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***Bein Adam Le-chavero:* Ethics of Interpersonal Conduct**

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**Shiur #25: The Mutual Responsibilities of Employer and Employee**

**The Holiness of Treating Employees Properly**

*Parashat Kedoshim*, which features the Torah’s recipe for a life of holiness, contains many interpersonal *mitzvot* that are necessary ingredients for true holiness. A number of them, such as the prohibition of hatred and the mitzva to love one’s fellow Jew, are basic. Others, notably a number of respectable business practices, are undoubtedly important, but do not at first glance seem to typify holy behavior. Their appearance in *Parashat Kedoshim* indicates that the workplace is not only a venue in which to make money and support a family, but an essential part of a religious lifestyle.

The relevant *mitzvot* discussed in *Kedoshim* relate to accusations of financial impropriety, financial disputes, and treatment of employees, among other areas. Notably, these *mitzvot* appear alongside various general monetary prohibitions, such as robbery. Though they might appear to differ radically, the Torah does not seem to think that they do:

You shall not withhold that which is due your neighbor and you shall not rob [him]. You shall not leave the wages earned by a day laborer overnight until morning. (*Vayikra* 19:13)

This verse contains three presumably distinct prohibitions. The first and last focus on employees, while the second applies generally. We already discussed the prohibition of robbery in the past ([Year 1, Lesson 25](http://www.vbm-torah.org/archive/chavero/25chavero.htm)), showing how the placement of this prohibition and that of theft in *Parashat Kedoshim* indicate far-reaching *mitzvot* that engender holiness by proscribing even certain actions that would not otherwise be considered stealing.

The juxtaposition of the prohibitions of robbery and failing to pay employees punctually indicates that there is a relationship between the first, general injunction against illegally taking another person’s money, and the second, specific mitzva pertaining to an employee’s wages. Indeed, the Gemara (*Bava Metzia* 111a) sees deprivation of wages as a form of robbery, as it too entails depriving another of money that is rightfully his:

Deprivation of wages is also robbery. Then why did the Torah address them separately? So that one would thus violate two prohibitions.

Based solely on the Gemara, we might believe that deprivation of wages is nothing more than a form of robbery in which one withholds money due a worker. We could debate whether this is worse than grabbing something out of another person’s hands, as it shows a lack of appreciation of one’s worker, or perhaps less bad. The placement of this mitzva in *Kedoshim*, however, makes clear that beyond robbery and mishandling money, it contains another element: that of the proper attitude and approach to one’s employees.

Elsewhere (*Devarim* 24:14–15), the Torah repeats and expands upon an employer’s financial obligations to his employees:

Do not withhold anything from a day laborer who is poor and needy, whether of your brethren or of the strangers who live in your land, within your gates. You shall give his wage on his day, and not let the sun set on it, for he is poor and he sets his soul on it, lest he cry out to God against you and you incur a sin.

From these additional *mitzvot* we see that the prohibition against deprivation of wages is not only an additional layer of the prohibition against robbery, but an independent prohibition with its own unique elements. The words “you shall not rob” in *Kedoshim* underscore the notion that deprivation of wages is akin to robbery – but much more than that.

**The Importance of Not Delaying Wages**

We will analyze these *mitzvot* in our next lesson, but first, a word is in order regarding their significance, as well as regarding the Torah’s general outlook on the employer–employee relationship.

The Chafetz Chaim dedicated an entire section of his *Ahavat Chesed* to the *mitzvot* of timely payment of workers. In the introduction to that section, he explains why he feels they bear especial discussion, noting that besides reinforcement by one positive and five negative *mitzvot*, there are numerous indications that one is punished severely for failing to pay an employee punctually. For instance, the prophet Malachi (3:5) states:

I will come near to you in judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against those who swear falsely, and against those who oppress the employee through his wages.

The verse clearly indicates that God Himself will both bear witness against and judge those who do these things.

