



## כבוד האדם Human Dignity

### ■ Employer and Employee

The commandments of the Torah are the very foundation of correct societal and individual life. As the Torah states:

וּשְׁמֹרְתֶם אֶת חֻקֹּתַי וְאֶת מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אֲתֶם הָאָדָם וְחַי בָּהֶם אֲנִי ה' .  
*You shall observe My statutes and My laws,  
which a man shall do and live by them; I am G-d.* (Vayikra 18,5)

With His precepts, G-d ensures the right balance between kindness and justice. On the one hand, He looks out for the downtrodden: He “*executes judgment for the orphan and widow, and loves the foreigner, giving him bread and clothing*” (D’varim 10,18) – while on the other hand, this does not come at the expense of justice: “*Do not prefer a poor man in his lawsuit.*” (Sh’mot 23,3)

For example, even though the employer is generally stronger financially and socially than his employee, society must behave with justice and compassion vis-à-vis both of them equally, and not tilt towards one at the expense of the other. The Torah devotes much attention to providing guidelines for fair relations between the two sides and setting the rights and obligations of both parties, as is suitable for “*the judgments of the Lord that are righteous together.*” (Psalms 19,10)

One of the important rights reserved for an employee is the dispensation to eat of the fruits in the orchard or vineyard in which he is working. In the weekly portion of Ki Tetze, we read:



כִּי תֵבֵא בְכֶרֶם רֵעֶךָ וְאֶכְלַת עֲנָבִים כַּנֶּפֶשׁ שְׂבַעְךָ, וְאֵל כְּלִיָּה לֹא תִתֶּן.

*When you work in your friend's vineyard,  
you may eat your fill of grapes as you desire,  
but do not put them in your basket.* (D'varim 23,25)

Every word in this verse is significant, showing how the Torah maintains a precise balance between the rights of the employee and those of the employer. Addressing the worker, it permits him to eat of the fruits he is handling - but only up until he is full, and not more. This is because what one can put into his stomach is a finite amount, while there is no limit to what he can pack up to take with him after work. Other similar restrictions apply as well.

The question we would like to ask is: How should this commandment be categorized? Is it an extra “charity benefit” granted to the worker for his sweat and toil, or is it a monetary obligation imposed upon the employer? A deeper look at some of its laws will show us that it is far from simply a “kindness” to the worker.

For instance, according to Jewish Law, if the worker does not wish to eat any grapes, but rather chooses to save them for his wife and children, he may not do so. If this mitzvah is simply a benefit for the worker, why is he not permitted to transfer this right to his family?

Furthermore: If the employer wishes to give his worker a raise in pay, on condition that he does not eat of the fruits while he is working, may he do so? The answer is that he most certainly may not! He would be in clear violation of a Torah prohibition, and the Beit Din (rabbinical court) would not permit such an arrangement. But once again, if we are concerned with the worker's welfare, then on the contrary: It would seem that the employer is to be praised for increasing his worker's salary on a regular basis instead of leaving him prey to his unpredictable hunger pangs!

We thus see that we are not dealing here with a normal mitzvah of kindness or charity. What, then, is it?

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And another question: We have seen that the Torah verse for this commandment addresses the worker, advising him of his right to eat, with restrictions. But where does the Torah tell the employer that he must allow his worker to eat of the fruit? Shouldn't there be a clear command to the employer to this effect?



The answer is that though the Torah does not address the employer directly on this matter, it alludes to this command elsewhere in Parashat Ki Tetzte regarding one's obligations towards his animals:

לא תחסם שׁוֹר בְּדִישׁוֹ.

*Do not muzzle an ox when it is treading grain.* (25,4)

The Torah here warns the farmer against preventing his animal from eating the grain it is treading. Here too, it would seem that the prohibition is rooted in the command against *tzaar baalei chaim*, “causing anguish to an animal” – for it is apparently a great torment to the animal not to be able to eat of grain it is passing over. We then reason as follows: Since the Torah wishes to save an animal from the anguish of not being able to eat while it is working, how much more so is this true for a human laborer! The Torah even commands us straight out to help improve the situation of one who faces bankruptcy:

וְחִי אָחִיךָ עִמָּךְ.

*Let your brother subsist with you.* (Vayikra 25,36)

Accordingly, the orchard owner must have compassion for a poor man who depends upon him for his daily bread and his family's sustenance, and allow him to eat while he works!

But if this approach is correct, why must it be based on a verse referring to an ox and grain? As we asked above, why did the Torah not state straight out, “Do not prevent your employee from eating while he is working,” just as it said “Do not muzzle your ox”? Would this not have been more direct and clear?

It must be that the Torah took this roundabout route linking the ox and the employee to teach us another very fundamental message. To reveal what it is, let us consult the verses immediately preceding the ban on muzzling the ox. They refer to the punishment of lashes meted out to certain sinners:

וְהָיָה אִם בֶּן הַכּוֹת הִרְשָׁע, וְהִפִּילוּ הַשֹּׁפֵט וְהַכֹּהֵן לְפָנָיו...

