



The Pardes Parsha Discussion by Rabbi Alex Israel

Ki Tetze: Eating on the Job!

One of the striking features of Parashat Ki Tetze is its concern for ethics within every sphere of social interaction. I would like to focus on one fascinating and lesser known Halakha:

When you enter another man's vineyard, you may eat as many grapes as you want, until you are full, but you must not put any in your vessel. (23:25)

At first glance, I am being given carte-blanche to eat agricultural produce that isn't mine. However, the Talmud applied this to a worker during the harvest season. Here is Rashi in a concise summary of the law:

When you enter your neighbor's vineyard: Scripture is speaking of a worker.

as you desire: As many as you wish.

until you are sated: But not excessive eating

you shall not place [any] into your vessel: referring only to the period of the harvest, when you place [grapes] into the owner's basket/vessel, however, if the worker is entering the vineyard to hoe or or cover the exposed roots, he may not eat.

In short, if a worker is picking fruit, he may help him or herself to the fruit during his work time. But may not take the produce home. If I recall correctly, my attraction to this particular law stretches back to a 5th Grade Humash class when our teacher told us that she worked in a bakery and was allowed to help herself to any of the baked goods on the basis of this law!(*)

What is the rational of this law? Sefer Hachinauch writes:

[This law] is to teach the Children of Israel a emotional sensitivity and to practice consideration and kindness. ...Being excessively pedantic with a worker by restricting his consumption of the food with which he is working, while he is working, especially with agriculture which generates great joy in the divine blessings, this would be a disgrace and a deep sign of cruelty.

you shall not place [any] into your vessel ... Why is there a need for a specific prohibition? Why is it not merely included within the category of theft?" The answer is that it is since it appears to the worker that there would not be a sin in his taking that which grows from the ground at the time of the harvest or the reaping - as people perceive the bountiful fruit at harvest time in manner different to assets which a person has in his home, therefore it is necessary to boost the caution in an area prone to indiscretion.

Here, the employer must show consideration to the worker who is surrounded by bountiful fresh fruit.

And yet, the worker must be mindful not to overstep the limit. Halakha stipulates that workers may consume the fruit while working but may not sacrifice the precious work-time to take a break and eat this food. (Ramban suggests that the eating takes place while transitioning from one field to the next.) Likewise, food is consumed "on the job" but nothing may be taken home.

Each side is asked to be mindful of the needs of the other.

The Torah's sensitivity in this area extends beyond human beings, to farm animals. The same principle is applied in the law, found later in the parsha:

You shall not muzzle an ox while it is threshing. (25:4)

An animal which is threshing (treading) kernels of grain, and is surrounded by food, should not be subjected to the emotional anxiety of "water, water everywhere; nor any drop to drink."

This is typical of so many laws in our parsha which address common human situations and try to carve an ethical path for all concerned.

Please discuss:

- If you are the parent, can you share with your children some of the ways in which you try to work in a sensitive and ethical manner to your employers and employees, at work and at home (with the gardener or cleaning person for example)?
- Maybe you can share a situation in which you were tempted to overstep a line but lived up to your principles and did the correct thing.
- After my daughter worked as a waitress in a local eatery and shared some of her tensions and struggles, it transformed the way that I relate to waiters and waitresses in restaurants. Can your teens share any experiences, or can they

articulate situations in which they can behave more sensitively to service providers who work in our environment at home or school?

Shabbat Shalom!

(*) This is a nice application of the spirit of the law, but in fact, the halakha only mandates this law for agricultural produce like fruit picking and wine pressing, but not for dairy workers (drinking the milk) nor for baked goods or chefs who are working with produce that is not freshly picked. Likewise, workers may not help themselves if they are merely guarding the produce, or tending the field not at harvest time. See the details in Rambam Mishneh Torah, Hilkhot Sechirut/ Laws of rentals and employer-employee relations ch.12.