, is not deemed poor. The interest earned by investing this money will be enough to support him, even if he has substantially less than two hundred קז. These definitions are followed by a short passage of Scriptural exegeses (M. 8:9J-U), which marks the end of the chapter and tractate.

8:1

A. After what time [of year] are all people, [rich and poor alike], permitted [to gather] gleanings [that the poor have not yet taken]?

B. [All are permitted] after the aged-poor (ים'ות) go [through the field in order to collect this produce, for by this time, we may assume that all poor people have had a chance to gather their share of the gleanings].

C. With regard to separated [grapes] and defective clusters, [when is any person, rich or poor, permitted to take the food]?

D. [All are permitted] after the poor go through the vineyard [to collect the produce designated for them], and have come [a second time, to gather the grapes they earlier passed over].

E. And with regard to olive trees, [when is any person permitted to collect the fruit left behind as forgotten produce]?

F. [All are permitted] after the time of the second rainfall.

G. Said R. Judah, "But are there not some [farmers] who pick their olives only after the time of the second rainfall? [These householders would not yet have begun to harvest for themselves, and so could not have left any produce behind for the poor. Clearly, the olives should not be available for others to take.]

H. "Rather, [the proper ruling for olive trees is that all are permitted after] a poor person goes out [to the orchard to collect the produce designated for the poor], and cannot return with four ישאר [worth of olives]."

M. 8:1 (B. Taan. 6b; B. B.M. 12a, 21b)

Produce left for the poor, but never taken by them, has an ambiguous status. God has set aside this food for the poor alone so that others should not be allowed to gather it. Nevertheless, the poor seem to have foregone their exclusive right to collect this food because they never actually took it. Mishnah's framers resolve this ambiguity by asserting that edibles the poor have not taken are deemed ownerless. Rich and poor alike may take them. In the units before us, the sages address a secondary issue, the point in time when people may gather these unclaimed poor-offerings as ownerless produce. The basic principle is that after the poor have had ample opportunity to take the foodstuffs
set aside for them, whatever they leave behind should be deemed ownerless. This rule assures that the poor are able to gather all the food they need and has the further effect of assuring that produce of the Land of Israel will not go to waste. That which the poor leave behind almost certainly will be taken by others.

With the main point in mind, we now turn to the details of the law. Distinct rules apply to grain (A-B), grapes (C-D), or olives (E-F+G-H) that are left as poor-offerings yet remain uncollected. This is because each species of produce is harvested in a different manner and at a different time in the harvest season. Gleanings (A-B) that have not been collected by the time the oldest and slowest poor people have gone through the field immediately become available for all to take (A-B). At this point householders may assume that all of the poor have taken what they wish. Separated grapes and defective clusters (C-D) are deemed ownerless only after the poor have come to the vineyard twice. This assures that poor people have ample time to take this valuable fruit. Finally, olives designated for the poor (E-F+G-H) become available to all after the second rainfall. The poor will take their portion of the fruit before these rains commence, because heavy rain damages any olives left on the trees (Maimonides, Commentary). Judah (G-H) disputes the foregoing rule, claiming that by the time of the second rainfall farmers in some parts of the country have not yet harvested their olive trees. These householders could not yet have left behind any olives for the poor. Accordingly, others certainly should not be allowed to take the fruit remaining on the trees. Instead, Judah rules that when most of the olives set aside for the poor have been gathered, all are permitted to collect those remaining. Thus if a poor person who goes out to the field can collect no more than four issars worth of olives, those left in the field are deemed ownerless.

T. 2:18b

A. And [the portion] of the poor-offerings that [remains] in the fields,
B. to which the poor pay no attention—
C. lo, this [produce] belongs to the householder.

In contrast to M. 8:1A, Tosefta claims that produce which the poor do not take never becomes ownerless. Rather, since the householder designated this food for the poor from his own produce, he alone is entitled to that which they do not gather.

8:2-4

A. [Poor people who sell produce in their possession] are believed [if they claim that they received this food as] gleanings, forgotten sheaves, or peah,
B. [only if they are selling this produce] during the proper time [of year for the designation of these offerings] (bXxc1n). [Thus during harvest season, when the poor collect these offerings, a poor person is deemed trustworthy when he claims that food he sells is in the status of poor-offerings. Accordingly, this produce is exempt from the separation of tithes (see M. Hal. 1:3).]
Support for the Poor

C. And [poor people who sell produce also are believed if they claim that the food was received as] poorman's tithe,

D. [so long as it is] the proper year [for the designation of this offering]. [Poorman's tithe is designated during the third and sixth years of the Sabbatical cycle. During these years alone a poor person is deemed trustworthy if he claims that the food he sells has the status of poorman's tithe. As at A, such produce would be exempt from further separation of tithes.]

E. But, a Levite [who sells produce, and claims that the food has the status of first tithe] is believed during all [years of the Sabbatical cycle] (Exod. 36). [Since first tithe is designated every year, the Levite's claim prima facie always is credible.]

F. But [the poor's claim that produce they sell is in the status of poor-offerings or was received as poorman's tithe] is believed only with regard to [the sort of] foodstuff (dbr) that people usually [leave for them]. [Thus we trust a poor person's claims only with regard to unprocessed food, for by definition this is what farmers usually leave behind or designate for the poor.]

