

ONEG SHABBAS

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Oneg Shabbas explores drinking in the weekly Torah portion, along with timely essays on drinking in Jewish life.

Tithing, Beer, and Celebrating in Jerusalem

In this week's Torah portion, we find the following prescriptive commandment concerning wine (Deut. 14:22-23):

(22) You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field. (23) You shall consume the tithes of your new grain and **wine** and oil, and the firstlings of your herds and flocks, in the presence of The LORD, your God, in the place where [God] will choose to establish the divine name, so that you may learn to revere The LORD, your God forever.

עשר תעשר את כל
תבואת וזרע היצא
השדה שנה שנה: (כג)
ואכלת לפני ה' אלקיך
במקום אשר יבחר לשכון
שמו שם מעשר דגנך
תירשך ויצהרך ובכרת
בקרך וצאנך למען
תלמד לראות את ה'
אלקיך כל הימים

The Torah's Beer-Drinking Prescriptive Commandment

This is already a fascinating prescriptive drinking commandment we are to carry out: bringing, amongst other products, wine to drink in Jerusalem. This is certainly a beautiful commandment in taking this portion of one's produce to Jerusalem and enjoying it, including drinking one's own wine there. However, such a journey is not feasible for all; as such, there is an alternative option (Deut. 14:24-27):

Should the distance be too great for you, should you be unable to transport them, because the place where The LORD, your God, has chosen to establish the divine name is far from you and because The LORD, your God, has blessed you, (25) you may convert them into money. Wrap up the money and take it with you to the place that The LORD, your God, has chosen, (26) and spend the money on anything you want—cattle, sheep, **wine**, or **beer**, or anything you may desire. And you shall feast there, in the presence of The LORD, your God, and rejoice with your household. (27) But do not neglect the [family of the] Levite in your community, for he has no hereditary portion as you have.

וכי ירבה ממך הדרך כי
לא תוכל שאתו כי ירחק
ממך המקום אשר יבחר
ה' אלקיך לשון שמו שם
כי יברך ה' אלקיך: (כה)
ונתתה בכסף וצרת
הכסף בידך והלכת אל
המקום אשר יבחר ה'
אלקיך בו: (כו) ונתתה
הכסף בכל אשר תאוו
נפשך בבקר ובצאן וביון
ובשכר ובכל אשר
תשאלך נפשך ואכלת שם
לפני ה' אלקיך ושמת
אתה ובייתך: (כז) והלוי
אשר בשעריך לא תעבנו
כי אין לו חלק ונחלה
עמך

As we encounter this commandment, we read of drinking not just wine in Jerusalem, but beer, as well. While we will see that the rabbis of the

Talmud, as they characteristically do with Biblical verses (but not otherwise), understand שכר not as beer, but as something related to wine, nevertheless, there are voices in our tradition who described שכר here as beer. Rabbi Abraham ben Meir Ibn Ezra (1089-1167) (popularly known as Ibn Ezra) described שכר as beer being made from honey, dates, wheat, or barley (עודא על דברים), followed later by Rabbi Isaac Samuel Reggio (1784-1855), who described it similarly (ביאור יש"ר על התורה), (דברים י"ד:כ"ו, ד"ה ובשכר).



What likely will stand out for readers of this publication is that this is not just a commandment concerning beer, it is actually the first *prescriptive* beer-drinking commandment in the Torah(!). We have read of proscriptive beer-drinking commandments (Lev. 10:9, Num. 6:3) and of a libation prescription (Num. 28:7), but this commandment is not only the Torah's first prescriptive beer-drinking commandment, but also the only prescriptive beer-drinking commandment in the Torah(!). For the beer-drinkers amongst us, this mitzvah is certainly noteworthy!

