

# Marks of Genius: Maimonides' Laws of Hiring (Handout)

Source Sheet by Eli Brackman

## Talmud Jerusalem Demai 67b-68a

One may not plough with his cow by night and rent it out by day. One may not do work within his own property by night and then hire himself out by day.

Similarly, one may not starve nor afflict himself because he diminishes his work for the employer.

## Tosefta Bava Metzia 8:2

A worker may not perform work at night and then hire himself out during the day, or work with his ox in the evening and then rent it out in the morning.

Similarly, he should not starve and aggrieve himself and give his food to his sons, because this leads to stealing from the work due his employer.

The workers may dip their bread in brine so they will eat many grapes. An employer may provide his workers with wine so that they will not eat many grapes.

The owner of an ox is permitted to make his animal hungry and aggrieve it so that it will eat a large quantity of the grain that it is threshing.

Conversely, the renter of the ox may feed it hay so that it will not eat a large quantity of the grain that it is threshing.

## Genesis 29:15-20

(15) And Laban said unto Jacob: 'Because thou art my brother, shouldest thou therefore serve me for nought? tell me, what shall thy wages be?'

(16) Now Laban had two daughters: the name of the elder was Leah, and the name of the younger was Rachel. (17) And Leah's eyes were weak; but Rachel was of beautiful form and fair to look upon. (18) And Jacob loved Rachel; and he said: 'I will serve thee seven years for Rachel thy younger daughter.' (19) And Laban said: 'It is better that I give her to thee, than that I should give her to another man; abide with me.' (20) And Jacob served seven years for Rachel; and they seemed unto him but a few days, for the love he had to her.

## תוספתא בבא מציעא ח' ב'

(ב) אין הפועל רשאי לעשות מלאכתו בלילה ולהשכיר את עצמו ביום לחרוש בפרתו ערבית ולהשכירה שחרית לא יהא מרעיב ומסגיף את עצמו ומאכיל מזונותיו מפני גזל מלאכתו של בעה"ב. רשאין פועלין לאכול פיתן בציר כדי שיאכלו ענבים הרבה ורשאי בעה"ב להשקותן יין כדי שלא יאכלו ענבים הרבה רשאי בעה"ב להרעיב ולסגף את פרתו כדי שתאכל הרבה בשעה שדשה ורשאי השוכר להאכילה פקיעין עמיר כדי שלא תאכל הרבה בשעה שדשה.

## בראשית כ"ט: ט"ו-כ'

(טו) וַיֹּאמֶר לָבֵן לְיַעֲקֹב הֲכִי־אֶתִי אֶתָּה וְעַבְדְּתָנִי תְנֶם הַגִּידָה לִּי מַה־מְשַׁכְּרָתְךָ: (טז) וּלְלָבֵן שְׁתֵּי בָנוֹת יָשֵׁם הַגְּדֹלָה לְאֵה וְשֵׁם הַקְּטָנָה רָחֵל: (יז) וַעֲיָנִי לְאֵה רַכּוֹת וְרָחֵל הִתְהַיְתָה יַפְת־תָּאֵר וַיִּפְת־מְרָאָה: (יח) וַיֵּאָהֵב יַעֲקֹב אֶת־רָחֵל וַיֹּאמֶר אֶעֱבֹדָךְ שְׁבַע שָׁנִים בְּרָחֵל בְּתוּךָ הַקְּטָנָה: (יט) וַיֹּאמֶר לָבֵן טוֹב תַּתִּי אֶתָּה לָךְ מִתַּתִּי אֶתָּה לְאִישׁ אַחֵר שְׂבָה עִמָּדִי: (כ) וַעֲבָד יַעֲקֹב בְּרָחֵל שְׁבַע שָׁנִים וַיִּהְיוּ בְּעֵינָיו כְּיָמִים אֶחָדִים בְּאַהֲבָתוֹ אֶתָּה:

### Genesis 29:27-30

(27) Fulfil the week of this one, and we will give thee the other also for the service which thou shalt serve with me yet seven other years.' (28) And Jacob did so, and fulfilled her week; and he gave him Rachel his daughter to wife. (29) And Laban gave to Rachel his daughter Bilhah his handmaid to be her handmaid. (30) And he went in also unto Rachel, and he loved Rachel more than Leah, and served with him yet seven other years.