M. 8:2

G. [The next five cases illustrate the point of F.] [The poor] are believed [if they claim that] wheat [that they sell was received as poor-offerings, and so is exempt from the separation of tithes],

H. but they are not believed with regard to flour or a loaf [of bread]. [We assume that, when designating poor-offerings or poorman's tithe, householders ordinarily do not leave processed food for the poor. Further, we may assume that the poor person himself could not afford to process any grain he found in the field. Hence the flour or bread could not have derived from poor-offerings or poorman's tithe.]

I. They are believed with regard to panicles of rice,

J. but they are not believed [with regard to husked rice], whether raw or cooked.

K. They are believed with regard to beans,

L. but they are not believed with regard to bean-grits, whether raw or cooked.

M. They are believed with regard to oil, [if they] say that [the oil] is in the status of poorman's tithe, [because this is what farmers usually designate for the poor.]

N. But they are not believed with regard to [oil, if they] say that [the oil] derives from olives [that were forgotten on the] crown [of a tree].

M. 8:3

O. They are believed with regard to raw vegetables.

P. But they are not believed with regard to cooked [vegetables],

Q. unless [the poor person] has a small amount [of the cooked vegetables].

R. For it is the custom of householders to take [a small amount] out of the stew-pot, [and to give it to the poor as part of the poorman's tithe].

M. 8:4 (Y. Dem. 6:8[25d])
Poor people who sell their produce to householders might claim that all of the food they sell, including common produce, is in the status of poor-offerings or poorman's tithe. Deceiving buyers in this way would be to the poor person's advantage because householders who believe that they need separate no further tithes from the edibles would be willing to pay a higher price. The problem at hand is how a farmer knows whether or not the produce he buys truly has the status of poor-offerings or poorman's tithe. Mishnah's framers assert that a poor person's claim is deemed credible so long as the circumstances surrounding the transaction do not indicate that he is lying.

This general principle gives rise to two units, A-D and F+G-P, that specify circumstances in which the poor may be believed. First, if a poor person claims to sell poor-offerings (A-B) or poorman's tithe (C-D) when this produce is not available, the farmer can assume that the poor person is taking advantage of him. These edibles are subject to the separation of tithes because the poor person could not have received them as poor-offerings. Second, the householder should not believe a poor person who sells a type of produce that is not usually left for the poor (F). Five formally parallel rules (G-P) clarify this point by asserting that poor people ordinarily receive only unprocessed, uncooked food as poor-offerings. Poor people who sell other types of produce should not be deemed credible.

Two glosses now require our attention. The rule at E takes up the case of a Levite, who receives tithes during every year of the Sabbatical cycle. When he sells this produce, therefore, his claims regarding its status always are deemed credible. This contrasts with the poor person at C-D, who can be trusted only during the third and sixth years of the Sabbatical cycle when poorman's tithe is distributed. Finally, Q-R assert that farmers often give to the poor small amounts of cooked vegetables as part of poorman's tithe. Accordingly, one may believe their claims that such food is exempt from further separation of tithes even though it already has been processed.

T. 4:1

A. R. Judah says, "[In] a place where [householders] press [the grapes on] defective clusters, [and give the resulting wine to the poor],

B. "a poor person is believed if he claims (1) 'This wine is in the status of defective clusters, [and so no tithes need be separated from it].'

C. "[A poor person also is believed if he claims], (2) 'My brothers, relatives and I gathered these gleanings.'

D. "But he is not believed if he claims, (1) 'I purchased [this food] from Mr. Smith, a gentile [who claimed that the produce had the status of gleanings],' or (2) 'I purchased it from Mr. Jones, a Samaritan [who claimed that it had the status of gleanings].'

E. Poor Samaritans are deemed equivalent to poor Israelites, [and so are deemed credible under all circumstances in which Israelites are believed]. [This is in direct contradiction to D2.]

F. But [as regards] poor gentiles--we do not believe their claim about any matter.
Judah (A-B) argues that the poor should be deemed credible only with regard to the sorts of food that householders usually give them as poor-offerings (cf. M. 8:2D). This sets the stage for two contrasting rules, C and D, also attributed to Judah. An Israelite’s statements about the status of produce are deemed trustworthy (C), while those made by gentiles and Samaritans are regarded as false (D). A formally and substantively separate pair of rules (E-F) contradicts D. They claim that poor Samaritans, just like poor Israelites, are believed about the status of produce in their possession. Gentiles, by contrast, never are trusted (cf. D1), because they are assumed to cheat Israelite farmers.

8:5-6

A. [When dispensing poorman's tithe] they may give to [each of] the poor people at the threshing floor no less than:

B. (1) one-half qab of wheat,
(2) one qab of barley, [but] R. Meir says, "One half qab [of barley],"
(3) one and one half qabs of spelt,
(4) one qab of dried figs, or one maneh of fresh figs, [but] R. Aqiba says, "One half (prs) [of a maneh of fresh figs],"
(5) one half loq of wine, [but] R. Aqiba says, "A quarter [of a loq of wine],"
(6) a quarter lo£ of oil, [but] R. Aqiba says, "An eighth [of a lo£ of oil]."

C. And [as regards] all other types of produce--

D. said Abba Shaul, "[They must give to each poor person] enough [produce] so that he may sell it [and use the revenue] to buy food for two meals."

M. 8:5

E. This measure [for each type of produce, specified at A-D], applies [when distributing poorman's tithe to poor] priests, Levites, and Israelites.

