

NEHAMA LEIBOWITZ

NEW STUDIES IN VAYIKRA
(Leviticus)

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GIFTS TO THE POOR

כג כג וּבְקִצְרְכֶם אֶת־קְצִיר אֲרָצְכֶם
 — — — לֹא־תִכְלֶה פֶּאֶת שְׂדֵךְ
 לְעֹנִי וְלְגֵר תַּעֲזֹב אֹתָם.

23:22

And when you reap the harvest of your land, thou shalt not altogether remove the corners of thy field... thou shalt leave them to the poor and to the stranger.

For the first time in this chapter, we note an abrupt transition in the middle of a verse, from the plural to the singular — “And when you reap... your land, thou shalt not, etc.... Thou shalt leave them...” (similarly in 19:9-10). This is unusual. R. Bahya and the *Shem Olam* explain that the Torah addresses itself, not to Israel collectively, but to the landowner. “When you reap” is in the plural because harvesting time is common to all. The commandment, however, is incumbent upon the individual “thou,” the landowner, shalt not...

This chapter presented our commentators with two difficult problems:

a) Why is the commandment regarding the gifts to the poor inserted into the section dealing with the Festivals between Pesah and Rosh HaShanah?

b) Why are the precepts of *pe'ah* (corner of the field) and *leket* (gleanings), which appear in 19:9-10 repeated almost verbatim here.

Let us cite a number of comments:

R. Bekhor Shor:

And when you reap: Seeing that the Shavuot period encompasses the main harvest season, and the Torah has referred to the *omer* reaping which opens the harvest, it saw fit to deal at this point with *leket* and *pe'ah*.

This explanation seems odd for the harvest begins with the reaping of the barley on the 16th of Nisan and continues uninterruptedly throughout the season (Cf. Ruth, end of chs. 1 and 2). However, it does explain the collocation of the passages by the element of association which is not unusual in Scripture, but the problem of duplication remains to be solved.

Ibn Ezra (23:19):

The Torah repeats, “And when you reap the harvest of your land” as a reminder, for Shavuot marks the beginning of the wheat harvest, when this law must be observed.

This takes into account the natural human tendency to forget the less fortunate during the joy of the harvest.¹

Nahmanides elaborates:

“And when you reap the harvest of your land”: This refers to the harvest mentioned in v. 10, and a reminder to leave a corner of the field and the gleanings when reaping the *omer*, for the precept of the *omer* does not override those injunctions.

1. The unsurpassed joy of the harvest is reflected in Isaiah's account of Israel's miraculous deliverance from Sanherib's siege of Jerusalem, whose joy he compares to that of the harvest (see Is. 9:2).

The psychological point Nahmanides raised is elucidated in the popular comment of *Keli Yakar*:

The connection of this verse with the *omer* is expressed in the homiletic comment² that God surrounded Israel with mitzvot (precepts) in all their activities: When ploughing, there is the precept of "Thou shalt *not* plough with an ox and a donkey together" (Deut. 22:10); when sowing, there is the precept, "Thou shalt not sow thy field with mingled seed" (Lev. 19:19); when reaping — "thou shalt not altogether remove the corners of thy field" (ib. 23:22), and so forth. We might have supposed that the fulfillment of the *omer* precept exempts us from other precepts, hence the Torah states: "Thou shalt not altogether remove... Thou shalt leave them to the poor and to the stranger," i.e., this mitzvah does not absolve us from *leket*, *shikhehah* (forgotten sheaves) and *pe'ah*.

This reflects the important fact that the ritual commandments (e.g., the occasional sacrifice requirements) are easier to fulfil than those

