



SERMON K'DOSHIM: THE MIGHTIER HAND¹

Student Rabbi Gabriel Kanter-Webber, Saturday 24 April 2021
York Liberal Jewish Community

- 1 On Thursday, the Commission on Racial Inclusivity in the Jewish Community released its report.² Across 112 pages, journalist Stephen Bush makes 119 recommendations for changes our Jewish community needs to make in order to “enhance communal life for Black Jews, Jews of Colour and Sephardi, Mizrachi and Yemenite Jews”.³
- 2 It’s fair to say that Black Jews, Jews of Colour and Sephardi, Mizrachi and Yemenite Jews are the minority in our community. In our congregation, here in York, they’re a very, very tiny minority. And yet we have a list of 119 things we have to do – and they’re by no means easy things – which we are willingly and gladly going to do, in order to be welcoming of this minority, and in order to validate them and ensure that they are able to share in the positive Jewish experiences we create here. We instinctively realise that what is being asked, although difficult, is not unreasonable. We take on burdens to benefit minorities. We take on burdens to support the vulnerable.
- 3 לא תעולל – you shall not take the gleanings of your vineyard.⁴ The rabbis understood this not to mean the same as the preceding verse, that we should leave some produce for the poor on the edges of the field, but to mean that we should also leave any ‘olelot’ for the poor. And what is an



olelet? As we read in our haftarah,⁵ it's any unusually-shaped bunch of grapes. Manuella helpfully put this into modern terms: wonky veg that other people might not want.

- 4 But travel with me to the land of Israel.⁶ 2nd century. It's late April, early in the grape-growing cycle. We're standing in a deserted road just outside Jerusalem. And, on the other side of the fence running down the road, we see an overgrown vineyard, bursting with young clusters of grapes.
- 5 In the middle distance, between two rows of vines, stands the vintner. He's dressed in a muddy brown loincloth and sandals, and on his head is a battered straw hat. There's no basket in sight. The vintner is holding a scythe, and he seems to be cutting off bunch after bunch of grapes, then dropping them to the ground. Not collecting them, just dumping them.
- 6 Even though this appears wasteful, we know it's part of the process of vine-farming: when vines are pressed too closely together, they'll starve each other of nutrients and won't grow properly. Thinning out – culling alternate vines so that the two on either side will flourish – is one of the many laborious tasks a vintner has to do in order to ensure a decent crop. Of course, if the vines he thins contain a large number of olelot, clusters designated for the poor, the poor may lose out.
- 7 Suddenly, we realise that the road on which we're standing isn't quite as deserted as we'd thought. Some way away, two men are standing, heads close together, pointing at the vintner and muttering. They're dressed identically, both in the robes of scholars of the Great Academy. The one on the left, slightly taller, is Rabbi Meir. The other is Rabbi Yehudah. They seem to be paying incredibly close attention to the thinning operation in



the vineyard, and we turn back to see what it is that's attracted their interest. Ah, there: the vintner just took his scythe and cut off a strange, elongated bunch of grapes. It's not the normal, triangular bunch, with a thick row of grapes at the top, gradually tapering to a single grape at the bottom. No. We can clearly see an olelet dropping to the ground... as can the two rabbis. They're having an intense, whispered argument, gesticulating wildly. Rabbi Meir is shaking his head vigorously; Rabbi Yehudah shrugs. We can work out that Rabbi Meir has a problem with the olelet being amongst the grapes selected for thinning, and that Rabbi Yehudah doesn't, but there's no way of hearing their conversation.

- 8 But, while we've been concentrating on these two, we didn't notice another two figures appear on the road. These two are standing much closer, and indeed are dressed far more familiarly. They look almost like Charedi Jews: black fur hats – surely too hot for the Jerusalem climate, even in April – black suits and white stockings. They don't seem remotely interested in the vineyard, but are, instead, intently watching the two rabbis further up the road. Who are these men? Well, the one on the left is known as the Tiferet Yisrael, and the one on the right is the Mishnah Rishonah. These aren't actually their names, but each man is a 19th-century commentator on the Mishnah, and they are forever remembered by the titles of their books. Mishnah commentators have an unusual job: they seek to explain what's going on in the Mishnah, so rather than concentrating on which one of Rabbis Yehudah and Meir is legally correct – is the vintner allowed to thin out olelot or isn't he? – they instead have one goal and one goal only, and that is to work out why the sages disagreed and what their reasoning was.



