

# ONEG SHABBAS

THE UNOFFICIAL PARASHAH SHEET FOR KIDDUSH CLUBS

פרשת קדושים - 10-11 May 2024 - Vol. 3, Iss. 29 - ג' אייר תשפ"ד

## The Holiness of Providing Access to Wine for the Poor

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Even in the central most chapter of the Torah, wine is to be found. Well, to be more exact, the opportunity to produce wine. Leviticus chapter 19 is not only fantastically filled with many meaningful mitzvot, but also occurs in the middle of the Torah, as it is flanked by the two sections on sexual morality, it seems as if it is being pointed to like the middle part of a sandwich. As the heading for this section, "You shall be holy" (Lev. 19:2), indicates, these mitzvot point us towards being a holy people. As Dr. David Glatt-Gilad writes ("You Shall Be Holy" – Israel's Formative and Core Revelation", *TheTorah.com* (28 February 2017)):

The quintessential command to uphold communal holiness is situated at the very heart of the Torah's priestly legislation, within the section most often referred to as the Holiness Code (Leviticus 17-26). The central literary placement of Leviticus 19, with its occasional echoes of the ten commandments (vv. 3-4, 11-12), and its wide-ranging array of precepts whose observance will ensure Israel's holiness, has the effect of setting the holiness ideal at the peak of the priestly legislation that surrounds it.

What emerges is that while we read this very important chapter filled with important and special mitzvot, especially in order to achieve or otherwise live up to our charge of holiness, should it surprise readers of this publication that wine is included? Indeed, as we read (Lev. 19:10):

You shall not <i>t'ollel</i> your vineyard;	וְכַרְמְךָ לֹא תֵעוֹלֵל
You shall not gather the <i>peret</i> of your vineyard;	וּפְרֵט כְּרַמְךָ לֹא תִלְקֹט
You shall abandon them for the poor and for the stranger;	לְעַנִּי וְלְגֵר תַּעֲזֹב אֹתָם
I am The LORD, your God.	אֲנִי ה' אֱלֹהֵיכֶם

Before we can make sense of this verse, what are these words in relation to the vineyards, especially as seen through the view of our sages?

### What Should You Not Do to Your Vineyard?

What is the verb *t'ollel*? This is amusingly not considered in verb form by our rabbis, but as a noun, as we read (Mishnah *Peah* 7:4):

What constitutes an <i>olellet</i> ? Any which has neither a shoulder [a wide upper part] nor a pendant [a cone-shaped lower part].	אִיזוֹהוּ עוֹלֵלֶת. כֹּל שְׂאִין לֹה לֹא כְתֵף וְלֹא נֶטֶף.
If it has a shoulder or a pendant, it belongs to the owner. If there is a doubt, it belongs to the poor.	אִם יֵשׁ לֶה כְתֵף אוֹ נֶטֶף, שֶׁל בַּעַל הַבַּיִת, אִם סִפְקוֹ, לְעַנִּיִּים.
A defective cluster on the joint of a vine [where a normal cluster hangs from the vine], if it can be cut off with the cluster, it belongs to the owner; but if it can not, it belongs to the poor.	עוֹלֵלֶת שֶׁבְאַרְכְּבָהּ, אִם נִקְרָצֶת עִם הָאֶשְׁכּוֹל, הִרִי הוּא שֶׁל בַּעַל הַבַּיִת, וְאִם לֹא, הִרִי הוּא שֶׁל עַנִּיִּים.
A single grape:	גִּרְגֵר יְחִידִי,
Rabbi Yehudah says: "It is deemed a whole cluster."	רַבִּי יְהוּדָה אוֹמֵר, אֶשְׁכּוֹל.
But the sages say: "It is deemed a defective cluster."	וְחַכְמִים אוֹמְרִים, עוֹלֵלֶת

For our sages, it is a defective cluster, meaning vineyard-owners amongst us must leave the defective clusters. In other words, as Dr. Gregg E. Gardner points out ("Pursuing Justice: Support for the Poor in Early Rabbinic Judaism", *HUCA* 86 (2016), 43, n. 21):



It does not have the normal shape of a cluster that is wide at the top and narrow at the bottom.... It should be noted that the Tannaitic usage of *עלל* is not immediately apparent from its sense in the Hebrew Bible.

This latter comment is certainly fascinating, as we see this word used as a verb in our verse, yet considered as a noun by our sages. Through the view of our sages, this category of grapes is atypically shaped, yielding some curious grapes to the poor. Why these grapes are to be provided to poor is unclear, although perhaps they are less desirable for vineyard-owners.

### What Should We Not Gather From Our Vineyard?

Speaking of nouns, the noun *peret* in our verse, as understood by our sages is the following (Mishnah *Peah* 7:3):

What is *peret*? [Grapes] which fall down during the harvesting. If while he was harvesting [the grapes], he cut off an entire cluster by its stalk, and it got tangled up in the [grape] leaves, and then it fell from his hand to the ground and the single berries were separated, it belongs to the owner. One who places a basket under the vine when he is harvesting [the grapes], behold he is a robber of the poor. Concerning him, it is said: "Do not remove the landmark of those that come up (olim)" (Proverbs 22:28).