2. The reference is to *Devarim Rabba* 6.3, on "If a bird's nest chance to be before thee:" This is meant by (Prov. 1:9) *כי לית חן הם לראשך* — for they shall be a graceful garland for thy head. What is the meaning of *לית*? R. Pinhas b. Hama said: The mitzvot (precepts) will (*לית* & *ללווה*) accompany you wherever you go. Thus, "When thou buildest a new house — then thou shalt make a parapet for thy roof" (Deut. 22:8). If you make a door — the mitzvot accompany you, as it says: "And thou shall write them upon the doorposts of thy house" (ib. 6:9). When you don new clothes — then there is the mitzvah of "Thou shalt not wear a garment of diverse kinds" (ib. 22:11). When you have your hair cut — "You shall not round the corners of your head" (Lev. 19:27). If you have a field and you want to plough it, the commandments accompany you, as it is stated, "Thou shalt not plough with an ox and a donkey together" (Deut. 22:10), and likewise when you sow it, as it is stated, "Thou shalt not sow your vineyards with diverse seeds" (ib. 19:9). When you reap it, the commandments accompany you, as it is stated: "When thou reapest thy harvest in thy field, and hast forgotten a sheaf in the field, thou shalt not go back to fetch it; it shall be for the stranger, for the orphan, and for the widow..." (ib. 24:19). The Holy One blessed be He said: Even if you are not engaged in any work, but walk on the road, the mitzvot accompany you, as it is stated, "If a bird's nest chance to be before thee on the way... thou shalt not take the mother bird together with the young" (ib. 22:6).

affecting one's fellow man. The *Yetzer HaRa*, that crafty evil instinct, entices man to hide behind the rituals (witness the Prophets' condemnation of the sacrifices in this context), and abandon his obligations towards his neighbor. The author of *Keli Yakar* thus chided the rich and mighty who failed to help the poor and needy.

Rashi expresses the same idea in positive terms, citing the following Midrash:

And when you reap — this injunction is repeated, to render the violator liable on two accounts. Thus, R. Avdimi b. R. Yosef: Why is this precept placed among the Festivals, with Pesah and Shavuot on this side and Rosh HaShanah and Yom Kippur on the other? To teach us that he who leaves *leket*, *shikhehah* and *pe'ah* to the poor according to the law, is considered as though he had built up the Beit HaMikdash and offered up sacrifices in it.

In his commentary on Rashi, *Be'er Yitzhak* comments on the above Midrash:

This Midrash teaches a very important lesson: The Torah puts the obligation of gifts to the poor among sacrifices precepts in order to underline that these offerings do not present gifts to God, as is plainly stated, "If I were hungry, I would not tell you" (Ps. 50:12). Rather, the Temple service aims at the purity of the heart, attained by way of the offerings. This is particularly evident during the Festivals, days of feasting and joy when the mitzvot of the pilgrimage, the Festival offering and joy demonstrate that the ultimate joy lies in our spiritual worship of God. Hence, the laws of the gifts to the poor appear amidst the Festival offerings, reminding us that these offerings are not presents. Heaven is the source of all riches... sacrifices can constitute such gifts in association with our obligations towards the poor. Thus the Midrash: He who leaves *leket*, *shikhehah* and *pe'ah* to the poor, is considered as having built the Beit HaMikdash and offered up sacrifices in it, for such allocations to Heaven constitute the ultimate purpose of the sacrifices.

Meshekh Hokhmah associates this notion of our gift to Heaven with

the Talmudic comment (*Bava Batra* 10a) based on Proverbs 19:17: He who gives graciously to the poor, makes a loan to the Lord. *Meshekh Hokhmah* also sheds further light on the Scriptural context of our obligation:

We should realize that not only the (unexplained) religious statutes were given at Sinai on Shavuot but also the rational laws, e.g., kindness towards the poor and the stranger. Indeed without belief in God the human mind is liable to become savage and pitiless even to one's own father... for even this (honoring one's parents) requires faith in God, otherwise. "There is a generation that curse their father and do not bless their mother" (Prov. 30:11). Hence, we are to celebrate on Shavuot the giving of the Torah which contains not only statutes but also the rational precepts. Thus, "And when you reap the harvest of your land" is also rooted in "I am the Lord your God."

Abraham already associated ethics with religion when he explained his predicament thus: "Because I thought, surely the fear of God is not in this place" (Gen. 20:11). However, *Meshekh Hokhmah* pointedly states that without faith, man's intellect is likewise liable to degenerate and conceive the most savage and diabolical plans (the author, who died in the 1920's, wrote this before the Holocaust). Thus, there is an intimate connection between the חוקים (statutes) of the Festivals and their offerings, and the rational precepts of the gifts to the poor.

Let us consider the order of the words, "leave them to the poor and to the stranger." In Devarim, in the passage dealing with *Ma'aser Sheni*, we find a different order:

דברים	— — —	ונתתה ללוי לגר ליתום ולאלמנה	כ"ב
כ"ג	— — —	וגם נתתיו ללוי לגר	כ"ג

Deut. 26:12

... and you give it to the Levite, the stranger, to the orphan and the widow...

