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Poverty and tzedakah in Jewish law

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Chapter IV. THE WORKING POOR IN THE HALAKKHAH

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Chapter IV

THE WORKING POOR IN THE HALAKHAH

*(We are poor and we have worked all day, we're hungry and we have nothing!
Baba Metzia 83a)*

Richard S. Rheins

Nearly every day we interact with men and women who are struggling to survive while working at low wage jobs. They are workers in restaurants, discount houses, and grocery stores. They clean homes, keep suburban yards tidy, and do the custodial work at our places of business. Some work on farms during harvest and others shift from one construction crew to another as simple laborers. They are the working poor. The working poor are distinct from those impoverished by unemployment, whom I will refer to as the "destitute poor." The destitute poor are unemployed and, oftentimes, unemployable. They are pitiful cases who must rely almost exclusively on handouts and government subsistence in order to survive.¹

In contrast, the working poor are trying to make it on their own, even if they have no option other than by taking low-paying jobs. A family led by two adults who are working poor may just manage to survive financially if they pool their resources, keep to a strict budget, have only a few children, and are lucky enough to avoid expensive accidents and home repairs. Unfortunately, that formula for "just managing to get by" is too hard for many to uphold. All too often, bad decisions and setbacks beyond their control conspire to pin the working poor in poverty. Making things worse, many of the working poor are single parents without the financial or emotional support of another adult. Health problems and unforeseen expenses that can plague any family become overwhelming burdens that push the working poor to the breaking point.

In the American heartland, there is a popular folk expression: "Poor is as poor does." In truth, advocates for the working poor must confront the facts that bad decisions and destructive life-styles are self-inflicted wounds that keep many of the working poor from achieving a breakthrough that would improve the quality of their lives. David Shipler, the Pulitzer Prize winning author and journalist whose important book on the working poor is both a terrific review of the impact of social policies as well as a collection of heartrending case studies, notes:

It is difficult to find someone whose poverty is not somehow related to his or her unwise behavior – to drop out of school, to have a baby out of wedlock, to do drugs, to be chronically late to work.²

At the same time, Shipler's research and extensive interviews with the case families lead him to conclude:

And it is difficult to find behavior that is not somehow related to the inherited conditions of being poorly educated, poorly housed in neighborhoods from which no distant horizon of possibility can be seen.³

Who is responsible? Surely, the poor are responsible for much of their woe. So too, those of us who are blessed to live in relative comfort and security are also culpable for ignoring the plight of working poor if not for acts of outright callousness toward those who do our "dirty work." But spreading the blame does not help improve the lives of those who work but are still suffering under the yoke of poverty. The Torah teaches that the crisis of poverty may never be solved but we are, nevertheless, compelled to act on its behalf:

Ki lo yech-dal evyon me-kerev ha-aretz, For the poor will never cease out of the land, therefore, I command you, saying: 'You shall surely open your hand unto your poor and needy brother in your land.'⁴

This paper will review the ethical ideals and sacred principles that Judaism has developed in response to the problems of the working poor. My goal is to provide the relevant background material for rabbis, lay leaders, and students engaged in Progressive *Halakhah*.⁵ Progressive Jews,⁶ appreciating the dynamic nature of evolving *halakhah*, take up the challenge of determining if the received principles and observances need to be further modified to order to meet our modern understanding of God's commandment to strive for the compassionate, ethical, and moral ideal. Insofar as the issue of the working poor is concerned, *halakhic* literature records a noble effort by rabbis and sages to address the fundamental needs of the poor laborer while protecting the livelihood of the employer. As we review key passages in Torah, Talmud, rabbinic commentary, and Halakhic codes, it will become evident that Jewish teachings concerning the issues of the working poor are remarkably balanced and sensitive.

HALAKHAH'S DEFINITION OF THE WORKING POOR

The economy during the time of the writing of the Mishnah and Gemara was overwhelmingly agrarian. Therefore, when the rabbis of those generations expounded on the *mitzvot* and ethical ideals concerning the working poor, their examples focused primarily on the relation between land owning farmers and the poor farm laborers.⁷

The Torah established the ethical foundation for how we are to compassionately treat the poor worker. Prominent are two *mitzvot* commanding employers to pay the working poor in a timely fashion;⁸

You shall not abuse the working poor (*sakhir ani*) and the needy, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is poor (*ani*) and urgently depends on it; else he will

cry to the Lord against you and you will incur guilt (Deut. 24:14-15).

You shall not defraud your fellow. You shall not commit robbery. The wages of a laborer (*peulat sakhir*) shall not remain with you until morning (Lev. 19:13).

To live up to the demands of these *mitzvot* it is first necessary to determine who qualifies as one of the *sakhir ani*, the working poor. Speaking volumes about their familiarity with the harsh realities of the lives of most manual laborers, the rabbis acknowledged that nearly all farm workers qualify as working poor.⁹ That a farm worker would qualify as poor clearly demonstrates the rabbinic awareness that even though someone had a job and some assets he still may require assistance and protections in order to survive. For example: Mishnah *Peah* 8.8 designates that any person possessing less than two hundred *zuz* is poor. Two hundred *zuz* was determined to be the amount of money in liquid assets that would be sufficient to support a person for a full year, from one harvest to the next.¹⁰

Whoever possesses two hundred *zuz* may not collect gleanings, forgotten sheaves, *peah*, or the poor person's tithe. If he possesses two hundred [*zuz*] less one *dinar*, even if one thousand [other householders] give him [one *dinar* each] all at the same time, he may collect [charity designated for the poor].¹¹ [If he possesses two hundred *zuz* that he cannot freely use because the money serves as] collateral for a creditor or for his wife's marriage contract, he may collect [the charity designated for the poor]. They may not compel him to sell his house or the tools [of his trade in order that he might acquire through this sale the two hundred *zuz*].¹²

The Mishnah is remarkably liberal in calculating whether or not the worker has 200 *zuz*. It specifically exempts from the accounting those assets that are tied up as collateral for a creditor or for his wife's *ketubah*. The Mishnah also exempts the value of the worker's house and his tools from the calculation of his assets. Those with less than 200 *zuz* may collect from a harvest's gleanings, forgotten sheaves, the corners of a field (*peah*), and he may receive the tithe set aside for the poor in the third and sixth years of the seven year tithing cycle.