- 9 Fortunately, the Tiferet Yisrael and the Mishnah Rishonah are standing close enough to us, close enough in time, that is, that we can listen in on their conversation. We hear that the Tiferet Yisrael speaks first:⁷ “The dispute is all about what will be to the benefit of the poor. Rabbi Yehudah, there, thinks that the vintner is trying to increase the amount of grapes available for the poor to take. If the whole vineyard is overcrowded, the grapes will all be small and feeble: nobody wins. But by culling a few vines, he makes sure that the remaining grapes – including those for the poor – will be fat and juicy and bountiful.”
- 10 Then we hear the Mishnah Rishonah cut in: “Then how do you explain Rabbi Meir disagreeing? Surely you don’t think he was opposed to the poor having a big haul of ripe grapes?”
- 11 “Not at all,” the Tiferet Yisrael replies, “what he opposes is decisions being taken for the poor. Who is the vintner to decide what the poor would want? He gets his instructions from the Torah, not from his own guesswork: the Torah tells landowners what they must leave for the poor; Rabbi Meir is saying that they can’t go behind that and start making assumptions about the wants and needs of other people.”
- 12 The Mishnah Rishonah is shaking his head. “We both know what landowners are like. You really think he was only interested in helping poor people, he was devoted to organising his vineyard in the best interests of the poor? Hardly likely. He wasn’t thinning out the olelot to make sure poor people would be able to take home jucier grapes. He was trying to make sure he would have jucier grapes to sell.”



- 13 The Tiferet Yisrael is looking affronted. “If that’s right, you must be saying that Rabbi Yehudah deliberately decided that a vintner is permitted to take grapes out of the hands of the poor for reasons of his own profit. Do you honestly think so little of him?”
- 14 “Yes,” nods the Mishnah Rishonah sadly,⁸ “that’s exactly what I’m saying. Rabbi Yehudah seems to approach the whole situation as part of property law: the vintner owns the field, and although he’s required to leave certain grapes for the poor, he isn’t required to change his normal agricultural methods. The poor can take their due at harvest time; what they can’t do is force him, earlier in the season, to take a hit by deliberately letting his crop come to harm.”
- 15 “Of course he treats it as a question of property law,” the Tiferet Yisrael replies. “It is about property law: who owns what?”
- 16 “Not according to Rabbi Meir,” comes the Mishnah Rishonah’s reply. “He thinks that it’s neither right nor fair to treat this as if it’s a business transaction. Property law is how we regulate buying and selling between equals. Businessmen. Paupers aren’t businessmen. They’re at the bottom of every relationship, underneath every imbalance. The Torah gives them the olelot, so the vintner has to maintain the olelot, even if it costs him. He owns a vineyard and the poor own nothing; he might take a small hit, but Rabbi Meir refuses to see him as the victim of the situation. Almost all his life his hand is mightier than the hand of the poor. In this one specific instance, he may have to bend a little to support them.”
- 17 Suddenly, the two commentators fade away. Clearly, this is the end of their commentary on this particular dispute, and there are thousands



more lines of Mishnaic disputes for them to discuss before the day is done.