F. [If a householder wished to] save [for his own poor relatives the produce he designated as poorman's tithe],

G. he may take only half [of the poorman's tithe for his own relatives], but must give [the remaining half to other poor people].

H. If he had [only] a small amount of any type [of produce, i.e., less than the measure for poorman's tithe specified at M. 8:5],

I. he places [the produce] before [the poor], and they divide it among themselves.

M. 8:6 (Sifre Deut. #110 [Finkelstein-Horowitz, p. 171]; #303 [Finkelstein-Horowitz, p. 321]; B. Erub. 29a; Y. Erub. 3:1[20d]; Y. Peah 8:5[21a])

Mishnah's framers now turn their attention to the amount of food that must be given to each poor person as poorman's tithe, an offering first discussed in the previous pericope (M. 8:2-4). The basic rule, A-B, states the proper measures for several common crops of
Peah Chapter Eight

the Land of Israel. Mishnah itself does not explain the rationale behind the amounts specified in the list or of those provided in the glosses at B2, 4, 5 and 6. Nonetheless, Abba Shaul's lemma (C-D), a secondary rule governing all other types of food, may provide an indication of the authors' reasoning. Abba Shaul claims that each poor person must be given produce to trade for a full day's supply of food, one meal in the morning and one meal at night. On the basis of this lemma, B. Erub. 29a and most later exegetes claim that the measures at A-B also provide the poor person with precisely the amount of food needed for two meals. 14

These two rules introduce a series of secondary considerations at E, F-G and H-I, concerning the proper distribution of poorman's tithe. First, each poor person must receive the same amount of poorman's tithe regardless of his status as a priest, Levite, or Israelite (E). This is the case even though poor priests and Levites derive additional income from first tithe and heave-offering. A second rule takes up the case of a householder who has poor relatives and wishes to distribute the poorman's tithe to them alone (F). This act, however, would deprive other poor people of their fair portion of the food. In order to ensure that the farmer distributes the grain equitably, he may retain at most half of the poorman's tithe for his own family, and must give the remainder to others (G).15 Finally, Mishnah's authors consider a case in which a farmer does not have enough poorman's tithe to give each person a proper share as specified at M. 8:5B (H-D).16 In order to prevent the householder from favoring one poor person over another, the framers rule that the poor themselves should divide this small amount of food (as at M. 4:1).

T. 2:18a

A. [As regards] poor people who are making the rounds of threshing floors (hmbrzn byn hgrwn)-

B. [if a householder wishes to distribute the poorman's tithe from his home, he need not give the poor any poorman's tithe at the threshing floor. Rather he must] designate tithes [from some common produce] and give them [this grain as a gift].

C. [And] decent people (snw ym)17 bring out in their hand food [worth a small amount of] money,

D. and give [a poor person] this trifle, so that he will [have something to] eat before he reaches the city.

Tosefta takes up the case of a householder who wants to distribute poorman's tithe from his home, rather than at the threshing floor (cf. M. 8:5A-B). The householder benefits by waiting to tithe his produce, for he is permitted to make a random snack of the untithed food.18 Thus when he finally does process the food, upon his arrival home, he has less total produce from which to separate a fixed percentage as tithes. While the householder has the right to distribute poorman's tithe from his home, he should not send the poor away from the threshing floor empty-handed. Rather he must separate tithes
Support for the Poor

from a small amount of ordinary produce and give this grain to the poor (A-B). It also is considered proper to give the poor some extra food for the trip home (C-D).

T. 4:2-7

A. During the proper year for dispensing poorman's tithe, they may give to the poor no less than (1) one-half qab of wheat, or (2) a qab of barley (M. 8:5Bl-2 with variations).

B. Under what circumstances does this apply?

C. [It applies if the householder distributes the produce] at the threshing floor.

D. But if he distributes produce from his own house, he may give to the poor any amount, and need not scruple [that he has given them less than the required amount].

E. But as regards the remainder of gifts [distributed at the threshing floor, namely those] given to the priesthood and to the Levites, he may give any amount, and need not scruple [that he has not given enough].

T. 4:2a

F. [As regards] priests and Levites who stand by the threshing floor [waiting to be given the gifts due them, heave-offering and first tithe],

G. and other priests came, and stood [there for a short time only],

H. [the priests who came by later] may not take [the priestly gifts] out of the hands [of the priests who were there first].

I. Said Rabban Simeon b. Gamaliel, "[Rich] priests used to be generous, and in order not to send out their [poor] brothers empty-handed, they used to take a handful [of the food they had collected as heave-offering] and give it to them."

J. Rabban Simeon b. Eleazar says, "If [some priests] came [to the threshing floor after the householder had given out one round of offerings, but] before he had given out the second round (Cod. 8 1 tzhwr blyh),20 they must stand at the end of the line, and take [the offerings only in turn]."

T. 4:3

K. As regards the wives or slaves [of priests]21--

L. they may not apportion them [priestly offerings] at the threshing floor.

M. But [if dispensing this produce from the house], they may give them priestly or Levitical gifts as a favor.

T. 4:4

N. Rabban Simeon b. Gamaliel says, "Just as, [when produce is] distributed at the threshing floor, [a person's receiving] heave-offering is prima facie evidence [that he is a member] of the priesthood, so too, [when produce is] distributed at the threshing floor, [a person's receiving] first tithe is prima facie evidence [that he is one] of the Levites."
O. [But when] distributing through the agency of a court [an inheritance containing produce in the status of tithes that never was given to priests, a person's receiving a portion of the food] is not prima facie evidence [that he is a member of the] priesthood, [because this produce can be given, by the court, to anyone].