The Mishnah's definition of who is poor was adopted in the *halakhic* codes of Moses Maimonides (c. 1135, Spain -1204, Egypt), Jacob ben Asher (Toledo, c.1270-1340), and Joseph Karo (Safed, 1488-1575).¹³ In essence, *halakhah* designates that a poor person is one who does not have enough in liquid assets to support him or herself in the coming year.¹⁴ This person may own a house, have funds tied up as collateral and own equipment, but if his/her income is insufficient to support the family, he/she is considered poor. In *halakhah* the principle is established that one does not have to be destitute to be considered poor. It clearly identifies the phenomenon of the working poor and establishes criteria by which one is eligible for communal assistance.¹⁵

An instructive example of *halakhic* concern for the working poor as distinct from the destitute poor can be found in the developed exegesis of Deuteronomy 23:25-26:

When you enter another person'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 another person's field of standing grain, you may pluck the ears with your hand but you may not put a sickle to your neighbor's grain.

On first glance the right to enter another person's vineyard or field and eat to one's fill is open ended. The Torah does not reserve this right to any group. It could be interpreted to mean, as Issi ben Yehuda, a 5th generation Tanna (c.135-170 C.E.), understood it, that there were no restrictions at all and anyone who wanted to eat in another person's field was permitted to do so.¹⁶ But in the subsequent development of the *halakhic* understanding of this mitzvah, the right to enter another person's field and eat was narrowed to a very specific group, namely, the working poor. In B. Baba Metzia 92a it is written:

Rav said, "I found a secret scroll [written by a Sage] of the School of Chiyah in which it was written: 'Issi ben Yehudah says: "*When you come into your neighbor's vineyard*" (Deut. 23:25), that verse means any person who comes by."

And Rav [First generation Amora b. 155 C.E.] said: "Issi does not let any human being live!" Rav Ashi [b. 352-d. 427 C.E.] said: "I shared this teaching to Rav Kahanah [c. 350-375 C.E., who made the suggestion that---] 'perhaps [Issi's teaching did not really mean anyone may enter and eat. Rather, it meant] people who work for their meals [are also permitted to] assist [workers in other fields belonging to other owners] and eat [there].' He said to me, "Even so, a person prefers to hire workers to harvest his orchard and not have the whole world come and eat it."

Thus, the Torah "right" to enter and eat in another person's field was reserved for the workers who were hired by the field's owners. Rashi (France, 1040-1105) follows this interpretation in his Torah commentary:

When you enter another's vineyard, "Scripture is speaking of a laborer." *But you must not put any in*

your vessel, "From this we know that the Scripture is referring to none other than the harvest time."¹⁷

Two principles arise from this talmudic exegesis of Deut. 23:25. First, *halakhah* will differentiate between the destitute poor and the working poor. Certain rights and advantages are reserved for the working poor. In effect, these advantages encourage the poor to work and to strive for self-dependency. The *halakhah's* liberal definition of who is poor (which extends charitable benefits to those with some income and assets) coupled with certain advantages that are reserved for the working poor combine to create a powerful incentive to work.

The second principle that is developed from the Talmud's exegesis of Deut. 23:25 is the doctrine limiting the financial vulnerability of the land owning farmer. The sages were mindful of the importance of protecting the farmer/employer's financial security. They knew that if the financial viability of the farmer/employer was threatened, the entire economy could collapse. Society has a vested interest in creating incentives to work. And workers will find opportunities only if there are secure employers seeking to hire laborers. The interaction of these two principles will be explored in the next section.

WORKERS' RIGHTS AND LIMITATIONS

Halakhah confers important rights and privileges on the workers. In theory, the above mentioned Torah *mitzvah* giving the worker permission to eat the produce of the field is an almost unlimited right.¹⁸ But the realities of societal change and harsh economic cycles challenge Jewish religious leaders to define and implement rights ordained by the Torah in a way that would best protect the interests of the entire community.¹⁹ In Mishnah Baba Metzia, chapter seven, we find preserved the discussion of rabbis from

the *tannaitic* era²⁰ as they tried to reach a balance between the workers' rights and the concerns for the financial losses suffered by farmers. The chapter begins by establishing both the problem and a key principle that labor laws will be determined both by Torah law and *minhag hamaqom*, the customary practice of a particular region.

If someone hired workers and told them to come early or to stay late...in a place where it is customary not to come early and not to stay late, he is not permitted to force them. In a place where it is customary to feed them, he must feed them; [in a place where it is customary] to provide dessert, he must provide it. Everything must be done in accordance with local custom.

It happened once that Rabbi Yochanan ben Matya said to his son: "Go out and hire workers for us." He went and promised them food. But when he came [and reported what he did] to his father, [the father] said to him: "My son, even if you make a [meal] like the feasts given by King Solomon in his time, you will not have fulfilled your obligation toward them, for they are the children of Abraham, Isaac, and Jacob. Rather, before they begin work, go out and say to them: "On condition that you have no [claim] on me except for bread and beans alone." Rabban Shimon ben Gamliel says: "He did not need to say this because everything is in accordance with local custom (Baba Metzia 7.1).

The Mishnah codified the interpretation that while those who are harvesting must be permitted to eat (because that is their Torah right), nonharvesting workers eat only in keeping with the local custom.²¹ That being said, it was still necessary to determine the amount of produce a harvester may eat. This is debated in Baba

Metzia 7:5

A worker may eat a cucumber, even a *dinar's* worth, or dates worth a *dinar*. Rabbi Elazar Chisma says: "A worker may not eat more than his wage." However, the sages permit it. Nevertheless, we teach a person should not be a glutton and shut the door in his own face.

While Rabbi Elazar Chisma wanted to put specific limits on the amount a worker may eat, the sages of the Mishnah felt that a general warning to the workers not to abuse their employers was sufficient. The discussion of the rabbis of the *amoraic* era²² on this issue is intense and complicated but ultimately confirms the position that workers may eat more than their wages.²³

In subsequent generations, we find that the *poskim* (*halakhic* scholars) continued to struggle to find the appropriate balance between the prerogatives of the farm laborers and protections for the farmer. In the *Shulhan Arukh*, while Joseph Karo codifies the Talmudic opinion, Moses Isserles (Poland, c.1530-1572) supports the validity of Rabbi Elazar Chisma's minority opinion²⁴ limiting the amount a worker may eat. In *Shulhan Arukh, Hoshen Mishpat* 337.7, it is written:

A worker is permitted to eat from his employer's produce, even if the amount he eats is worth much more than his wage. For instance, if his wage is not even a *dinar* he can still eat cucumbers or figs equaling a *sela*.²⁵ But he advised against eating too much, in order not to jeopardize his future employment opportunities. (Isserles: There are some who teach that a worker may eat of his employer's produce only if he was hired for a full day's work. But if he was hired only to pick one cucumber, he may not eat it [because his employer would then be left with

nothing]. And even if he was hired to work for the full day, he may not eat the first fruit he picks, but must first place it in his employer's vessel. Only afterwards may he eat.)