The Gemara (*Sukka* 29b) similarly says:

Householders lose their property on account of four things: on account of those who defer payment of a hired laborer’s wage[[1]](#footnote-1) and on account of those who withhold a hired laborer’s wage …

The Chafetz Chaim then quotes a selection from the *Zohar* (on *Vayikra* 19:13) that connects the verse in *Kedoshim* forbidding an employer to keep wages “with you all night until morning” with the verse in *Devarim* (24:15) that instructs, “and do not let the sun set on it.” He comments that one should be careful to follow these *mitzvot* so as not to die ahead of his time:

From this we learn an additional lesson: that if one restores the soul of a poor man, even if his time has arrived to depart from the world, God restores his soul and gives him an additional lease on life. To withhold the wages of a poor man is like taking his life and the life of his household. As the employer diminishes their souls, so God diminishes his days, and cuts off his soul from the other world, for all the breaths that issue from the employer’s mouth ascend and stand before the Almighty, and afterwards [the employee’s] soul and the souls of his household ascend and stand in those breaths. Thus even if lengthy days and many blessings were decreed for that man, they are all withdrawn, and his soul does not rise up.

Thus the *Zohar* (*ibid.*), continues the Chafetz Chaim, describes the pains taken by many scholars to pay their workers immediately. Among them was Rav Hamnuna, who would immediately pay a worker and state:

“Take your soul that you have entrusted to me! Take your deposit!”

And even if the worker asked Rav Hamnuna to hold it on his behalf, Rav Hamnuna would remark, “It is not fitting that your body be deposited with me, still less your soul, which should be deposited only with God, as it is written (*Tehillim* 31:6), ‘To your hand I commit my spirit.’”

The wages of an employee are viewed as restoring his soul; withholding them is akin to murder. This is so even if the employee is wealthy – even more so if he is poor.

Many may view these *halakhot* as foreign because they are employees, not employers. Yet in truth few individuals never face this obligation. Anyone who orders cleaning help, hires a babysitter, goes for a haircut, or pays a taxi fare is hiring a worker, albeit briefly. These situations are opportunities to express one’s commitment to the responsibilities of an employer, coupled with care, concern, and appreciation for the employee.

**Mutual Obligations of the Employer–Employee Relationship**

The Torah’s outlook on employer–employee relations is quite different than that of much of modern society. Modern society has been very successful in providing rights to workers, who are understandably often in a position to be taken advantage of. Conversely, it is impossible to provide rights to workers without giving some level of rights to employers.

The Torah’s outlook, from start to finish, is very different. The Torah seeks an employer–employee relationship that is built upon a system of *responsibilities*. The employee must perform the work for which he is hired, and the employer must pay his worker on time and provide the basic needs associated with the work being done.

The workplace should be a place of appreciation and ethical conduct, not an incubator of tenuous relationships in which employer and employee each speak behind the other’s back. The goal is that the employer constantly seeks better conditions for his employees, not that workers fight for better conditions, and that workers fulfill their duties as caring, able-bodied employees. As usual, the Torah is not concerned with the mechanics so much as with the fundamental relationship.

Long before secular labor law granted workers’ rights, the Torah premised the obligation to pay workers punctually on the attitude of an employee to his work: “he sets his soul on it.” On the other side of the equation, the employee has no right to take advantage of his employer, and is obligated to work without wasting time. The Torah even requires that he forgo certain responsibilities to God if they would cause unnecessary interruption in his work.

**Yaakov: The Model Worker**

The Torah’s model of the dedicated employee is our forefather Yaakov. Yaakov is described in his youth as “a pure man dwelling in tents” (*Bereishit* 25:27), which the Midrash (cited by Rashi) understands as meaning that he dwelled in the study tent of Eiver. Yaakov continues his studies even after leaving his parents’ home; the Midrash sees Yaakov’s sleeping at the beginning of *Parashat Vayeitzei* as an unusual occurrence because, while studying in the yeshiva of Eiver for fourteen years after leaving home, he had kept his sleep to a bare minimum (Rashi on *Bereishit* 28:11).