### Genesis 30:43

(43) And the man increased exceedingly, and had large flocks, and maid-servants and men-servants, and camels and asses.

### Genesis 31:6

(6) And ye know that with all my power I have served your father.

### Genesis 31:38-42

(38) These twenty years have I been with thee; thy ewes and thy she-goats have not cast their young, and the rams of thy flocks have I not eaten. (39) That which was torn of beasts I brought not unto thee; I bore the loss of it; of my hand didst thou require it, whether stolen by day or stolen by night. (40) **Thus I was: in the day the drought consumed me, and the frost by night; and my sleep fled from mine eyes.** (41) These twenty years have I been in thy house: I served thee fourteen years for thy two daughters, and six years for thy flock; and thou hast changed my wages ten times. (42) Except the God of my father, the God of Abraham, and the Fear of Isaac, had been on my side, surely now hadst thou sent me away empty. God hath seen mine affliction and the labour of my hands, and gave judgment yesternight.'

### Radak on Genesis 31:40

(1) הייתי, seeing that I did not want to entrust the flock to another shepherd, I was forced to endure the sun's heat by day and the extreme cold at night. I denied myself sleep at night for fear something could happen to any of the animals.

### בראשית כ"ט:כ"ז-ל'

(כז) מלא שבוע זאת ונתנה לך גם את זאת בעבדה אשר תעבד עמדי עוד שבע שנים אחרות: (כח) ויעש יעקב כן ומלא שבוע זאת ויתן לו את רחל בתו לו לאשה: (כט) ויתן לכו לרחל בתו את בלהה שפחתו לה לשפחה: (ל) ויבא גם אל רחל ויאהב גם את רחל מלאה ויעבד עמו עוד שבע שנים אחרות:

### בראשית ל':מ"ג

(מג) ויפריץ האיש מאד מאד ויהיו לו צאן רבות ושפחות ועבדים וגמלים וחמרים:

### בראשית ל"א:ו'

(ו) ואתנה ידעתו כי בכל כחי עבדתי את אביך:

### בראשית ל"א:ל"ח-מ"ב

(לח) זה עשרים שנה אנכי עמך רחליך ועזיך לא שגלו ואילי צאנך לא אכלתי: (לט) טרפה לא הבאתי אליך אנכי אחטונה מידי תבקשנה גנבתי יום וגנבתי לילה: (מ) הייתי ביום אכלני חרב וקרח בלילה ותנד שנתי מעיני: (מא) זה ליי עשרים שנה בביתך עבדתיך ארבע עשרה שנה בשתי בנותיך ושש שנים בצאנך ותחלף את משפחתי עשרת מנים: (מב) לולי אלהי אבי אלהי אברהם ויחיד יצחק הנה לי פי עתה ריקם שלחתי את עניי ואת יגיע פפי ראה אלהים ויזכח אמש:

### רדק על בראשית ל"א:מ'

(א) הייתי ביום וגו', לפי שלא הייתי רוצה לנטוש הצאן על רועה אחר תחתי הייתי סובל חמימות השמש ביום וקרח בלילה, ונדדה גם כן שנתי מעיני הן מפני הקור הן מפני שהיה לבי

טרוד על הצאן שמא יבאו זאבים לטרוף או  
גנבים לגנוב:

### Bereishit Rabbah 68:11

(11) And lay down in that place to sleep (Genesis 28:11).

R. Judah said: Here he lay down to sleep, but during the fourteen years of his seclusion in the Land when he studies under Eber he did not sleep.