From his comments, we can see that Isserles contributed to the halakhic evolution of this *mitzvah* by codifying two new protections of the employer's financial interest. Yes, the worker may eat, for that right is a Torah *mitzvah*. But he may eat only if the amount of his work effort is substantial enough to trigger the applicability of the Torah right to eat. And even if the worker is putting in a full day of hard labor, the Torah right to eat is triggered only once the worker has harvested enough for the employer so that the employer's financial stake is met. Isserles's position follows that of an earlier Ashkenazi scholar, Rabbi Jacob ben Asher.²⁶ In essence, *Shulhan Arukh* 337.7 is a good example of how the *halakhah* of labor relations varies from region to region. The Mishnah established the principle that the workers' privileges were determined by the custom of the place and subsequent halakhic practice followed that principle. Apparently, the workers of Ashkenazi communities were permitted to eat and thereby exercise their "Torah right" only after they had harvested their quota. Caro's ruling reflected the Sephardic custom that gave broader privileges to the harvesters and the other farm workers.²⁷

Caro also codifies the rabbinic ordinance (*takkanah*) that extends the rights of the harvesters to eat to include those times when they are not engaged in the physical act of harvesting. In this ruling, the *halakhah* takes note of the interests of both the workers and the employer.

[By the laws of the Torah] a worker is entitled only to eat while he is actually working. He may not say: "I restrained myself until now but I did not abandon my right to eat, therefore I am returning and now I will

eat.” But to help the employer not suffer a loss by having their workers waste any of their working time, the rabbis enacted [a *takkanah*] that after a worker has finished working on one row he may eat of his employer’s produce while he is on his way to begin the next. This [*takkanah* was enacted] for the benefit of the employer lest they suffer a loss. *Hoshen Mishpat* 337.11

By permitting the harvesters to eat while they walk from row to row, less time is wasted and the farmer’s financial interests are protected. Indeed, the tension between the competing interests of the farmer and the workers is evidenced throughout rabbinic literature.²⁸ For example, while the privilege of the worker to eat as he worked was a valuable asset, the exercise of that right might affect on his wages. Some workers were tempted to forego the right to eat for higher wages or to transfer the eating privileges to members of their family. In some cases these special arrangements were approved, and some arrangements were forbidden. In all the cases, we find Jewish religious leadership trying to provide both flexibility and safe-guards to prevent the workers from harming their own self-interest.²⁹

In yet another example of trying to maintain the interests of the workers and the employers, rabbinic interpretation and legislation modified the mitzvot of timely payment to a considerable extent. As we reviewed above, Leviticus 19:13 and Deuteronomy 24:14-15 demand that a worker is to be paid at the end of his shift. But economic and social changes made such daily payments difficult if not impossible. For example, the merchants of Sura were unable to pay their workers until they sold their goods on market day.³⁰ On the one hand, the rabbis of the *tannaitic* period extended the injunction against delay of payment to include workers hired for longer periods of a week, month, or more. They also included craftsmen and artisans

under the protection.³¹ At the same time, the rabbis of the *tannaitic* period deduced significant flexibility for the employer from the word *itkha* ("with you") in Lev. 19:13.³² In the *Sifra*, the halakhic *midrash* to Leviticus 19:13, it was taught that the employer only violated the *mitzvah* when he retained the wages arbitrarily. It is also taught that the employer is exempt if he has made arrangements with a shopkeeper or a money-changer for the workers to receive their compensation from them.³³ Similarly, in a *baraita* we find the following:

When? [I.e., when is the employer in violation of the *mitzvah* to pay on time?] When he [the worker] demanded [his wages] from him. [But if] he did not demand from him, he does not transgress. Our rabbis taught: "The wages of one who was hired shall not remain overnight." I might have thought [that this applies] even if he did not demand [his wages] from him. Therefore, the Torah states: "(*Itkha*) With you." [Which means] "With your knowledge." I might have thought [that this applies] even if he [the employer] does not have [money]. Therefore the Torah states: "(*Itkha*) With you," meaning when [the money] is in your possession. I might have thought [that *mitzvah* of timely payment applies] even if he gave [his worker] an order [addressed] to a shopkeeper [instructing the shop to give the worker goods equal to the amount of the wages he is owed] or to a money changer [instructing the money changer to give the worker the wages he is owed]. Therefore the Torah states: "(*Itkha*) With you," and not if he gave him an order to a shopkeeper or to a money changer (Baba Metzia 112a).

Likewise, in *Sifre*, the *tannaitic midrash* to Deuteronomy, it is taught that there is no transgression when the employer has pre-arranged with the worker to pay him later.³⁴ These modifications of the workers' Torah rights were later codified in the *Shulhan Arukh*. In the following excerpts, note that Caro and Isserles preserve the workers' Torah rights while at the same time establishing limits and modifications of those rights in keeping with the demands and customs of their day.

Hoshen Mishpat 339.3

An employer must pay a day-worker his wages during the night that follows the completion of his work. If he fails to pay him by morning, he violates the prohibition: "You shall not keep [wages] overnight [Lev. 19:13]." A night worker must be paid during the day that follows the completion of his work. If he is not paid by sunset, his employer violates the prohibition: "On his day you shall give him his wages; neither shall the sun go down upon it" [Deut. 24:15].

(Isserles: "Workers today do not ordinarily work until nightfall, and they must therefore be paid by sunset like hourly-workers who complete their work in the middle of the day").

Hoshen Mishpat 339.9

If a worker knows that his employer does not ordinarily have the money to pay his workers until the market day, the employer does not violate the prohibition against withholding wages if he fails to pay the worker on time even if he has the money to pay him. But the employer does violate the rabbinic prohibition if he continues to withhold a worker's wages after the market day has arrived (based on Proverbs 3:28).

(Isserles: This same goes for those who regularly do not pay until the wages have been calculated with the workers. They

also do not transgress the rabbinic decree until they have calculated with their workers.)