26:13

... and also have given them to the Levite, to the stranger...

In our verse the object, to the poor and to the stranger precedes the predicate. This embodies a special emphasis.

According to Prof. Yitzhak Heinemann, there was a pagan custom to leave some sheaves as a gift to the demons to protect the harvest. Accordingly, this precept was also aimed at uprooting this heathen notion, and that custom was now given the new content of charity and generosity towards one's fellow being.³

The stress on the object thus meant — to the poor and the stranger — and not to idols or demons — thou shalt leave them.

Questions for Further Study

- 1) Compare Lev. 19:9 with our text in 23:22. Why does our verse mention only *pe'ah* and *leket*, and not the gleanings of the vineyard and the gathering of single grapes?
- 2) The *Sefer haHinukh, Kedoshim Mitzvat Asse* (precept) 213, explains *peah* and *leket* thus:

God wished His chosen people to be virtuous and generous. As I have stated before, good deeds influence the soul and render it fit for God's

3. See Ludwig Levi's article on the history of the custom of leaving part of the produce to the demons at harvesting time, in different countries, and on the Torah's rejection of pagan customs: *Die Ecke mit der letzten Garbe*, *Monatsschrift f. Geschichte u. Wissenschaft der Juden*, 1911, Bd. 55, pp. 156-159.

blessings. Leaving part of the produce of one's land to the needy no doubt affords its owner satisfaction and bestows bliss upon his soul, God having provided him with plenty, and gratified his spirit. But those who take everything home, and disregard the needy who saw the rising crops and hungered for it, thus reveal their grudging heart...

- a. Why did the *Sefer haHinukh* not choose charity as the reason for this commandment?
- b. What characterizes here the *Sefer haHinukh's* method of explaining the rationale of the commandments? See his comment on Mitzvah 16 "You shall not break a bone of it."
- 3) To. R. S.R. Hirsch also charity is not the reason for this precept:

"To the poor and the stranger thou shalt leave them." It is evident that these laws are not made for the direct purpose of the maintenance of the poor. Even the poor man himself has to leave his *leket*, *pe'ah*, and gleanings from his field to other poor people! It is clear that at the harvest, at the moment when a person takes home that which nature and his own hard work have yielded to him, and puts the proud and far-reaching words "my own" in his mouth, these laws are to remind every member of the nation, and to demand an act of recognition from him, of the fact that this "my own" includes for everybody the duty of caring for others who are needy... that in God's holy state the care for the poor and the stranger without property is not a matter which is left to the greater or lesser soft-hearted feelings of sympathy... but is raised to a God given right to the poor, and to a God ordained duty to the owners of property from God, Who proclaims His אלקיכם (I am the Lord your God over all of them, and thereby assures that each and every one of them is equally considered by Him... that they are all equally bound to give the same rights and the same love.

Explain the difference between Hirsch and the *Sefer haHinukh*.

- 4) In *Hilkhhot Matnot Aniyim*, 1,8-9, Maimonides states:

All these gifts to the poor (*pe'ah*, gleanings, the forgotten sheaf, etc.) do not entail personal preference (of the beneficiary), since the poor may help themselves without the concurrence of the owners.

All reference to the stranger, in the context of the gifts to the poor, denotes a proselyte... at the same time we do not exclude the Gentile poor from these gifts, but allow them to join the Jewish poor and receive the gifts for the sake of peace.

- a. How can it be proved from the text of the Torah that the owners do not enjoy טובת הנאה (as in רמב"ם text on previous page). The opposite is the ruling in the case of *Terumot*.

Maimonides, *Hilkhhot Terumot* 12,15:

A kohen must not take *terumah* or any other contribution due to him until these have been set aside by their owners... as it is stated (Num. 18:19): "which the children of Israel offer unto the Lord, have I given you," i.e., not before they have offered. After that he is entitled to them, but may not take them even after they were offered, without their owners' permission, seeing that it is within their owners' prerogative to grant them to whichever kohen they choose, as it is stated (*ibid.*, 5:10) "And each man's hallowed things shall be his."

- b. How is the right of the owners to טובת הנאה evident from the last-cited verse?