- 18 And we're back here in 2021. We saw the olelot being thinned; we heard the two sages, one permitting and one forbidding; we heard the Tiferet Yisrael and the Mishnah Rishonah trying to work out why the two rulings were different. But it's all speculation. We'll never know the true reasoning behind Rabbi Yehudah and Rabbi Meir's positions.
- 19 We'll never even know why it is that the Mishnah decided to gift olelot – wonky veg – to the poor in the first place.
- 20 An 'olelet' is, literally, a child: a small, nursing, possibly sickly child; a tiny, helpless human. An olelet is the tiny, sickly version of a fully-grown grape cluster.⁹ Children are expensive – as I'm rapidly discovering – yet we would never ever think of culling them, of thinning them out. So too, olelot are expensive, in the sense of being a leach on an otherwise-healthy vineyard. Maybe the fact that they must be preserved for the poor is the Mishnah's way of symbolising the general duty owed by society to the vulnerable. Just as we don't discard olelot, even though they don't always pay their way and can be an inconvenience, so too we certainly have a duty to care for and seek to include and facilitate and welcome and sustain those who are vulnerable, or excluded, or who can't access the rest of society without assistance and accommodations.
- 21 Whose interpretation of the sages' dispute do we prefer? The Tiferet Yisrael thought it was about rival ways to benefit the poor, albeit one of the mooted ways – Rabbi Yehudah's – just so happened also to benefit the wealthy landowner.



- 22 But the Mishnah Rishonah recognises, correctly in my view, that it's ultimately about power. Does the vintner have the power to do whatever it takes to maximise his profits, or do those on the margins, at the edges of the field, have the power to insist that he does what he can for them even at cost to himself?
- 23 That version of Rabbi Meir imagined by the Mishnah Rishonah is the true hero of this episode. He notices that vineyard-owning merchants have almost all of the power almost all of the time. That's situational – it's what comes with cash – and, at least in a capitalist system, it's unavoidable.
- 24 The Torah, though, provides a platform to impose liberational change. A vintner might have situational power, but the Torah redresses, very partially, that imbalance, with legal power. Regulatory power. Money can buy the vintner many things – land, staff, equipment, even respect, maybe political office – but it can't buy him a way out of the Torah's obligation to look out for less fortunate members of society, even at the expense of his own crop.
- 25 Going through the Commission for Racial Inclusivity's 119 recommendations for how to include Jews of colour in our holy spaces is going to require a huge amount of work, and time, and energy. It means that our communal institutions will 'take a hit', in the sense that this project will leave less time for other tasks. Yet it's a hit that Rabbi Meir, or the better one of the two imaginary Rabbi Meirs, says we should happily accept – a burden we gladly bear so as to do something for others who need it. We could shrug our shoulders, rely on our power to say 'no', insist that vulnerable and hesitant members of our community can't force us to



go out of our way to help them. But we know that we would be wrong to do so.

- 26 This is an incredibly minor Mishnaic dispute, and an incredibly minor footnote-level difference between two of the commentators. Yet it's a microcosm of the Torah's overall scheme, which is to subvert situations, redress balances, and uphold the rights of everyone – but especially those who need assistance – to live with dignity and fulfilment.

GKW 24.04.21

¹ Leviticus 19:9-18. Haftarah: m.Peah 7:4-5. The haftarah read:

What is an olelet? Any cluster of grapes which has neither a shoulder – a wide upper part – nor a pendant – a cone-shaped lower part. If it has a shoulder or a pendant, it belongs to the owner. If there is a doubt, it belongs to the poor. An olelet on the joint of a vine: if it can be cut off alongside a full cluster, it belongs to the owner; but if it cannot, it belongs to the poor. A single grape's worth: Rabbi Yehudah says it is deemed a whole cluster, but the sages say it is an olelet. One who is thinning out vines, just as he may thin out that which belongs to him, so too he may thin out in that which belongs to the poor: these are the words of Rabbi Yehudah. Rabbi Meir says: That which belongs to him, he is permitted to thin, but he is not permitted to thin that which belongs to the poor.

² Stephen Bush. Commission on Racial Inclusivity in the Jewish Community: report (April 2021): <<https://www.bod.org.uk/wp-content/uploads/2021/04/Commission-on-Racial-Inclusivity-in-the-Jewish-Community.pdf>>

³ Ibid: 7.

⁴ Leviticus 19:10

⁵ See above

⁶ I am indebted, for this style of Mishnaic storytelling, to Martin S Cohen, *The Boy on the Door on the Ox: an unusual spiritual journey through the strangest Jewish texts* (New York: Aviv Press, 2008).

⁷ Tiferet Yisrael to m.Peah 7:5

⁸ Mishnah Rishonah to m.Peah 7:5

⁹ Hilchot Matnot Aniyim 4:18