Hoshen Mishpat 339.10

An employer does not violate the prohibition against withholding his workers wages (Lev. 19:13) unless the worker has demanded his wages from him. But if the worker has not asked to be paid, the employer does not violate the prohibition. Even if the worker demands his wages, the employer is not guilty of the prohibition if he does not have enough money to pay the worker, or if he gave the worker an order to a money changer and the money changer agreed to pay him. In any case, if the worker wants to change his mind and demand his money directly from the employer instead of the money changer, he has permission.

(Isserles: "He is not entitled to change his mind once a valid act of acquisition was performed").

Up to this point, we have reviewed examples of rabbinic legislation to limit or modify the workers' rights. But lest we think that the rabbis relaxed the Torah laws always to the benefit of the employer, let us consider the case in which there is a dispute over payment. *Halakhah* has established the general principle that in a legal dispute, the defendant is permitted to deny a claim by the plaintiff by swearing an oath.³⁵ But in the case of a dispute over payment, the rabbis granted the worker, who is the plaintiff, to swear an oath and collect his claim.³⁶ This radical departure from the Torah law concerning plaintiffs and defendants and the sages of the Talmud and its commentators justified this "uprooting of the Torah" as a necessary measure to protect the rights of the workers. The issue of the unique privilege of a worker's oath is discussed in B. Baba Metzia 112b and elsewhere in the Talmud.³⁷

A hired worker, within his time, can take an oath and collect his salary, etc. Why did the rabbis enact (*takkinu*) that a hired worker swears and takes? Rav Yehuda said in the name of Shmuel: They taught great laws here.

Are these great laws [*mitzvot* from the Torah]? These are rabbinic enactments [*takkanot*]. Rather, Rav Yehuda said in the name of Shmuel, "They taught great enactments here." "Great?" [Does this prove] by implication that there are minor ones?

Rather, Rav Nachman said in the name of Shmuel: "They taught fixed enactments here."³⁸ The oath is the employer's [right]. But the rabbis uprooted the employer's oath and gave it to the employee. They did this for the welfare [lit. "The life"] of the employee. For the welfare of the employee do we cause a loss to the employer?

The employer himself is pleased that the employee should swear and take [his wages], so that workers will hire themselves out to him!

[Isn't it just as logical to think that] the employee would be pleased for the employer to swear and oath and be exempt from having to pay him, so the employer will be more inclined to hire him in the future?

[No, because] the employer is forced to hire workers [to run his business]. But the employee, too, is forced to seek work and earn a living. Rather, [the reason the worker can swear and take – and is trusted] is because the employer is too busy with his many workers [to keep track of just one's case].

So let him give [his wages] to him with an oath.

[He takes an oath] in order to appease the mind of the

employer.

Maimonides codified a worker's right to "swear and take" in his *Mishneh Torah*³⁹ and he also confirmed the Jewish sensitivity to be especially lenient with workers:

A laborer who takes an oath is not to be treated with strictness, and no other ancillary oath (*gilgul shevu'ah*) may be required. He swears only that he did not receive his wages and he is to be paid. All others who take the oath are not to be treated with leniency. Only the laborer is so treated, and the court takes the initiative for him by saying to him: "Do not have qualms. Swear and take."⁴⁰

The extraordinary protection granted to hired workers (*poelim* as opposed to *kabblan*, independent contractors,⁴¹ was in recognition of their vulnerabilities. As Menachem Elon wrote: "The time factor in the hire of a servant has the effect of tying him to his work for fixed hours during which he cannot choose not to work, whereas the independent contractor may work as and when it pleases him. Hence an element of slavery attaches to a hired servant, while a contractor "is not a slave except unto himself."⁴² In effect, the contractor or skilled craftsman is his own boss. His own initiative and work ethic will determine his financial security. On the other hand, the hired worker is subject to the whims of employers and this vulnerability reminded our ancestors of the anguish of slavery. Accordingly, the rabbis instituted protections to shield the workers from unscrupulous employers. The sages maintain: "The worker has the upper hand."⁴³ What this means is that an employer cannot make a worker work against his will and the worker has the right to quit even in the middle of a job.⁴⁴ This principle is based on the exegesis of "For unto me the children of Israel are slaves, they are My slaves whom I brought forth out of the of Egypt; I am the Lord you God" (Lev. 25:55). To which the Gemara concludes "They are my servants, not the servants of

servants.”⁴⁵ In the *Shulchan Arukh*, Caro codified that interpretation, writing: “A time-worker may retract even before the specified work period is over. The employer may not force him to complete the work because Jews are God’s slaves, not the slaves of other people.”⁴⁶

Rabbi Meir of Rottenberg (Germany, c. 1215-1293) confirmed the principle that “all the laws and regulations that benefit a Hebrew slave also apply to a hired worker.”⁴⁷ Those rights include provisions for sick days and *ha’anakah*, severance pay.⁴⁸ Concerning the Hebrew slave who is freed after six years of labor, the Torah teaches: “*lo t’shalhemu reiqam*, you shall not send him away empty. You shall furnish him liberally (*ha-a-niq ta-a-niq*) out of your flock and out of your winepress; give to him from all that the Lord your God has blessed you” (Deut. 15:13-14). The talmudic interpretation of these verses expanded the protection and the benefits for the servants.⁴⁹ In turn, we find these rights and benefits owed to the freed Hebrew slave were later codified and granted to the modern laborer.⁵⁰ For instance, *Sefer haChimukh* derives one negative commandment and one positive commandment from Deut. 15:13-12. Namely, that we are forbidden by the Torah to send a Hebrew servant away empty-handed and we are commanded by the Torah to provide him with a generous severance (*ha’anakah*).⁵¹ Most importantly, the author of *Sefer haHinukh*⁵² wrote that the *mitzvot* dealing with severance for one’s freed slave are applicable to the hired hand in the modern era: “... If he hired one of the Israelites and the man served him a long time or even a short time, he (the employer) is to give him (the laborer) a liberal bonus (*ya-a-niq lo*) from that which the Lord has blessed him when he leaves.”⁵³

As Menachem Elon points out, *poskim* (halakhic scholars) extended the obligation to provide severance benefits to the modern worker by three methods. First, the *poskim* followed the teaching of the *Sefer haHinukh* and the principle of the slave’s gratuity.⁵⁴ Second,

by reason of *a fortiori*, since a slave is a transgressor⁵⁵ how much more should a laborer, who is not a transgressor, be treated generously.⁵⁶ Finally, the modern laborer's severance rights were related to the talmudic exemption of laborers from liability for damages caused by their negligence.⁵⁷ The exemption was based on the Jewish moral duty to act more generously than the strict letter of the law (*lifenim mi-shurat ha-din*).⁵⁸ Accordingly, modern Israel's former Chief Rabbi Ben-Zion Uziel wrote:

A court has the authority to order the employer to make payments for the benefit of his employees whenever it sees that this will promote the goal of "follow[ing] the way of the good and keep[ing] to the paths of the just" (Prov. 2:20). In exercising its discretion, it should take into account the manifest circumstances of the employer and employee, as well as the reasons why the employer dismissed the employee or why the employee stopped working for the employer.⁵⁹

Rabbi Ben-Zion Uziel's responsum highlights the importance of acting with a sense of compassion and morality that goes beyond the letter of the law. Perhaps, the best illustration that the body of teaching we call "*halakhah*" is beyond all the clumsy attempts to define it simplistically as "Jewish law," is the fact that *halakhah* is exalted by the principle of *lifenim mi-shurat ha-din*. That is, the *halakhic* standard is to strive for the divinely inspired ethic that compels us beyond mere law.⁶⁰ The role of *lifenim mi-shurat ha-din* is beautifully demonstrated in the following passage from Baba Metzia 83a:

Some porters broke a barrel of wine they were carrying for Rabbah bar Bar Chanan. He seized their cloaks [as collateral to ensure he would receive compensation for his loss]. They came and told Rav. He said to him [Rabbah] "Give them their cloaks

back.” He said to him: “Is this the law?” He [Rav] said to him: “Yes, [in compliance with the sacred instruction] ‘That you may walk in the way of good men’ (Prov. 2:20).

They [the porters] then said to Rav, “We are poor and we have worked all day, and we are hungry, and we have nothing.”

Rav said to him [Rabbah]: “Go and give them their wages.” He said to him, “Is this the law?” He said to him: “Yes, [in compliance with the sacred instruction] ‘and keep the paths of the righteous’” (Prov. 2:20).

Technically, the porters were liable for at least part of the damage.⁶¹ But in dealing with employees, we are instructed to go beyond the letter of the law. As Rashi points out, Rav’s reference to Prov. 2:20 serves to remind Rabbah bar Bar Chanan of the principle of *lifnim mi-shurat ha-din*.⁶² Indeed, Jewish ethics and morality compel us to be moved by the workers’ heart wrenching plea: “We are poor, and we have worked all day, and we are hungry and we have nothing.” The simple wage earner is often in a vulnerable and tenuous position. Not only are we to err on the side of leniency in regard to the liability of workers for damage they may cause, we are also instructed to look after their personal welfare. The stark consequence of withholding payment to our workers is that, God forbid, they and their families may go hungry. As Nachmanides (1194 Spain - 1270 *Eretz Yisrael*) taught:

And so Scripture commands [the employer] to pay him during his day as soon as he finishes his work ...in order that he could purchase with his wages what he, his wife and his children need to eat at night. Because he is poor as are most of those who hire themselves out for the day. He has staked his life upon this wage to buy with it food to sustain his life.⁶³

CONCLUSIONS AND CONSIDERATIONS FOR PROGRESSIVE HALAKHAH

As we review the primary texts, it is evident that throughout *halakhaic* literature, Judaism seeks a balance that is mindful of both the difficult circumstances of the working poor and the rights of the employer. *Halakhah* rejects practices that are too strict and unsympathetic to the plight of the poor. And at the same time, *halakhah* conveys the awareness that policies that neglect the vital interests of employers will, in the long run, adversely affect employers, workers, and society as a whole.

A marvelous *aggada* in the Babylonian Talmud illustrates the *halakhic* ideal: a harmonious relationship between workers and employers. Thus we read in B. Shabbat 127b:

The Rabbis taught in a *baraita* "One who judges another favorably is himself judged favorably." There was an incident [that illustrates this principle]. A certain man from the upper Galilee went down and hired himself out to a farmer in the south for three years. On the eve of Yom Kippur he [the worker] said [to the farm owner]: "Give me my wages, and I will go and provide for my wife and children." He [the farm owner] said: "I have no money." He [the worker] said: "Give me [my wages worth in] produce." He said to the worker: "I have none." "Then give me land." "I have none." "Give me livestock." "I have none." "Give me mattresses and cushions." "I have none." The worker then slung his belongings on his back and returned home with a dejected spirit.

After the festival, the farm owner took [the worker's] wages along with three donkeys. One [donkey] was carrying food, one carrying drink, and one with

various garments. He traveled to his [former worker's] home and after they ate and drank, he paid his wages. He then said to him: "When you said to me, 'Give me my wages,' and I said, 'I have no money,' what did you think about me?" He [the worker] said, "I thought that perhaps under-priced merchandise came your way and you invested." [The farm owner continued] "And when you said, 'Give me livestock,' and I said, 'I have no livestock,' what did you think?" "I thought that perhaps they were leased out to others." "And when you said to me 'Give me land,' and I said to you, 'I have no land,' what did you think?" "I thought that perhaps it was leased to others." "And when I said, 'I have no produce,' what did you think?" "I thought that perhaps it had not yet been tithed." "And when I said to you, 'I have no mattresses or cushions,' what did you think?" "I thought, 'perhaps he consecrated his possessions to heaven'" [for exclusive use by the Kohanim and Levites and the Temple service].

The farmer then exclaimed, "By the sacred service so it was! I had vowed all my possessions because my son, Hurkenos, did not occupy himself in Torah. When I came to my colleagues in the South they annulled my vow [because one may consecrate only up to one-fifth of one's possessions]. And as you have judged me favorably, may God judge you favorably."

The Torah established a foundation of laws and principles to protect the working poor as well as the financial viability of employers. Throughout the generations, rabbinic leaders extended and modified laws in order to better meet the needs and circumstances of their communities. Indeed, superseding the strictures of law is the

guiding principle of *lifnim mi-shurat ha-din*, going beyond the letter of the law in order to follow the paths of the good and righteous. Jewish tradition calls upon us to consider the plight of the working poor and find creative solutions. Accordingly, Progressive *Halakhah* and Reform Judaism can continue the natural development of halakhic tradition by extending the protections that the Torah and rabbis granted to farm laborers to all manual laborers and the working poor. This, of course, means going beyond simply advocating specific policies like raising the minimum wage. While wage hikes might be appropriate in certain cases, there may also be situations where well-intentioned but ill-planned government mandated hikes might undermine companies and lead to higher unemployment. Beyond wage hikes, Progressive Judaism should express an awareness of the essential role of psychological and emotional support. There will always be the poor (Deut. 15:11). But once someone has fallen in the mire of poverty, we can advocate programs like job training, early start education, and support for business to better retain and advance its employees.