T. 4:5

P. [There are] two [matters that constitute] prima facie evidence [that a person is a member of] the priesthood:
Q. within the Land of Israel--
R. (1) raising one's hands [during the priestly benediction], and (2) receiving [heave-offering] at the threshing floor.
S. And in Syria, up to the place where the messenger [who tells of the new] moon reaches--
T. (1) Raising one's hands [during the priestly benediction], but (2) [they do] not receive [heave-offering] at the threshing floor.
U. And Babylonia [is in the same status] as Syria.
V. R. Simeon b. Eleazar says, "Also Alexandria [had the same status as Syria], during the early times, when there was a court there."

T. 4:6

W. A more stringent rule applies to holy things of the Temple than applies to holy things of the provinces (qd"ky hgbwl).
X. (Delete with E: And a more stringent rule applies to holy things of the provinces than applies to holy things of the Temple.)
Y. [As regards] the holy things of the provinces--
Z. (1) minor [priests] may partake of them,
   (2) unclean [priests] may partake of them,
   (3) they may divide them in conditions of uncleanness,
   (4) and they may measure out an equivalent amount [of common food to be used in place of the holy things].
AA. [As regards] the holy things of the Temple--
BB. (1) [priests] are charged with the responsibility of caring for them,
   (2) and [with the responsibility] to bring them to the Temple building.
CC. [As regards] holy things of the provinces--
DD. they give them to any associate [merely as a gift].
EE. But [as regards] holy things of the Temple--
FF. they give them only to members of the [present] priestly watch.

T. 4:7

Tosefta distinguishes between giving out poorman's tithe at the threshing floor (cf. M. 8:5A-B) and at the home. Only that which is distributed in public, at the threshing floor, must be of a specified minimum quantity. Produce given at the home, merely as a gift, may be of any quantity (A-D). The rule at E extends this principle to other gifts
distributed at the threshing floor, the priestly and Levitical offerings. These offerings also may be of any size (cf. M. Ter. 4:3).

E draws in its wake a spree of free associations regarding priests and Levites. To clarify them, let us review the principles underlying this section. First, the priestly offering must be distributed in an orderly fashion (F-J). Those priests who have waited the longest at the threshing floor should get the tithes first. Second, a priest's wife or slaves may not collect tithes at the threshing floor, lest it appear that this produce has been distributed improperly (K-M). Instead, they are given produce from the house as a favor. Third, receiving heave-offering and first tithe at the threshing floor constitutes prima facie evidence that the recipient is a priest or Levite (N-O). This discussion is followed by a fourth unit (P-V), a list of prima facie evidence that one is a priest applicable inside and outside of the Land of Israel. Finally, we contrast the holy things of the Temple in Jerusalem with those of lesser sanctity, the holy things of country shrines (W-FF). The major difference between these two types of holy things is that in the Temple holy things must be maintained and not exchanged for common produce. Holy things of lesser sanctity, on the other hand, may be exchanged for ordinary food.

T. 4:2b

A. If he wishes, he may reserve half [of the poorman's tithe for his own relatives' use] and give half [to other poor people] (M. 8:6F-G).

B. Abba Yosé b. Dosithai says in the name of R. Eliezer, "If he wishes, he may give [to the other poor people] a third [of the poorman's tithe], and give two thirds (ṣty ydwt) to his own relatives.

Abba Yosé b. Dosithai glosses M. 8:6F-G, merely providing different proportions for the householder's relatives and the other poor people.

8:7

A. They give to a poor person travelling from place to place no less than a load [of bread] worth a dupondius, [made from wheat that costs at least] one selá for four seahs.

B. [If such a poor person] stayed overnight,

C. they must give him enough [food] for a night's lodging.

D. [If the poor person] spends the Sabbath,

E. they must give him food for three meals (see M. Shab. 16:2-3).

F. Whoever has sufficient food for two meals, [i.e., one day's food-supply], may not take food from a soup-kitchen (tmlywy).

G. [Whoever has sufficient] food for fourteen meals, [i.e., one week's supply of food], may not take [money] from the communal fund (qph).

H. [Money for] the communal fund is collected by two [people], and distributed by three [people].

M. 8:7 (Y. Erub. 3:1[20d]; B. Shab. 118a; B. B.M. 8b-9a; B. San. 17b)
The community as a whole is responsible for providing poor people within their midst with a sufficient amount of food. This principle gives rise to two formally distinct units (A-E, F-G+H) which I take up in turn. Poor people passing through a town (A) should be given a load of high-quality bread.\textsuperscript{28} This satisfies their immediate need for food, and permits them to continue their journeys. By contrast, individuals who remain in the locale for longer periods of time, whether overnight (B-C) or for the Sabbath (D-E), should be supplied with additional food for their stay.