*If the guilty man is to be flogged,  
the judge shall make him lean over and flog him...*

אַרְבָּעִים יִכּוּ לֹא יִסֶּיף

פֶּן יִסֶּיף לְהַכּוֹתוֹ עַל אֵלֶּה מִכָּה רַבָּה, וְנִקְלָה אָחִיךָ לְעֵינֶיךָ.

*He shall not give him more than 40 lashes;  
he may not strike him more,  
as this will disgrace your brother before you.* (D'varim 25,2-3)



What do these two consecutive issues – the ban on extra lashes meted out to a sinner, and an ox treading grain – have to do with each other? Why did the Torah choose to write them next to each other, even though they appear to have nothing in common?

Actually, they *do* have a common denominator: “Dignity, not disgrace.” The key point in the prohibition against giving even one lash more than the required number is that it prevents the criminal’s total degradation. If the flogger were to give an extra lash, it would be as if he were saying, “Here, take this one too – *wham!* – just to make sure you remember me!”

The Torah is concerned for the human dignity even of a sinner. It mandates punishment, not abuse; the extra lash is beyond punishment, and is rather the degradation of his *tzelem Elokim*, the image of G-d within him.

By commanding us not to muzzle the ox immediately after the ban on an extra lash, we are taught that even the “dignity” of an ox or other animal must be maintained. It is not that the animal has genuine dignity; rather, we must learn that if even an animal must be taken into account, how much more so a person, especially one who has fallen on hard times!

This is therefore more than just a lesson about *tzaar baalei chaim* or being nice. It is a lesson in maintaining the dignity of others: We must not degrade even a sinner; the same is true for an animal; and the same is certainly true for our own worker, for whom eating of the fruits he is handling is a matter of self-respect. We learn that the employer must give him a feeling of self-worth and dignity, and allow him to enjoy, to a certain extent, the fruits he is picking for his employer – no matter how high his regular salary is.

### ■ Your Heart’s Desire

In light of this understanding, let us return to the above-quoted verse that lists the worker’s rights and obligations: “*You may eat your fill of grapes as you desire, but do not put them in your basket.*” The implication is that he may eat as much as he wants, and even from the highest-quality grapes. He is given to feel as if he is the owner of the field and the grapes are his.

The Talmud derives from here that the worker is exempt from having to tithe the fruits, i.e., having to give a certain percentage to the Cohen and Levi. Why is this? Because in this sense, he is like the owner; when the owner eats his own fruits *in the vineyard* – before he gathers them for storage or sale – he is exempt from tithing, as he is eating in a “transient” manner.



This is as opposed to one who *buys* the fruits, even in the field itself. If one goes to his friend's field, buys fruits from him, and eats them right there, the very act of acquisition gives a fixed permanence to what might look like "transient" eating, and he must therefore tithe the fruits before eating them.

The employee, exempt from tithing the fruits he eats in the field, is like the owner and not like a customer. The Gemara says that this is hinted by the word כנפשך, which means literally "*as your soul [desires]:*"

**As the owner's soul desires, so the worker's soul desires.** (Bava Metzia 87b)

The souls of both are the same in this respect.

On the other hand, the next word שבעך, "*your fill*," is a warning to the employee. He must eat only within reason, and not stuff into his mouth more than that. He must not look at this as an opportunity to eat for free, or to eat more than his normal fill; this would be *achilah gasah*, vulgar eating. The Torah is concerned for his self-respect – but he, too, must have respect for the G-dly image within himself, and not turn his right to eat into repulsive over-indulgence.

Guests at a hotel must also be aware of this teaching. Hotel dining rooms generally feature tables full of heaping piles of food, from which every guest may fill his plate - or plates - to his heart's desire. Some guests eagerly stock up on every possible type of food, and in quantities that surpass their stomachs' capacity, simply because it's for free. "I paid good money for this!" they justify themselves.

But what about the image of G-d within them that is being degraded by such vulgar eating??

Returning to our worker and the restrictions upon him: Not only may he not pack up fruits for home, he is also not permitted to artificially increase his appetite – and thus the amount he will eat – by, for instance, dipping the permitted grapes in salt. Again, this is because he must not take advantage of the respect being shown him and turn the important value of human dignity into a "business." This is not an opportunity to make easy profits at the expense of his boss.



On the other hand, the worker is permitted to fast the day before he works, so as to increase his hunger and appetite when he comes to work the next day. The employer, too, is permitted to arrange a hearty meal for the worker before work, in an attempt to reduce the amount of fruits he will eat later. Neither of these actions degrade anyone's human dignity.

Based on this principle of "maintaining human dignity," we can understand why the worker may not fill his pockets with fruits, or bring some home to his family, and why the employer may not raise the worker's wages in exchange for a waiver of his right to eat fruits during work. It is because the value of human dignity demands that the worker be allowed to eat of the fruits that he chooses as he works – no more and no less. Just the very act of choosing gives him a sense of self-respect. Raising his wages without allowing him this right, or allowing him to take fruits to his family in place of his own eating, are simply forms of trading in the worker's right to self-respect for monetary profit – and this is not the Torah's intention.