In *The Working Poor*, David Shipler reviewed the case of The Landmark Plastic Company in Akron, Ohio, which faced a turnover rate of more than 100% a year.⁶⁴ The managers of this factory of 200 employees decided to ask people in exit interviews why they were leaving. The factory made throwaway plastic pots and trays for plants at nurseries. Employees had to shout to be heard over the thundering manufacturing machines. One observer described the very air inside the factory as a "gray hue." Nevertheless, the Occupational Safety and Health Administration ruled that the factory's conditions were acceptably in accordance with the government's minimum legal standards (albeit, surely not "beyond the letter of the law"). Still, it was not the mind-numbing routine, the noise, or the plastic dust that departing workers complained about. It wasn't even the low starting wage of \$7 an hour that caused such a high percentage to leave each

year. Rather, the workers' complaints revealed something far less tangible. The managers discovered that the workers simply "didn't feel needed, necessary or wanted."⁶⁵ They felt ignored, like just another warm body. As a result, the company assigned each new employee a "sponsor," a peer who would be a friend and a guide for the first 90 days of employment. The goal was to help the new worker fit in socially, to give them someone to sit with during lunch and breaks. The sponsors helped the new workers feel connected and wanted in addition to helping them learn the company's policies. In turn, when the new employee stayed at least ninety days, his/her sponsor received a \$100 reward. Of course the sponsors, many of whom were also of the struggling class of the "working poor," received not only a financial bonus but also a raise in self-esteem.

In effect, the experience of the plastic factory confirms the importance of affirming the dignity and humanity of every worker. Employers may be constrained by economic realities when it comes to how much compensation they can pay their employees. But they can see to it that every employee is fed and paid in a timely fashion. Employers may not be able to "sweeten" a difficult and dirty job, but they can create a physical environment that is legally safe and a social environment that is positive and friendly. There may be a limit to salaries, but there is no limit to treating another person with respect.

It is a *mitzvah* from the Torah not to oppress our workers. "You shall not rule over [your servant] ruthlessly, rather you shall revere your God (Lev. 25:43).⁶⁶ To this, the *midrash* of *Sifra* added: *Do not rule over him ruthlessly*: Do not say to him, "warm up my cup" when it is not needed, or "cool this cup for me" when it is not needed. [And don't say]: "Hoe under the grapevines until I come back." And lest one say [as justification for running his servants around], "But I did need this done." Behold, this is a

secret matter of the heart [i.e., no other human would really know if he was telling the truth]. That is why it is written, "... You shall revere your God" [because God knows your every secret]. Thus it is with all matters of the heart, "revere your God" (*Sifra: Behar*).

The author of *Sefer haHinukh* concludes his commentary to this *mitzvah* by warning us that wealth and poverty are as if on a wheel that turns around (*ha-osher ve-ha-aniut galgal hu she-chozer ba-olam*). Whoever is rich today may taste the bitterness of poverty tomorrow. Thus we are taught again and again not to oppress the stranger but to love the vulnerable and always remember that we were once strangers in the land of Egypt.⁶⁷

In the modern era, the implications are obvious: how we treat the working poor is governed by Torah, by thousands of years of *halakhic* guidance, and by the highest ethical ideals of our faith. It is incumbent upon us to pay the working poor fairly and on time. It is incumbent upon us to treat the working poor with sensitivity and respect. It is incumbent upon us to find ways to assist the working poor in their heartrending struggle to survive and break the chains of poverty.

Who are the working poor? Most of us do not have to look very far back along our families' genealogical tree to find loved ones who struggled mightily to overcome poverty. Even in these days of relative plenty, relatives and friends face daunting hardships. The working poor are not strangers. We see in their faces a familiar look. Their faces are mirrors that reflect the difficulties our ancestors and loved ones have endured. Their faces and their expressions should touch our very soul.

Notes

1. We should not take for granted the government programs and policies designed to help the poor survive. These programs were created by governments in the Western civilization as attempts to control violent riots by mobs of starving poor people in the early 16th century. While the programs vary in generosity and effectiveness from country to country and from one era to the next, the goals are the same, give the desperate poor something to eat to keep them under control. The history and theory behind government poor relief programs is masterfully detailed by Frances Fox Piven and Richard A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York, 1972).
2. David K. Shipler, *The Working Poor, Invisible in America* (New York, 2004).
3. Shipler, p. 7.
4. Deuteronomy 15:11.
5. For a comprehensive review of Progressive *Halakhah's* methodology and principles see Moshe Zemer, "Authority and Criteria in Liberal *Halakhah*," Mark Washofsky, "The Search for Liberal *Halakhah*," Walter Jacob, "Pesikah and American Reform Responsa," W. Gunther Plaut, "Reform Responsa and Liberal *Halakhah*," all found in W. Jacob and M. Zemer (ed.) *Dynamic Jewish Law – Progressive Halakhah* (Tel Aviv and Pittsburgh, 1991).
6. By Progressive Jews, I mean all non-Orthodox Jews. Progressive Jews are primarily affiliated with Reform and Conservative Judaism. While there are significant differences in the halakhic methodologies of the Reform and Conservative movements, they both reject the fundamentalism of Orthodoxy. Both Reform and Conservative acknowledge that the Torah was revealed and compiled over generations. Noting that Judaism has continued to evolve and develop over the course of its 3,500-year existence, both Reform and Conservative are willing to legislate changes of Jewish observances and expressions when the "traditional" observances are at odds with our understanding of the greater Jewish ethical principles. Notwithstanding the methodological and stylistic differences between Reform and Conservative, their shared core principles make them proponents of Progressive Judaism and distinct from Orthodoxy.

7. *Halakhah* differentiates between various classes of workers, namely, between a *poel*, day laborer, and a *kabbelan*, a piece worker. A *poel* is one who is hired for a specific time and fixed hours. The farm worker is a *poel*. A *kabbelan* is one who is hired for a specific task, e.g., as a craftsman to complete a project. The modern equivalent is the difference between a hired worker who becomes a part of the regular crew (even if only for the duration of a season) and an independent contractor. For a fuller treatment of the legal distinction between a *poel* and a *kabbelan*, see Baba Metzia 112a, *Shulhan Arukh, Hoshen Mishpat* 339.6, and Rabbi Meir ben Baruch of Rothenburg, Responsum 477 (Prague edition).