Two community-wide charitable institutions, the soup-kitchen (F) and the communal fund (G), again provide for the short- and long-term needs of a town's poor. The soup-kitchen provides a single meal for those who are in immediate need of sustenance because they have less than a day's supply of food. In addition, long-term, monetary support for the indigent is supplied by the communal fund. Accordingly, only those people who possess less than one week's food supply are eligible to collect this money. The gloss at H takes up two issues with regard to the collection and distribution of the communal fund. First, this money must be gathered by two people because no single individual can represent the community as a whole (see M. Sheq. 5:2). Second, the communal fund must be distributed by three citizens. This is because decisions regarding who receives this money are deemed analogous to monetary cases in a court, which require three judges (see M. San. 1:1).\textsuperscript{29}

Tosefta provides further details (D, G) regarding the amount of food that must be given to the transient poor (cf. M. 8:7A-E). These glosses set the stage for an important distinction, H+I-J. The townspeople have a minimal responsibility toward strangers, and so are required only to provide food for these people. The citizens have a further obligation to poor people whom they know, those of their own town. Thus, clothing as

\textbf{T. 4:8}

A. They give to a poor person travelling from place to place no less than a loaf of bread worth a dupondium, [made from wheat which costs at least] one sela for four seahs.
B. [If such a poor person] stayed overnight,
C. they must give him enough [food] for a night's lodging (M. 8:7A-C),
D. [namely, they give him] oil and beans.
E. [If such a poor person] spends the Sabbath,
F. they give him food for three meals (M. 8:7D-E),
G. [namely, they give him] oil, beans, fish, and a vegetable.
H. Under what circumstances does this apply?
I. [It applies] so long as [the town's people] do not recognize the poor person.
J. But if they recognize him, they even provide clothing for him.
K. [If a poor person] went from door to door, [begging for food from each family],
L. they are not obligated to him in any way, [because he should receive money from the communal fund, not by bothering individuals].
well as food must be supplied for the local poor. The pericope is concluded at K-L by an entirely separate case. We speak of a poor person who wishes to collect charity for himself, not through the agency of the communal fund. In order to assure the equitable distribution of the community's resources, however, this is not allowed.

T. 4:9

A. The soup-kitchen [provides enough food] for a full day, but the communal fund gives [sufficient food to last] from one week to the next.
B. The soup-kitchen [provides food] for anybody, but the communal fund [gives support only] to the poor of that locale.
C. If [a poor person] dwelt there for thirty days, lo, he is considered to be in the status of resident of the locale for [purposes of receiving assistance] from the communal fund.
D. But [to receive] shelter, [he must have dwelt there] for six months.
E. And to be liable to the town-tax (psy hɔy), [he must have been a resident] for twelve months.

Tosefta contrasts the soup-kitchen (M. 8:7F) and the communal fund (M. 8:7G-H). The soup-kitchen provides a small amount of food for anybody in immediate need. The communal fund, for its part, provides long-term support, and is limited to poor people who are residents of the town (A-B). The rules at C-E take up a question left open at B: How do we determine who is a resident? Thirty days is deemed sufficient to establish residency for purposes of receiving support from the communal fund (C). A six-month term, by contrast, is required to be eligible for community-funded shelter (D). Finally, to ease the burden on new citizens, municipal taxes are not assessed until a full year of residency has passed (E).

T. 4:10-11

I. A. [As regards] a poor person who, [like any other citizen], gave a perutah to [support] the communal fund or a piece of bread to [support] the soup-kitchen--
B. they may take [the money or food] from him.
C. But if he did not contribute, they do not force him to give.
II. D. If they gave [to a poor person] new clothes [from the communal fund], and he exchanged [his] worn out clothes [in partial payment]--
E. they may take [the clothes] from him.
F. But if he did not exchange [his worn out clothes], they do not force him to give.
I. G. [If] he used to wear fine wool [before he became poor],
H. they supply him with [clothes of] fine wool.
II. I. [If he used to receive] a coin [as a salary before he became poor],
J. they give him a coin.
III. K. [If he used to eat] dough [before he became poor],
L. they give him dough.
IV. M. [If he used to eat] bread [before he became poor],
N. they give him bread.
V. O. [If they used] to spoon feed him [before he became poor],
P. they spoon feed him.
Q. [These five rules all accord with] what is written [in Scripture], "You shall open your hand to [the poor person], and provide him sufficient for his need, whatever it may be" (Deut. 15:8).
R. [This refers to providing] even a slave or a horse, [if this is deemed his need].
S. "For his need (lw)" (Deut. 15:8)--this refers to [providing him with] a wife, as it is written [in Scripture], "Then the Lord God said, 'It is not good that the man should be alone. I will make a helper for his need (lw)'" (Gen. 2:18).
T. Hillel the elder once gave (so ed. princ.; V, E: took) to a certain poor person, a member of a good family, a horse for the man to ride for exercise, and a slave to be the man's servant; [this provides a precedent for the ruling at R].
U. The people of Galilee each day would send to a certain old man a pound of meat [according to the weights used in] Sephoris.

T. 4:10

I. V. [If a poor person] was used to using golden utensils,
W. he must sell them, and use silver ones.
II. X. [If he was used to] silver utensils,
Y. he must sell them, and use brass ones.
III. Z. [If he was used to] brass utensils,
AA. he must sell them and use glass ones.
BB. They told [the following story]: A family from Bet Nebaltah was [visiting] in Jerusalem. They were related to the family of Arnon, the Jebusite [i.e., their family was among the original inhabitants of Jerusalem].
CC. The sages sent them three hundred gold sheqels, for they did not want them to [be forced to] leave Jerusalem [due to a lack of money].