Given this background, one would expect Yaakov to have been a rather useless shepherd during the twenty years he worked for Lavan. After all, he was a *yeshiva bachur*,built for studying, not for hard labor. Yet after Lavan accuses Yaakov of running away and searches his possessions, Yaakov responds with this vivid description of his efforts:

I have spent twenty years with you. Your ewes and female goats have not aborted, and I have not eaten the rams of your flocks. I have not brought to you anything torn [by other animals]: I would suffer the loss of it, from my hand you would demand it, [both] what was taken by day and what was taken at night. I was [in the field] by day when the heat consumed me, and the frost at night, and my sleep wandered from my eyes. I have spent twenty years in your household. I worked fourteen years for you for your two daughters and six years for your flocks, and you changed my wages ten counts. Had the God of my father, the God of Abraham and the Fear of Isaac, not been with me, you would now have sent me away empty-handed. God saw my affliction and the toil of my hands, and [therefore] He reproved [you] last night. (*Bereishit* 31:38–42)

Though the Gemara (*Bava Metzia* 93b) discusses the degree to which workers are required to live up to Yaakov’s standards of commitment, Rambam (*Sekhirut* 13:7) rules as follows:

Just as the employer is warned not to steal the wage of the poor person or withhold it from him, the poor person is warned not to steal from the work due his employer or neglect his work slightly here and there, spending the entire day in deceit. Instead, he is obligated to be precise with regard to his time. The importance of such precision is indicated by our Sages’ ruling that workers should not recite the fourth blessing of Grace after Meals, so as not to neglect their work. Similarly, a worker is obligated to work with all his strength, for the righteous Yaakov said, “I served your father with all my strength” (*Bereishit* 31:7). For this one will be granted a reward even in this world, as is indicated by “and the man became extremely wealthy” (*ibid.* 30:43).

Yaakov’s work ethic is the model for all employees. Yaakov, who expressed the same commitment in his work as in his Torah study, understood that an employee’s fulfillment of his duties must equal that of the Torah scholar.

There is one caveat, however, and it is one where efforts to be a good worker can transform one’s personality. Although a person is required to fulfill his obligations to an employer, one always must first and foremost remain subservient to God, just as Yaakov never lost his commitment to God despite his steadfast efforts at work.

When he sends a message to Eisav to announce his arrival, Yaakov states, “*Im Lavan garti*” (*Bereishit* 32:5). Literally these words mean, “I lived with Lavan,” but Rashi cites the midrashic understanding that by using the word *garti* – which is numerically equivalent to 613, the number of *mitzvot* –Yaakov indicated that despite working for Lavan and living in his home, he had maintained the principles he had learned in his father’s home.

Further, as Rav Aharon Lichtenstein once remarked, not only did Yaakov stay committed, but immediately after the encounter with Lavan (32:3), Yaakov saw the same angels he had seen (28:12) after an extended period of studying God’s ways under Eiver. It was understandable for Yaakov to dream of angels after his sleepless study of Godly topics, but who could continue to see those angels after twenty years in the house of Lavan?

Yaakov could. This is, then, a powerful reminder of how he merited to be a forefather of the Jewish people. Yaakov demonstrated that an employee’s obligations to his human boss must – and can – be tempered by his obligations to the Boss of all. In so doing, he also showed that it is essential for working people to remain connected to the Torah by continuing to find time to study it.

**Maintaining Perspective**

The problem is that not all of us are Yaakov. Sometimes our desire to curry favor with our bosses results in putting an employer on a pedestal, virtually replacing God. People are often all too willing to sacrifice their moral, ethical, and religious scruples in order to get ahead at work, and such actions are commonly excused as necessary for supporting one’s family. This approach does quite the opposite of imparting the holiness that is supposed to be the hallmark of the employer–employee relationship. Even more than harming the workplace and those in it, trying to curry favor with one’s boss at all costs can transform a person’s personality, and often causes an employee’s morals to decay even outside of work.

On the other hand, the halakhic limitations on what a worker is permitted to do are a powerful force for maintaining perspective and remembering that the Boss above has the final word.

Based on the Torah’s words “for the children of Israel are servants to Me” (*Vayikra* 25:55), Mordekhai (*Bava Metzia* 459) states that a worker may not agree to certain types of work for more than three years at a time, as this would constitute accepting servitude to a human instead of God. As the verse indicates, a Jew must be a servant of God, not a servant of a fellow servant.[[2]](#footnote-2)

Because a worker is considered to rent himself out, and rental is a form of temporary sale (*Bava Metzia* 56b), an employee is essentially owned by his employer on a temporary basis. The Torah permits such a relationship, but does not permit enslaving oneself. By the same token, because a worker must not be a slave to his employer, he may quit at any time he desires, “for the children of Israel are servants to Me” (*Vayikra* 25:55) – “slaves to God, not slaves to other slaves [other humans]” (*Bava Metzia* 10a).