8. Though Deut 24:15 and Lev. 19:13 each speak of paying the laborers in a timely fashion, they are listed in the various commentaries as two *mitzvot*. Lev. 19:13 addresses timely payment for one who worked during the day, and Deut. 24:15 deals with the worker who labored all night (*Baba Metzia* 110b). See *Sefer haHinukh* 230 and 588; Rambam's *Mishneh Torah, Sefer HaMada*: negative #238 (Lev. 19:13) and positive 200 (Deut. 24:15); and Chafetz Chayim's list of *mitzvot* that are still applicable in modern times: positive 66 (Deut. 24:15) and negative #38 (Lev. 19:13).

The apparent contradiction found in the Torah's two commandments, one to pay the worker before daybreak and two, to pay the worker before the sun sets, is resolved in Mishnah Baba Metzia 9.11: A day worker collects [his wages] all night. A night-worker collects all day. An hourly worker collects all night and all day. Someone hired for the week, or hired for the month or hired for the year or hired for the Sabbatical cycle...if he left during the day, he collects all day; if he left at night, he collects all night and all day.

9. See, for instance, Nachmanides in his commentary to Deut. 24:15 He declares: "The plain meaning of the text is just as it is written elsewhere in the Torah: "the wages of a hired servant shall not abide with you all night" (Lev. 19:13).And so Scripture commands [the employer] to pay him during his day as soon as he finishes his work, ...in order that he could purchase with his wages what he, his wife and his children, need to eat at night. Because he is poor as are most of those who hire themselves out for the day he has staked his life upon this wage to buy with it food to sustain his life."

10. For the understanding that 200 *zuz* was the designated monetary amount that represented sufficient funds to survive from one harvest to the next, see Mishnah Ketubot 5.1-2. For a review of the debate in *halakhah* over the exact modern equivalent of 200 *zuz*, see Michael Broyde and Jonathan Reiss, "The Value and

Significance of the Ketubah," *The Journal of Halacha and Contemporary Society*, Number XLVII, Spring 2004, pp. 102 ff. Contemporary *halakhic* scholars cannot agree as to the exact modern equivalent of 200 *zuz* though it is clear that 200 *zuzim* equal 50 *shekalim*, and each *shekel* is approximately 20 grams of silver (*Encyclopedia Talmudit*, "Dinar," 7:398-406). While the price of silver fluctuates, the *halakhic* principle stands on the teaching from *Peah* 8:8. That is that 200 *zuzim* simply represent one year's support.

11. Because when he collected the charity he had not yet received the money from his neighbors.

12. Mishnah *Peah* 8.8. I am guided in the translation and understanding of this text by Roger Brooks, *Support for the Poor in the Mishnaic Law of Agriculture: Tractate Peah* (Brown Judaic Studies, Chico, California) p. 150 ff.

13. *Mishneh Torah, Zeraim: Hil. Matenot Aniyim* 9.13; *Tur Yoreh Deah* 253; *Shulhan Arukh Yoreh Deah* 253.1. Cf. Rashi's commentary to *Baba Kama* 7a, s.v. *Mi she-hu lo sadot*.

14. Aaron Levine, *Economics & Jewish Law: Halakhic Perspectives* (New York, 1987), pp.118-125.

15. Levine, pp.107-137. Cf. Mishnah: *Peah* 5:5 which addresses a situation in which two men who are eligible to receive the tithe work as sharecroppers. "When two [poor men] contracted to sharecrop [separate halves of a single] field, they may give each other the poorman's tithe. But one who contracts to harvest a field is forbidden to [take for himself] gleanings, forgotten sheaves, *peah*, or the poor tithe. Rabbi Judah asked: "under what circumstances does this apply? If [the laborer] contracted with the [field's owner to harvest the field and be paid] one-half, one-third, or one-fourth [of the yield]. [In such a case the harvester becomes like an owner.] However, if he [the owner] said to him: "A third [of the produce] you harvest [and bring to the threshing floor] shall belong to you [as payment]." [In that case], he [the laborer] is permitted gleanings, forgotten sheaves and *peah* [since he is not the owner]. But he is forbidden the poorman's tithe [since this is designated at the threshing floor]. (My analysis is based on Brooks, *Support for the Poor*, p.93 ff.).

16. B. B. M. 92a.

17. Rashi to Deut. 23:25. S.v. *Ki Ta-vo be-kerem re-ekha*; and S.v. *ve-el kel-yekha lo ti-tein*.
18. Deut. 23:25-26.
19. For a review of the motivations and methodologies of rabbinic legislation, see Richard Rheins, "*Asu Seyag LaTorah: Make a Fence to Protect the Torah*," W. Jacob and M. Zemer (ed.) *Re-examining Progressive Halakhah* (Tel Aviv and Pittsburgh, 2002); Jacob Katz, *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Magnes Press, The Hebrew University, Jerusalem, 1998); and, Joel Roth, *The Halakhic Process: A Systemic Analysis*, Moreshet XIII, JTS, 1986.
20. The *tannaim* were sages and rabbis whose statements are recorded in the *Mishnah*, *baraitot* of the *Gemara*, and in *midrashim* that were written before the middle of the 3rd century C.E.. The *tannaim* lived from the time of Hillel and Shammai until the generation after Rabbi Judah HaNasi (the compiler of the *Mishnah*), a total of approximately 300 years. This term is used in contrast with *amoraim*, who are the sages and rabbis in the subsequent period and whose opinions are recorded in the *Gemara*. See Yitzhak Frank, *The Practical Talmudic Dictionary* (The Ariel Institute, Jerusalem), p. 258.
21. M. B. M. 7.2, 7.3, 7.4, 7.8.
22. The *amoraim* were the rabbis and sages whose opinions and rulings were recorded in the *Gemara* of the Talmud. The *amoraim* were active from the time of the canonization of the *Mishnah* to the completion of the *Gemara* around the end of the 5th century. Thus, the *amoraim* bridged the era of the *tannaim* sages (see note 20) to the beginning of the era of the *geonim*, the Babylonian scholars of the 6th to the 10th centuries.
23. B. B. M. 92a
24. M. B. M. 7.5.
25. Which might be worth up to 4 *dinarim*. Thus, the worker may eat four times his wage! A *dinar* and a *zuz* are the same amount.
26. Rabbi Jacob ben Asher is also known as Baal HaTurim, the author of the great

halakhic code, "Arba-ah Turim," (*Tur*). For Jacob ben Asher's opinion, see *Tur* 337.6. Interestingly, while Caro comments in his *Beit Yosef* on the Baal HaTurim's ruling, there are no corresponding comments from Isserles's *Darkei Mosheh*.