T. 4:11

Several distinct units (A-F, G-U, V-AA and BB-CC) provide additional information on the proper treatment of poor people. The two parallel rules at A-C and D-F make the point that poor people are not obligated to support charitable institutions. Nevertheless, if a poor person wishes to donate money, food or clothing, he is accorded the proper respect. We next turn to the case of a householder who has become poor (G-Q+R-U). Such a person is entitled to be maintained at the standard of living to which he is accustomed. The prooftext for this rule, Q, draws in its wake quite secondary expansions at R and S, as well as precedents at T and U. The third unit (V-AA) claims that the appropriate action for a person who becomes poor is to adjust his lifestyle to a new
economic situation. Such a person must sell his property and buy new belongings of a lesser quality. Finally, the story at BB-CC makes the point that harsh economic circumstances should not force any family to emigrate from Jerusalem (cf. M. Ket. 13:11).

T. 4:12-13

A. "[As regards] one who says, 'I shall not be supported by others'--

B. "they act considerately toward him, and support him by giving [money to this poor person] as a loan, and [when he cannot repay the amount] they convert it to a gift," the opinion of R. Meir.

C. But sages say, "They give [the poor person money] as a gift, and [when he refuses to take the charity] they convert it to a loan."

D. R. Simeon says, "They say to him, 'Bring us some collateral,' in order to allow him to take money."

T. 4:12

E. [As regards] one who says, "I cannot support myself"--

F. they act considerately toward him, and support him by giving [this poor person money] as a gift, [and only if he refuses to accept the charity] do they convert it to a loan.

T. 4:13

When giving charity, the poor must be treated with dignity and respect. Accordingly, Meir claims (A-B), charity initially should be given as a loan, so that the poor person may retain some of his pride when taking the money. Later, if the poor person is unable to repay, the loan is converted to a simple gift. Sages' lemma (C) and the anonymous rule at E-F present an alternative view. Only if the poor person, out of his personal pride, refuses to take the charity should the townspeople claim that the money is given as a loan. Simeon's gloss (D) requires a tiny bit of collateral against any gift of charity. In line with A-B, this has the effect of treating the gift as a loan, and allows the poor person to retain his dignity.

8:8-9

A. Whoever possesses two hundred zuz [i.e., enough money to support himself for a full year, from one harvest season to the next], may not collect gleanings, forgotten sheaves, peah, or poorman's tithe [that have been designated from this year's crops].

B. If he possesses two hundred [zuz] less one dinar [i.e., one hundred and ninety-nine zuz],

C. even if one thousand [householders each might] give him [one dinar], all at the same time, [so that the poor person potentially possesses far more than two hundred zuz]--
D. If this person may collect [produce designated for the poor]. [When he gathers this food, he has not yet received any money from the householders, and so in fact is poor.]
E. If he possesses two hundred zuz that he cannot freely use, because the money serves as collateral for a creditor or for his wife's marriage-contract—
F. If this person may collect [produce designated for the poor].
G. They may compel him to sell neither his house nor the tools of his trade in order that he might acquire through this sale two hundred zuz in cash. [That is to say, only people with less than two hundred zuz in liquid assets may gather poor-offerings. Since this person's money is used to provide shelter or equipment, he is permitted to gather the poor-offerings.]

M. 8:8

H. Whoever possesses [as little as] fifty zuz, yet conducts business with them—
I. If that person may not collect [produce designated for the poor, because he derives a steady income from his money].
J. And anyone who does not need to collect [poor-offerings], but [nonetheless] collects [them],
K. [as punishment for this action] will depart from this world only after he [in fact] comes to depend on other people.

II. And any person who is neither lame, dumb, nor handicapped, but [acts] as if he had [such a condition],
III. But anyone who needs to collect [poor-offerings], but does not collect [them],
O. [as a reward for his action] will die of old age only after he actually [suffers from this condition],
P. And with regard to this person Scripture states, "Blessed is the man who trusts in the Lord, whose trust is the Lord" (Jer. 17:7).
Q. And so too, a judge who judges for justice's sake [is blessed, as at N].
R. As it is stated [in Scripture], "Justice and only justice shall you follow" (Deut. 16:20).
S. But any judge who accepts a bribe, and on its account changes his judgment,
T. will die of old age only after his eyes have grown weak.
U. As it is stated [in Scripture], "And you shall take no bribe, for a bribe blinds the clear sighted" (Ex. 23:8).

M. 8:9 (Y. Soṭah 3:4[19a]; B. Soṭah 2:1b; B. Ket. 68a, 105a; ARN 3; Mekhilta Mishpatim 20 [Horowitz-Rabin, p. 328]; Sifre Deut. 144 [Finkelstein-Horowitz, p. 199]; Tanḥ. Shoftim 1, 8 [Buber, Shoftim 7])
Support for the Poor

The tractate concludes by defining who is eligible to receive poor-offerings and poorman's tithe. The main point is that anyone who cannot support himself throughout the year falls into the category of a poor person. Accordingly, a person with less than two hundred zuz (one year's support) may gather produce designated from this year's crops (A). This simple definition is refined in several secondary rules at B-I. In each of these cases, the person does not have money in hand with which to buy food and other necessities. For example, a poor person might possess less than two hundred zuz, yet have the prospect of receiving a large sum of money (B-D). Or perhaps the money a person possesses is committed as collateral (E-F), shelter (G) or equipment (G). Since in each case the person has less than the minimum two hundred zuz in liquid assets, we deem him eligible to collect poor-offerings. At H-I, the framers take up the case of a person who possesses less than two hundred zuz, yet does not fall into the category of a poor person. We speak of a householder who invests as little as fifty zuz, and so generates a steady income. Since he can live off the income from his capital, he is not permitted to gather produce designated for the sustenance of the poor.