Rabbinic Expansion of Purchasing Beverage Containers

The rabbis took into consideration the experience of going to Jerusalem and considering how to spend one's money, including vessels for containing such beverages, as we read of the expansive innovation of a first-century sage (*Talmud Yerushalmi, Ma'aser Sheni* 1:2):

It was stated: Ben Bag Bag says: "You shall spend the money for anything you desire" (Deut. 14:26) - A person may buy a cow because of its hide, a sheep because of its fleece, and wine because of its pitcher."



This is a very sensical expansion of the way in which one may use their funds for purchasing items; after all, one doesn't typically purchase wine by the cup - one purchases the wine in a container.

By the time the Mishnah is published, Ben Bag Bag's expansive innovation gets codified as (*Mishnah Ma'aser Sheni* 1:3):

[One who buys] sealed jars of wine in a place where they were usually sold sealed, the jars are available [for a purchase with second tithing money].

כדי יין סתומות,
מקום שדרך
למכור סתומות,
יצא קנקן לחלין

However, this expansiveness has limits, as we also read (*Mishnah Ma'aser Sheni* 1:4):

[One who buys] open or sealed jars of wine in a place where they are usually sold open, the jars do not become available [for a purchase with second tithing money]

כדי יין פתוחות או
סתומות, מקום
שדרך למכור
פתוחות, לא יצא
קנקן לחלין

In this latter text, we read of the limits of the availability of the use of funds to purchase drinking containers, owing to how the wine is meant to be sold.

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Oneg Shabbas is composed by, edited by, and published by Rabbi Drew Kaplan. If you have any comments, compliments, or suggestions, he may be reached at Drew@JewishDrinking.com

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Rabbinic Expansion of Purchasing Beverages

We also encounter a different version of this teaching of Ben Bag Bag in the Babylonian Talmud (*Eruvin* 27b):

It was taught: Ben Bag Bag says:	תניא, בן בג בג אמר:
“On oxen” - teaches that one may buy an ox along with its hide.	“בבקר” – מלמד שלוקחין בקר על גב עורו.
“On sheep” - teaches that one may buy a sheep along with its fleece.	“ובצאן” – מלמד שלוקחין צאן על גב גזותה.
“On wine” - teaches that one may buy wine along with its jug.	“ויב”י” – מלמד שלוקחין יין על גב גבנקו.
“On beer” - teaches that one may even buy <i>lora/piquette</i> from when it ferments.”	“ובשכר” – מלמד שלוקחין תמיד משהחמין.



In this version of Ben Bag Bag's statement, we read of the purchasability of wine jugs in addition to the wine, itself, with this money, although we also encounter his expansion to include what is known in Hebrew as *tamid* and in French as *piquette*, although the Romans called it *lora*. This beverage is once the wine is pressed out, leaving behind grape pomace, one then adds water to it; this yields essentially wine-flavored water (or perhaps grape juice-flavored water). It is not as sugary as grape juice/wine, but it is, nevertheless, drinkable. What Ben Bag Bag is advocating for is the inclusion of this beverage within the purchasability with these funds, albeit with the condition that it can be made available for purchase only once it begins to ferment. Why would he attach this condition to such a purchase?

Since water is not available for purchasing with this money (Mishnah *Ma'aser Sheni* 1:5), this beverage is effectively grape-flavored water, which is invalid. Yet, once it ferments, developing alcohol content, it may be purchased with this money and consumed as part of the commandment (cf. Mishnah *Ma'aser Sheni* 1:3). Why would Ben Bag Bag assert this innovation from the word “beer”? After all, why not get excited about having a non-grape-based beverage?

It seems that, as the early rabbis typically understood it, even though they used the term *שכר* as beer in their own parlance, they interpreted the term *שכר* in the Torah as “intoxicating wine” (cf. *Sifra*, *Shemini* 1:1, *Sifrei Bamidbar* 23:1). As such, Ben Bag Bag would have expanded on this term in a way to permit something that one would not consider wine that was not initially alcoholic, but became that way. As such, he innovated this permissibility of grape-flavored water becoming alcoholic and, thereby, permissible for purchase as a part of this commandment.