All of the *halakhot* regarding mistreatment of a slave, such as assigning demeaning or redundant tasks, apply to an employee (*Sefer Ha-chinukh* 346). Similarly, just as a slave is sent off with gifts when his period of servitude ends (*Devarim* 15:14), it is proper to give additional money to a worker who leaves (*Minchat Yitzchak*, vol. 6, no. 167; *Tzitz Eliezer*, vol. 7, 48:10.)

These obligations help an employee remember that despite his commitments, he is not a slave. Equally, they remind the employer that his commitments to his Boss include words of praise and respect for his workers. An employer even is generally forbidden to fire a worker, a measure permitted under specific halakhic situations of extreme necessity.

Finally, just as Yaakov maintained his dream and vision while working for Lavan, employees must remain committed to their ethical principles, just as employers have ethical commitments to their workers and to the supreme Boss.

**Food for Workers**

Care and concern for workers find further expression in the obligation to allow those employed in agriculture to eat some of the produce on which they work (*Devarim* 23:25–26). Even animals working in the field may not be muzzled to prevent them from eating (*Devarim* 25:4). In fact, this latter mitzva serves as the archetypical prohibition whose violation is punishable by lashes.

Rav Hirsch (on verses 25–26) views the agricultural worker’s right to eat as related to the prohibition against lending on interest, found three verses earlier (and discussed in recent lessons):

These laws, like the prohibition of interest, stem from the fact that when God founded our national society, He reserved for Himself an unlimited right of disposition over all our property. On this right He founded our life as a people: a life built on the duty to show mercy and do justice. The Jewish landowner is obligated here to permit the workers who harvest the produce of his field to eat as much of the harvest as they like while they are engaged in reaping his crops. At the same time, however, the worker is obligated to keep strictly within the limits of this right, and to be careful not to abuse it.

The practical *halakhot* of this mitzva, inherent in the words of the Torah, offer a further message. Permission is granted to consume only items of food that grow from the ground, only once nature has ripened them and man comes with his basket and sickle to take what nature has completed. Once the food is detached, the workers’ right to it lasts only until it is ready for human use, i.e. until the obligation to tithe it takes effect. Rav Hirsch explains:

… the worker may eat attached and detached foods only once the produce has been ripened by nature and only while he is engaged in bringing it into a finished state and preparing it for human use. Not before, and not after, but on the threshold of man’s mastery over nature – so apt to engender the selfish thought, “This is my own and mine alone” – does God’s Torah scatter the seeds of duty, which stems from justice and loving kindness, and affects both the landowner and the worker.

A similar message is evident in the seemingly unlimited prohibition against preventing an animal from eating produce on which it is working. The Torah not only seeks to stress to the landowner his lack of total control over his crops, but also to nurture care and concern both for employees and for animals. The landowner must respect that working with his food causes humans’ emotions, and even animals’ instincts, to make them wish to partake.[[3]](#footnote-3)

Some note that these *mitzvot* also benefit the employer, who should want his workers to be connected to their work. The more a person is connected to his work, the more likely he will be to take an earnest interest in a successful crop. Allowing workers to partake of the food also teaches the employer that the workers’ contribution should not go unnoticed and, to a certain degree, makes them partners in what has grown.

The basic laws of the employer–employee relationship, from timely payment to the prohibition of muzzling animals and all in between, require not only action, but also the development of a holy character that these actions should inspire in man.

In concluding his aforementioned discussion, the Chafetz Chaim states that he is convinced that people are negligent in paying workers on time only because they are unaware of the mitzva’s importance and unsure of its parameters. Therefore, he writes, this mitzva deserves special study.

In next week’s lesson we will elaborate on the prohibitions of non-payment and delayed payment of wages, as well asuncover some of the holiness that the *mitzvot* of timely payment seek to engender.

1. I.e. tell workers to return later to receive their wages (Rashi). [↑](#footnote-ref-1)
2. This ruling is codified by Rema (*Choshen Mishpat* 333:3). [↑](#footnote-ref-2)
3. With regard to restaurant workers and others who work amid food. Although the letter of the law seems to be restricted to work in the fields, the spirit of the law might extend beyond. [↑](#footnote-ref-3)