Standing back for a moment, we see that the foregoing definition of poverty contrasts sharply with the one presented in Scripture. In Scripture's rules, certain categories of persons, those who are legally or socially disadvantaged, are regarded as poor. For example, at Lev. 19:10, widows, orphans, and resident aliens are entitled to collect the various poor-offerings without regard to the sums of money they possess. Mishnah's framers, by contrast, define poverty only in terms of capital. In their view, anyone who possesses less than a specified amount of money falls into the category of poor person and may collect poor-offerings. Clearly, the simple monetary definition provided by this pericope would apply to all people whether or not they fell into one of Scripture's categories. Mishnah's framers thus have moved beyond Scripture to a purely economic definition of a poor person.

Three formally parallel rules, J-K, L-M and N-O+P, conclude the discussion by contrasting those people who have the right to collect poor-offerings but do not gather the food with those who take that to which they are not entitled. Those who falsely claim to be poor eventually will be forced to collect charity (J-K, L-M). By contrast, poor people who rely not on charity but on the support of God eventually will enjoy economic prosperity (N-O). The prooftext at P is followed by two tangentially related rules (Q-R, S-U) that contrast judges who take bribes with those who do not.

T. 4:14

A. One who acts as though (1) he was blind, (2) his stomach was distended, or (3) his joints were swollen, [in order to gain sympathy of charity] (cf. M. 8:9T),
B. will not depart from this world before this actually is the case (M. 8:9U).

Acting as if injured in order to collect undeserved charity will lead to eventual punishment (cf. M. 8:9T-U).
A. Charity collectors are not permitted to separate [their own money] from [that which they collect for charity by placing their own money in a separate purse, lest it appear that they steal for themselves some of the money they gather as charity].

B. Even if his friend paid him money that he owed him, even if he found money in the road, he may not take it [for himself].

C. As it is written [in Scripture], "You shall be free of obligation before the Lord and before Israel" (Num. 32:22).

D. But they may separate [their own money] from [that which they collect for charity] if they are collecting within a private courtyard, or within [their own] shop. [Since they are on their own private property, not in the public domain, it is clear that they are not stealing from charity but taking what legitimately is theirs.]

Charity collectors must avoid even the appearance of cheating the community. Thus a collector must not be seen publicly accepting money and putting it into his own purse (A–C). If the person is in his own shop, or in private property, by contrast (D), he may accept money owed to him because no one will imagine that he is stealing some of the money he collects for charity.

T. 4:16

A. [As regards produce in the status of] second tithe--

B. (1) they may not use it to repay loans or [other] debts,
(2) they may not use it to repay favors received,
(3) they may not use it to ransom prisoners,
(4) they may not use it to purchase (םָהֹב) groom's men's-gifts,
(5) and they may not give any part (דָּבָר) of it as charity, [lest the poor person eat it without observing the produce's special status].

C. But (1) they may send part of it [to another] as an act of loving-kindness (טֶרֶם),
D. but he must inform [the other person of the produce's status],
E. and (2) they may give it to a citizen who is known to scruple [regarding the proper dispensation of consecrated produce] (חֶרֶב חֵרֶב) as a favor.

Second tithe is included here because of the mention of charity at B5. Since second tithe is consecrated for a particular use, it may not be used to carry out a second obligation (B1–5), including the giving of charity. One may give second tithe as an act of loving-kindness or as a favor, however, providing that it will be disposed of in accordance with the law.
A. [If] one pledged (מִרְכָּב) to give [money to charity],
B. and then gave [this money],
C. they accord him merit (שָׁרֵי) both on account of pledging [to give] and on account of actually [giving] (שָׁרֵי מִשּׁוֹר).
D. [If] he pledged to give [money to charity],
E. but then [when the time came to pay his pledge, he] no [longer] had enough [cash] in hand to give [the full amount that he had pledged],
F. they accord him merit on account of pledging [to give] just as [they would have accorded him] merit on account of actually [giving].
G. [If] he did not pledge [to give money to charity],
H. but said to other people, "Give!"
I. they accord him merit on account of this,
J. as it is stated [in Scripture], "...and for this word (דַּבְּר הָזִית) [i.e., the word "Give!""] the Lord will bless you" (Deut. 15:10).45
K. [If] he did not say to other people, "Give!"
L. but placed [a poor person's mind] at ease (מַעֲנַה לָו) with kind words,
M. from what [verse may we derive] that he should be accorded merit for his act?
N. It is stated [in Scripture], "...and for this word [i.e., the kind words spoken to the poor man] the Lord will bless you" (Deut. 15:10).

The pericope presents four levels of charitable activity, in order of descending significance (A−C, D−F, G−J, K−N). Each of these deeds deserves merit, from the most complete act of charity, pledging and giving (A−C), to the simplest, merely comforting the poor (K−N). Deut. 15:10 serves as a prooftext for the final two cases and indicates that words as well as gifts of money may be deemed praiseworthy.