27. *Beit Yosef*, s.v. "Ein ha-poel."

28. Joseph Heinemann, "Status of Labourer in Jewish Law and Society," (Cincinnati, HUCA, 1954), pp. 310-21.

29. Mishnah Maaserot 2.7; Mishnah Baba Metzia 7.6. In Tosefta Baba Metzia 8.2 it is written: "A worker... has no right to deprive himself of food and starve himself in order to give food to his children."

30. B. B. M. 111a.

31. M. B. M. 9.11; Heinemann, p. 288.

32. Heinemann, p. 287.

33. *Sifra* to Lev. 19:13; Toseftot B. M. 10:5.

34. *Sifre* to Deuteronomy 24:15.

35. For a good review of the biblical laws of oaths see Menachem Elon, *Jewish Law: History, Sources, Principles (Ha-Mishpat Ha-Ivri)*, Vol.2, pp. 614-15. Mishnah. Shavuot 7:1; B. Shavuot 43b; *Shulhan Arukh, Hoshen Mishpat* 89:1.

36. In addition to workers, the others who are granted this right are: a victim of a robbery, the victim of an assault and battery, a person whose adversary is suspected of taking a false oath, and a shopkeeper with his account book. Mishnah Shevuot 7:1.

37. This passage in B. Baba Metzia is paralleled in B. Shav. 45a.

38. *Rashi* comments: "Fixed *takkanot*" worthy of uprooting biblical traditions. That is., If the rabbis had followed biblical precedent, the oath should have been imposed on the one who has to pay (following Ex. 22:10).

39. *Mishneh Torah, Sekhirut* 11:6.

40. *Mishneh Torah, Sekhirut* 11:9. This translation follows Menachem Elon, *ibid*, pp. 620-21.

41. See note 6 above. The *kabblan*, piece worker was a craftsman or artisan whose skill afforded him better pay and flexibility of work hours.

42. Menachem Elon, *The Principles of Jewish Law*, "Labor Law: Hired Servant and Independent Contractor," p. 310.

43. Baba Metzia 77a. To this Adin Steinsaltz comments, "From this verse the sages derive that a worker may retract [on his labor agreement] without penalty. Otherwise he would be under an absolute obligation to his employer, and this would be tantamount to 'slavery' for the work period. Thus, someone who retracts before completing the job for which he has been employed is entitled to be paid for the work he has done according to the rate originally stipulated, even if the employer will have to finish the work at greater cost" (s.v. "has the upper hand," p. 22, Part V, Baba Metzia 77a).

44. B. B. M. 10a.

45. B. B. M. 10a. The Gemara is quoting the greatest *tanna* of the last decade of the Temple, Yochanan ben Zakkai, who is recorded in Kiddushin 22b, saying: They are my servants, not the servants of servants."

46. *Shulhan Arukh, Hoshen Mishpat* 333.3.

47. Responsa 85, Prague edition. See Irving Agus, *Rabbi Meir of Rothenberg*, vol. II, 753. The issue at hand was the appropriate payment for a tutor who was ill and unable to carry out his duties for part of the time. Rabbi Meir of Rothenberg responded: "All laws and regulations that benefit the Hebrew slave also apply to a workman who was hired for a season. A Hebrew slave who was sick for part of his six years of servitude does not have to make up for the time of his illness. Therefore, the tutor is entitled to payment for the entire season and is under no obligation to make up for the duration of his illness.

48. Menachem Elon, *The Principles of Jewish Law*, "Ha'anakah, pp. 315 ff.; and *Jewish Law: History Sources, Principles*, Vol. II, pp. 924 ff.

49. B. Kid. 16b-17a.

50. Maimonides, *Sefer ha-Mitzvot*, positive commandment 196, negative 233; *Semag*, positive 178 and negative 84.
51. *Sefer haHinukh* 481 and 482. Volume IV (New York: Feldheim Publishers, 1988).
52. The authorship is unclear, but the text dates to 13th century Spain. Halevi of Barcelona. See the translator's preface to Feldheim edition, Vol. 1, pp. vii ff.
53. *Sefer haHinukh* 482, Volume IV, p. 481, Feldheim edition.
54. Elon, *Jewish Law, ibid*, p. 925.
55. Elon, *ibid*, note 115, "A person who sells himself as a slave transgresses the injunction in the Torah, 'For it is to Me that the Israelites are servants' (Lev. 25:55). From this verse the Sages deduced, "and not servants to servants," i.e., a Jew should not be a bondman of another person, since everyone is God's servant, and one should not be a servant of a servant."
56. *Ibid*. Also, see the explanations for the passage of Israel's Severance Pay Law, 1963 in Elon's *Jewish Law*, Vol. IV, pp. 1633 ff.
57. B. Baba Metzia 83a.; *Shulhan Arukh, Hoshen Mishpat* 187:1-3; 304:1-2, 412.4.
58. This moral imperative is based on Prov. 2:20 and is fully explained in Elon's *Jewish Law*, Vol. I, pp.155 ff. See also, Aaron Levine, *Economics & Jewish Law*, pp.26 ff. Cf. B. Baba Metzia 30b.
59. Responsum of B.Z. Uziel, quoted in Elon's *Jewish Law*, Vol. II, pp. 925 ff.
60. For my own attempt, see "Asu Seyag La Torah," in W. Jacob and M. Zemer (ed.), *Re-examining Progressive Halakhah*, p.92.
61. *Shulhan Arukh Hoshen Mishpat* 304:2-4.
62. Rashi to Baba Metzia 83a, s.v. *Bederekh tovim*.
63. See Nachmanides' commentary to Deut. 24:15.

64. Shipler, pp. 133 ff.

65. Shipler p. 133.

66. *Sefer haHinukh*, 346, Vol. 3, pp. 449-41, Feldheim edition.

67. See for instance, Ex. 22:20; 23:9; Lev. 19:33-35; Lev. 25:17; and Deut. 15: 7-15.