Considering the Broader Context of This Commandment

Taking a step back to consider what this commandment entails, Rabbi Lord Jonathan Sacks (1948-2020) framed it in the following way (“The Second Tithe and Strong Societies” (2015), available at RabbiSacks.org):

Biblical Israel from the time of Joshua until the destruction of the Second Temple was a predominantly agricultural society. Accordingly, it was through agriculture that the Torah pursued its religious and social programme. It has three fundamental elements.

...
There was the produce of the seventh year, which belonged to no-one and everyone, and *ma'aser ani* - the tithe for the poor given in the third and sixth years of the seven-year cycle.

...
the law of the Second Tithe...in the third and sixth year of the septennial cycle...was given to the poor. However, in the first, second, fourth, and fifth years, it was to be taken by the farmers to Jerusalem and eaten there in a state of purity.

What this effectively accomplishes, according to Rabbi Moses, son of Maimon (1138-1204) (popularly known as either Maimonides or Rambam),

is not just a contribution to the economic strength of Jerusalem, but also camaraderie (*Guide to the Perplexed* 3:39 (English translation: Goodman & Lieberman (pp. 459-460))):

The Second Tithe (Deuteronomy 14:22-29, 26:12-13; M. Ma'aser Sheni 1-3) had to be spent on foodstuffs in Jerusalem. So much of it would have to go to charity: Since it could be spent only on food, one would readily share it. That brought people together in the same place, building strong bonds of brotherhood and fellowship.

אמא מעשר שני פאמר באכ'ראג'ה פי אלאג'תד'א פקט פי ירושלם איצ'א ליכונ ד'לך דאעיא צ'רורה ללתצדק בה אד' לא ימכן תצריפה גיר פי אלאכל ויסה על אלאנסאן תחצילה אולא באול ויוג'ב אלאג'תמאע פי מוצ'ע ואחד ליתאכד אלאכ'א ואלמחבה תאכאד כת'רא ב'ן אלנאס.

As Rabbi Sacks describes Maimonides' understanding (Rabbi Sacks, “The Second Tithe and Strong Societies”):

For Maimonides, the second tithe served a social purpose. It strengthened civil society. It created bonds of connectedness and friendship among the people. It encouraged visitors to share the blessings of the harvest with others. Strangers would meet and become friends. There would be an atmosphere of camaraderie among the pilgrims. There would be a sense of shared citizenship, common belonging, and collective identity.

Surely, we can understand that this development of camaraderie, shared citizenship, and more was surely fueled not simply by eating together. Indeed, as many readers of this publication have experienced, when drinking together with others, one may develop social bonds much more strongly, as well as developing fond social connections. In other words, this commandment entails



bringing money to Jerusalem to purchase food, wine, and beer, and enjoy eating and drinking with others while visiting, which, in turn, helps develop social connections that would connect Jewish farmers throughout the country.

Conclusion

The Torah's prescriptive commandment concerning bringing one's produce - including wine - to Jerusalem and enjoying it there, along with eating one's own delicious, grown food is certainly something to celebrate and enjoy. Yet, the Torah also provides an alternative option should it be too far for one to bring one's produce up to Jerusalem, allowing one to use a certain amount of money to use it towards one's own enjoyment of foods and beverages, including not only wine, but also the Torah's first (and only) prescriptive beer-drinking commandment. This commandment concerning beer is understood by Ben Bag Bag and subsequent rabbis as permitting not only the availability of purchasing wine containers, but also even allowing for the purchase of pomace-water/wine once it develops alcoholic characteristics. As we see from Maimonides and Rabbi Sacks, this commandment also wove together the economic, social, and religious threads of Jewish life into a cohesive and enduring tapestry of a national community through this commandment, especially by prescribing purchasing beer and/or wine and needing to consume it in Jerusalem, building bonds with others who have come up to Jerusalem following the harvest. May we enjoy our opportunities for getting together and drinking with others, strengthening our Jewish connections.

L'chaim



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