אִיזוֹהוּ פְרֵט, הַנוֹשֵׁר בְּשַׁעַת הַבְּצִירָה. הִיָּה בּוֹצֵר, עֹקֵץ אֶת הָאֶשְׁכּוֹל, הַסִּבֵּר בְּעַלְיָם, נָפַל מִיָּדוֹ לְאַרְץ וְנִפְרַט, הִרִי הוּא שֶׁל בַּעַל הַבַּיִת. הַמְנִיחַ אֶת הַכִּלְכֵּלָה תַּחַת הַגִּפְן׃ בְּשַׁעַת שְׁהוּא בּוֹצֵר, הִרִי זֶה גּוֹזֵל אֶת הָעַנִּיִּים, עַל זֶה נֶאֱמַר (מִשְׁלֵי כב) אַל תִּסַּק גְּבוּל עוֹלִים

Fallen down grapes during harvest sound similar to the previous verse discussing fallen down grain that the poor can gather, yet this is specific to grapes as opposed to grain-harvesting. What is fascinating is, having only considered the fallen grapes, one could just put a basket down and

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not allow any grapes to touch the ground. Yet, the sages knew about this possibility, but clearly demonstrated that they wanted to ensure the opportunity for even the poor to access grapes [for wine].

As we consider these fallen grapes, the vineyard-owners have plenty of their own grapes that any grapes that do actually fall likely result in such a small percentage of their vineyard yield that it does not affect them in a noticeable manner. Thus, this marginal loss on the behalf of vineyard owners results in a noticeable gain for the poor.

### Who is Included?

While the verse states that the poor and the stranger are to be able to access these wayward grapes, who, specifically, is included? Our sages limited who is included within these categories in one direction (ספרא, פרק ג ד (קדושים, פרק ג ד):

"to the poor man": I might think (that this applies, too,) to the poor of others (i.e., of gentiles); it is, therefore, written "to the stranger" (i.e., the proselyte, who is Jewish). If "to the stranger," I might think that the reference is to a ger toshav (a "sojourning stranger," who is not Jewish); it is, therefore, written (in this context, Deut. 26:13) "to the Levite." Just as a Levite is a son of the Covenant, so "stranger" is a son of the Covenant (and not a gentile).	לעני" - יכול לעני מאחרים? תלמוד "לגר". אי "לגר" יכול לגר תושב? תלמוד לומר "ללוי". מה לוי בן ברית אף גר בן ברית.
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This certainly seems to be pretty harsh as potential punitive action, although one wonders if the line might have another possible understanding. Indeed, we read this line frequently throughout our parashah, which may not have as much of a punitive connotation.

While the poor person seems to be straightforwardly keeping it to be one of our people, the stranger is not as straightforward. Indeed, our sages consider this stranger to be one who has converted. Perhaps the sages saw converts as having less access to land and, therefore, less access to growing their own grapes for wine, which is why they sought to describe the parameters of this mitzvah in this way. For both of these moves, it would seem that the sages sought to keep these vinous opportunities within our own people.

### Divine Distribution

As to the final aspect of this verse, the divine aspect, it is hard to ignore what Rabbi Shlomo Yitzhaki (1040-1105) (popularly known as Rashi) wrote on this (רש"י על ויקרא י"ט:י; ד"ה אני ה' אלהיכם):

the Judge Who am certain to punish if necessary and Who, for the neglect of these duties, will exact from you nothing less than your souls, as it is said: "Rob not the poor... for the Lord will plead their cause, [and spoil the soul of those that spoiled them]" (Prov. 22:22, 23).	דָּן לַפֶּרֶעַ; וְאִנִּי גֹבֵה מִכֶּם אֱלֹהֵי נַפְשׁוֹת, שְׁנֵאָמַר אֵל תִּגְזַל דָּל וְגו' כִּי ה' יִרְיֵב רִיבָם וְגו' (מַשְׁלִי כ"ב)
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Another approach, however, is to consider how the poor get their grapes for wine; does the vineyard-owner provide grapes to the poor, or is there another dynamic going on? This is something that Dr. Gregg E. Gardner addresses ("Gleanings for the Poor – Justice, Not Charity", *TheTorah.com* (22 August 2018)):

The obligations here are all passive, lacking agency: He is to leave the produce in the field and vineyard for the underprivileged to collect. He is to refrain from certain behavior – he is not to reap the edges of the field, not to pick up the fallen gleanings, not to strip the vineyard or the olive grove bare.

These are negative duties – “thou shalt not” commandments, in contrast to the positive, “thou shalt” variety. That is, the landowner is instructed to refrain from interfering with the distribution of produce from God to the poor. The landowner is not asked to actively hand over or distribute anything of his own – especially not in the way that an individual will be instructed to give charity from his or her own pocket in later Jewish texts.

According to the laws in Leviticus..., the owner of the field does not give these items, per se, to the needy because he cannot – these items never belonged to the householder in the first place. Rather, they are direct allocations from God, as the householder is commanded merely to refrain from interfering with God’s allocation of the produce to the needy.

### Conclusion

Despite the lack of land and/or vines with which to grow grapes in order to make wine, this verse within a very significant section of the Torah enables the poor to gain access through the growth of the vineyard owners, yet provided by God. These grapes that they can gather are those that the vineyard owners may not care about, yet provide a great opportunity for the poor to have their wine and drink it, too.

L'chaim

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