#### ■ Love and Honor

The Torah's commandment to watch out for our friend's dignity has the same goal as the famous commandment *וואהבת לרעך כמוך*, "*love your neighbor as yourself*" (Vayikra 19,18). The Torah wants us to relate to our fellow man with both love and respect.

In this light, let us now ask another question: The Torah commands us in a roundabout manner to be careful of another's dignity, deriving it from the command not to muzzle the ox. Yet regarding the similar mitzvah of loving one another, it says it straight out: *Love your neighbor as yourself*. Why is this?

We can conclude from this that only if we cannot learn a mitzvah on our own, the Torah prefers to teach it directly and clearly. But mitzvot that we can derive on our own using various logical tools, the Torah teaches via allusions. The mitzvah of loving one's neighbor as oneself is neither self-evident nor easy to implement, and therefore it must be taught unambiguously.

Incidentally, we can learn the value of human dignity from another mitzvah as well: If a borrower does not return his debt, his creditor may take items from him for collateral. However, this must be done in the most sensitive manner, in order to preserve the borrower's dignity and prevent him from feeling demeaned:



בַּחוּץ תַּעֲמֹד וְהָאִישׁ אֲשֶׁר אֶתָּה נָשָׂה בוֹ יוֹצִיא אֵלֶיךָ אֶת הָעֵבוֹט הַחוּצָה.

*Stand outside, and your debtor will bring  
the security out to you.* (D'varim 24,11)

Do not walk rudely into his house as if you own it and choose whatever you want; this would clearly be a blow to his self-respect and his feelings. Rather, allow him to choose the item he wishes to use as security, and let him bring it out to you.

If this is the case with people whom we might barely know, how much more so is this the proper approach between a man and his wife – his partner in life and everything he accomplishes! Our Sages of the Talmud (Yevamot 62b) taught as follows:

**One who loves his wife *as himself*, and honors her *more than himself*, and who guides his sons and daughters along the straight path... the Bible says about him, וידעת כי שלום אהלך, *Rest assured that your tent is at peace.* (Job 5,24)**

Why does the Talmud tell us that one should love his wife “as himself” and honor her “more than himself”? Why the difference between love and honor?

When the Torah instructs ***Love your neighbor as yourself***, this stems from the profound understanding that all of Israel is one entity, as one body. Every member of Israel is a part of this great entity. When we are told to love someone “as yourself,” it means that as we love our bodies, we must similarly love the great body/entity (Israel) of which we are part and to which we belong.

Love of our fellow man, then, actually stems from our own self-love. As such, if a person does not love himself, his love for others will also be incomplete.

Honor, on the other hand, emanates from a sense of worth. The source of our obligation to show honor comes from the Torah command to ***“honor your father and your mother”*** (Sh'mot 20,12). Our admiration for them emanates from the fact that they gave us life and the ability for self-fulfillment.

The essence of our honor and respect for others means that we relate to them as something greater than ourselves. Therefore, one with little self-respect can still respect others.



This is why our Sages instruct a Jew to love his wife “as himself,” and not more, and to honor her even more than he honors himself.

The Talmud continues by teaching us the proper approach to our close familial and social circles:

**One who shows love to his neighbors, and brings his relatives close... and who lends a coin to a poor person when he needs it - the Bible says about him, תשובע ויאמר הנני יענה, אז תקרא וה' יענה, *When you call, G-d will answer; cry out, and He will say, I am here.* (Isaiah 58,9)**

### ■ A Student-Colleague

R. Eliezer ben Shamo'a teaches in the Mishna:

**Your student's honor should be as precious to you as your own, and your friend's honor should be as the awe you have for your teacher.**  
(Avot 4,12)

Avot D'Rabbe Natan (27,4) provides the source:

**From where do we learn that the honor of your student should be as precious to you as your own? From Moshe Rabbeinu, who said to Yehoshua, “Choose men [to fight against Amalek] for us” (Sh'mot 17,9): He did not say “Choose for me”, but rather “for us,” indicating that he treated Yehoshua as his equal, even though Yehoshua was his pupil.**

Moshe told Yehoshua: “We have a joint mission, and that is to make war against Amalek.” Similarly, every Torah teacher should tell his students: “We have a joint mission, and that is to utilize your full potential and abilities. It is my job to teach you, and it is yours to pay attention and absorb.”

A teacher's respect for his pupil must stem from the latter's very presence in the class. Even if the student sits passively and says nothing, the teacher must prepare and be clear, thus helping him clarify the material for himself. And how much more so for pupils who ask sharp questions!

The student does not add to the teacher's knowledge, but rather helps him sharpen and hone his understanding. The teacher must therefore see his student's honor as equally important as his own.

On the other hand, when two friends study together, they each add to the other's knowledge; each thus becomes his friend's teacher for certain things. This is why the above Mishna also teaches that “the honor of your friend should be like your awe of your teacher.”





In sum: Every person has a uniqueness about him, something that no one else has. Our appreciation for this point is the foundation of the honor and respect we must all have for each other.

