

DARCHAI NOAM - דרכי נועם

“Its ways are ways of pleasantness”

(Mishlei 3:17)

Parashat Ki Tetze
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How can the Parasha help us grow this week?

Ki Tetze – Interpersonal relationships

**** New Gemara for beginners shiur starting this week!** – I am planning to start a new online beginners Gemara shiur for men. B"H I hope to start this coming Sunday night at 8:30pm (Australian time). If anyone is interested in joining please send an email to darchai.noam@gmail.com.

This week's Parasha of Ki Tetze contains many mitzvot. Let's focus on one of those mitzvot - a couple of pasukim with very important advice as to how to relate to each other.

When you come into your friend's vineyard, you may eat as many grapes as you desire, until you are satisfied, but you may not put any into your vessel. When you enter into your friend's grain field, you may pluck ears of grain with your hand but you may not lift up a sickle against the standing grain of your friend.

Rashi explains¹ that these pasukim are talking about workers who enter into a vineyard or grain field in order to perform agricultural work for the landowner. The Torah requires the owner of the field to allow the workers to snack on the produce while they are working. Imagine a worker who is working in the hot sun, picking delicious juicy grapes for the owner of the field². It would be cruel to prevent the worker from enjoying a grape or two while they work. Working in a field can be quite gruelling and it's likely that the workers would consider the grapes to be quite tempting. Even raw grain can make a nice snack to help keep up one's energy levels (though perhaps not as tasty as the cooked version).

However, this could get out of hand. A greedy worker could end up consuming quite a lot of produce and the whole deal might become uneconomical! Therefore, the Torah places limits on what is permitted. The worker is allowed to eat as many grapes as they desire, but only until they are satisfied. They must not eat excessively and they must not take a “doggy bag” home with them. If they are working in a grain field, they may pick some grains by hand to snack on, but they can't use a sickle to cut lots of grain for their personal consumption.

The Torah is teaching us how to balance the needs of the various parties. The landowner must be kind, not cruel. At the same time, the employees cannot take advantage of the situation. We see this principle in practice even today. For example, workers in ice-cream stores are usually allowed to help themselves to free tastes of the ice-cream.³ After a while the thrill wears off and therefore there is little risk that employees will take advantage of the situation.

Achieving the right balance between competing interests of different people can be challenging. The Gemara⁴ teaches that one needs to be extra patient when judging monetary disputes because the parties to the dispute are each certain that they are in the right and the dispute is often very contentious. There is a well-known story told about the Brisker Rav:

Once a butcher came to the Brisker Rav with a question about the kashrut of a cow that he had slaughtered. If the cow was found to be treif, the butcher would need to absorb the loss, and it would not be cheap. Unfortunately, the Rav ruled that the cow had a condition which meant that it was not kosher. The butcher gladly accepted the ruling and declared that it was Hashem's will. A short time later, the same butcher returned to the Rav with another dispute, this time it was a monetary dispute with another person. The amount at stake was far less than the case of the non-kosher cow. Once again, the Rav

¹ Based on the Gemara, Baba Metzia 87b.

² Grapes ripen around the time of Tisha B'Av – the middle of summer in the northern hemisphere (see Parashat Sh'lach, Bamidbar 12:20).

³ Unfortunately, to the best of my knowledge, banks don't have such a policy.

⁴ See Brachot 63b and the Maharsha's commentary.

ruled against the butcher. However, this time, the butcher's response was very different. He refused to accept the ruling. He screamed and yelled and cursed the Rav! The Rav's student who had witnessed both incidents did not understand why the butcher's response was so different, especially since the first case involved much more money. The Rav explained that the first case was between the butcher and Hashem – therefore the butcher was happy to accept defeat humbly. However, the second case was against another person. When the butcher lost the second case, this meant that the other person had won. The butcher's pride would thus not let him accept the outcome.

There are many disputes between Rav and Shmuel throughout the Gemara. When the disputes relate to matters of halacha, as a general rule of thumb, we follow Rav when it comes to ritual matters, but we follow Shmuel when it comes to civil or monetary matters⁵. I once heard a fascinating explanation for this rule.⁶ There are many disputes between Rav and Shmuel that do not relate to halacha. Rather, they relate to how to understand a pasuk in the Torah. As a general rule, Rav understands the pasukim in a more straightforward manner, whereas Shmuel tends to understand the pasukim in light of the broader context.⁷ For example: in the story of the beginning of the slavery in Egypt, the Torah tells us that a new Pharaoh arose who did not know Yosef.⁸ Rav understands the pasuk according to the simple meaning of the words – the old king died and a new king was appointed in his place. Shmuel understands the verse in a less literal sense – it was actually the same Pharaoh, but he was like a new king because he issued new decrees against Bnei Yisrael and he acted as if he did not know Yosef. There are numerous other similar examples.⁹

Thus, we see that Rav tends to follow the simple, straightforward meaning, while Shmuel takes a step back and looks at the broader context. That is why we usually follow Rav for ritual matters and Shmuel for civil and monetary matters. Ritual matters are between man and G-d and are therefore considered generally more straightforward, which is consistent with Rav's overall approach.¹⁰ On the other hand, monetary matters involve competing interests between people. The fact that there are two different people with two different perspectives (and often with strong emotions) tends to cloud the issues. To judge monetary cases, one needs to take a broader look at the context and try to understand the subjective position of each litigant. The judge needs to get an understanding of the "grey" areas, untangle the various interests and try to understand the effects of each decision on each party. Shmuel's approach is more appropriate in these cases.

How can we succeed in balancing competing interests when it comes to issues between people? Many commentators have pointed out an important difference between the modern secular legal system and the Jewish approach. In the secular world, people are focused on their rights and entitlements. Under Jewish law, the focus is very much on one's obligations. Rabbi Dovid Kaplan points out that most people focus 100% on their rights and 0% on the rights of others. According to secular wisdom, the key to a successful marriage is to change the focus to 50% on your interests and 50% on your spouse's interest. However, Rabbi Kaplan disagrees. He teaches that the key to a successful marriage is to focus 100% on your spouse's interests and 0% on your own interests. If each spouse focuses exclusively on their obligations rather than their rights, then their rights will automatically be taken care of and both parties will be happy. That is great advice for a happy marriage and for successfully interacting with others in our daily life.

Let's try something this week:

1. Remember the lesson of the grapes and the grains – be kind to others and don't take advantage of the kindness of others.
2. Try to focus on your obligations to others instead of your rights in your everyday relationships.

Shabbat Shalom, Rabbi Ledder

⁵ There are some exceptions to this rule. As a note of caution, we cannot and must not derive halacha from the Gemara. Only certain Torah scholars have the authority to do so.

⁶ This idea is based on an article by the Lubavitcher Rebbe - *פרשת שמות כרך טז - לקוטי שיחות*.

⁷ The Gemara often does not state clearly which person held which view, it rather makes a general statement such as "Rav and Shmuel disagree, one holds X and the other holds Y". It could be that we can assume that the order of the opinions follows the order of the names.

⁸ Parashat Shmot, Shmot 1:8. The machloket between Rav and Shmuel how to understand this pasuk is in Eruvin 53a.

⁹ For example, the understanding of the pasuk "מהודו יעד כוש" (Megillat Esther 11:1); the meaning of the name "מערת המכפלה" (Parashat Chayai Sarah, Breishit 23:9); the real name of Nimrod (Parashat Lech Lecha, Breishit 14:1).

¹⁰ The halachik issues involved in ritual matters can be still be extremely complex, but the issues are not clouded by the competing interests and emotions of the parties.