

Justice in the Vineyard

In the Torah some legal rulings involve public officials. Others are directed at ordinary people—families, employees, neighbours. Let's take one from the latter rulings (Deut. 23:25-26) and explore it through the mindset of the Jewish sages over the centuries.

“When you enter a fellow [Israelite]’s vineyard, you may eat as many grapes as you want, until you are full, but you must not put any in your vessel. When you enter a fellow [Israelite]’s field of standing grain, you may pluck ears with your hand; but you must not put a sickle to your neighbour’s grain” (Deut. 23:25-26).

Join the sages in pondering this passage. Who is the ‘you’? Whose interests are being protected by the permission granted?

In a Talmudic opinion, ‘you’ refers to a hired worker, not a passerby. This opinion is supported with reference to the Hebrew word *bo* (‘come,’ ‘enter’). Just as the sun ‘comes’ down at sunset (see 24:15), so does our text speak of the hired worker at the end of the day.¹ Is this far-fetched reasoning? Not at all, says Malbim,² with his clear grasp of the Hebrew language. *Bo* can have two connotations—a chance coming or a deliberate one. He goes on to show how the content and structure of the text suggests deliberation. Just as the sunset is a regular, expected event, the hired worker is expected and enters the field at a regular time.

Maimonides³ draws the same conclusion but uses a direct, legal approach: the ‘you’ must refer to hired workers or they would not have permission to ‘come’ and ‘enter’ the field in the first place.

What is your view? How did you arrive at it?

The sages discuss the fact that the permission to eat is restricted and conditional. Says Rashi,⁴ the text sets up an opposition: eat as much as you desire (lit: ‘as your soul’), but only your fill. A hungry worker should not have to endure the

sight of forbidden fruit, but nor should the land owner be exploited by a glutton.

While detailed interpretations vary according to translation (and you may wish to consult more than one), the sages generally agree that the Torah is protective of both labourer and land owner. The Talmud observes that permission to eat keeps the worker in good health and so increases productivity; but storage and removal of the produce is not in the owner’s interests. The Mishnah⁵ notes that by urging self-control the text is protective of the labourer lest he ruin his own employment prospects. Meanwhile, other opinions in the tradition stress the Torah’s humane quality: permission to eat is not a form of payment on top of existing wages, but simply a gesture of kindness. Strict justice in employment relations does not eliminate the need for goodwill and compassion.

Reflection

What contemporary issues come to mind as you ponder this ancient text? For example, note how the Torah teaches restraint (Rashi: ‘*eat your fill but only your fill*’) and contrast this to the 2011 London riots where, according to reports, comfortably well-off youths joined in the looting of consumer goods. •

1. Bava Mezia, Mishnah 7,3; 87b.

2. Malbim, 19th c.

3. Maimonides, 12th c.

4. Rashi, 11th c.

5. The Mishnah: an early compilation of rabbinic teachings (2nd century onwards) which was later incorporated into the Talmud.

Bibliography: Eskenazi and Weiss, eds., *The Torah: A Women’s Commentary* (New York, 2008); Herczeg, trans., *The Torah: With Rashi’s Commentary* (New York: Mesorah, 2011); Leibowitz, *New Studies in Devarim* (New York: Lambda, 1996); Scripture: NJPS.

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