T. 4:18

A. Monobaz the King [of Adiabene] went and gave away [to the poor] (כֹּסֶד . מַבּוֹז) [all of] his treasures during years of famine (בְּשָׁרְת).46
B. His brothers sent [the following message] to him:
C. "Your ancestors stored up treasures and increased the wealth [left for them by] their ancestors. But you went and gave away all of these treasures, both your own and those of your ancestors!"
D. He replied to them, "My ancestors stored up treasures for this lower [world], but I, [through giving charity (צִדֶּק)] have stored up treasures for [the heavenly world] above, as it is stated [in Scripture], 'Faithfulness will spring up from the ground below, [and righteousness (צִדֶּק) will look down from the sky]' (Ps. 85:11).
E. "My ancestors stored up treasures [for the material world], where the [human] hand can reach (שִיֵּד מַעֲלֶה בָּו), but I have stored up treasures [for the
non-material world], where the [human] hand cannot reach, as it is stated [in Scripture], 'Righteousness (ṣdq) and justice are the foundation of your throne, [steadfast love and faithfulness go before you] (Ps. 89:14).

III. F. "My ancestors stored up treasures [of a type] that produce no [real] benefits (pyrwt), but I have stored up treasures [of the sort] that do produce benefits, as it is stated [in Scripture], 'Tell the righteous (ṣdyq) that is shall be well with them, for they shall reap the benefits ( pry) of their deeds' (Is. 3:10).

IV. G. "My ancestors stored up treasures of money, but I have stored up treasures of souls (1 np5wt), as it is stated [in Scripture], 'The fruit of the righteous (ṣdyq) is a tree of life, and a wise man saves the souls [of poor people] (np5wt)' (Prov. 11:30).

V. H. "My ancestors stored up treasures [that eventually, after their deaths, would benefit only] others, but I have stored up treasures [that will benefit] myself [both in life and in death], as it is stated [in Scripture], 'It shall be a righteousness (ṣdqh) to you before the Lord your God' (Deut. 24:13).

VI. I. "My ancestors stored up treasures in this world, but I have stored up treasures for myself in the world-to-come, as it is stated [in Scripture], 'Your righteousness (ṣdqhkh) shall go before you, [and the glory of the Lord shall be your rear-guard]' (Is. 58:8)."

The story of King Monobaz's exceptional generosity provides a setting for the parallel exegesis of six verses. Each unit contrasts the King's righteous act of giving charity (ṣdq/ṣdqh) with the actions of his ancestors, who merely hoarded money for themselves. The pericope as a whole thus carries forward T. 4:17's notion that acts of charity are praiseworthy.

T. 4:19

A. Charity (ṣdqh) and righteous deeds (gmyltwt bsdyh) outweigh all other commandments in the Torah.

I. B. Nevertheless ('...'), charity [can be given only to the] living, but righteous deeds [can be performed for the] living and the dead.

II. C. Charity [is given only] to poor people, but righteous deeds [are done for both] poor and rich people.

III. D. Charity [is given as an aid for a poor person's] finances, but righteous deeds [aid both a poor person's] finances and his physical needs.

A general statement on the importance of both charity and other righteous deeds (A) prepares the way for the triplet that follows (B, C, D). These rules contrast charity and righteous deeds, placing a higher value and emphasis on the latter.
Support for the Poor

T. 4:20-21

A. Said R. Joshua b. Qoraḥ, "From which [verse may we derive the fact] that anyone who loses sight [of the importance of giving] charity (hm'lym tynw msdqh) [is viewed] as if he worshipped idolatry?

B. "It is stated [in Scripture], 'Take heed lest there be a base (bly'l) thought in your heart, and you say, "[The seventh year, the year of release, is near," and your eye be hostile to your poor brother, and you give him nothing..."]' [Deut. 15:9].

C. "And elsewhere (lhln) [Scripture] states, 'If you hear... that certain base men (bly'l) have gone out among you, ...saying, "Let us go and serve other gods," ...you shall surely put the inhabitants of that city to the sword, destroying it utterly..."' (Deut. 13:12-15).

D. "Just as in the latter case 'base' explicitly refers to idolatrous worship, so too in the former case 'base' refers to [something deemed equivalent to] idolatrous worship."

T. 4:20

E. Said R. Eleazar b. R. Yosé, "From which [verse may we derive the fact] that charity and righteous deeds are great peace-[makers] and intercessors between [the people of] Israel and their father in heaven?

F. "It is stated [in Scripture], 'For so says the Lord: Do not enter their house of mourning, or go to lament or bemoan them. For I have taken away my peace from this people, says the Lord, [namely], my steadfast love (hbsd) and mercy (hrbmym)!' [Jer. 16:5].

G. "Steadfast love (hbsd)--this refers to righteous deeds (gmylwt hbsym).

H. "Mercy (hrbmym)--this refers to charity.

I. [The verse thus] teaches that charity and righteous deeds are great peace-[makers] between [the people of] Israel and their father in heaven.

T. 4:21

Two passages of Scriptural exegesis present further information regarding charity and righteous deeds. Deut. 13:12-15 and 15:19 are adduced in order to prove that refusing to give charity is tantamount to idol-worship (A-D). The second unit (E-I), focusing on Jer. 16:5, claims that charitable acts and righteous deeds serve as advocates for the people of Israel in the face of divine judgment.