R. Nechemiah said: Here he lay down to sleep, but **during the entire twenty years he spent in Laban's house he did not lie down to sleep.**

What did he recite (in Laban's house when he was tending the sheep)?

R. Joshua ben Levi said: The fifteen 'Songs of Ascent, contained in the Book of Psalms. What is the proof? *A song of ascents. Of David. Had it not been for the Lord Who was with us, let Israel declare now* (Psalms 124:1) - this refers to the patriarch Israel.

R. Shmuel b. Nachman said: He recited the whole Book of Psalms. What is the proof? But You are holy; You await the praises of Israel, which means, Israel the patriarch.

### Bava Metzia 93b

To what extent is a paid bailee bound to guard? Even as far as, *Thus I was; in the day the drought consumed me, and the frost by night* (Genesis 31:40)? There too, he answered, the reference is to the city watchman. Was then our father Jacob a city watchman? He asked. No, he merely said to Laban, I guarded for you with super-vigilance, as though I were a city watchman.

### Berakhot 16a

And so there is a teaching : Labourers who are working for an employer should read the Shema' say the Tefillah, then eat their meal, but should not say Grace before it[7], only two benedictions after it. How is this meant[8]? The first benediction as ordained[9]; the second commences with the benediction of "the land," and they include "Who... rebuildest Jerusalem" in the benediction of "the land[10]." To whom does this apply ? To those who work for a wage ;

### בראשית רבה ס"ח:י"א

(יא) וישכב במקום ההוא רבי יהודה ור' נחמיה ר' יהודה אמר: כאן שכב, אבל כל י"ד שנה, שהיה טמון בבית עבר לא שכב. ור' נחמיה אמר: כאן שכב, אבל כל כ' שנה, שעמד בביתו של לבן, לא שכב. ומה היה אומר? ר' יהושע בן לוי אמר: ט"ו שיר המעלות שבספר תהלים. מאי טעמיה? (תהלים קכב): שיר המעלות לדוד, לולי ה' שהיה לנו יאמר נא ישראל. ישראל סבא. ר' שמואל בר נחמן אמר: כל ספר תהלים היה אומר. מה טעם? (שם כב): ואתה קדוש יושב תהלות ישראל, ישראל סבא:

### בבא מציעא צג:

איתביה עד מתי שומר שכר חייב לשמור עד כדי (בראשית לא, מ) הייתי ביום אכלני חורב וקרח בלילה א"ל התם נמי בחזני מתא אמר ליה אטו יעקב אבינו חזן מתא הוה דאמר ליה ללבן נטרי לך נטירותא יתירתא כחזני מתא

### ברכות טז.

והתניא הפועלים שהיו עושים מלאכה אצל בעל הבית קורין ק"ש ומתפללין ואוכלין פתן ואין מברכים לפניה אבל מברכין לאחריה שתים כיצד ברכה ראשונה כתקונה שניה פותח בברכת הארץ וכוללין בונה ירושלים בברכת הארץ במה דברים אמורים בעושין בשכרן אבל עושין בסעודתן או שהיה בעל הבית מיסב עמהן מברכין כתיקונה:

but should they work for their keep or their employer take his meals with them[11], they say the [entire] Grace after meals as ordained.

### Taanit 23b

Scholars visited Abba Hilkiyah, grandson of Honi the Circle Drawer, to ask him to pray for rain... They asked him, why did you not take notice of us when we greeted you? He answered: I was a labourer hired by the day and I said I must not relax from my work.

### Makkot 24a

(1) R. Simlai said: Six hundred and thirteen precepts were communicated to Moses... David came and reduced them to eleven principles, as it is written (Psalms 15): A Psalm of David. Lord, who shall sojourn in Thy tabernacle? Who shall dwell upon Thy holy mountain? (1) He that walketh uprightly, and (2) **worketh righteousness**, And (3) speaketh truth in his heart; (4) That hath no slander upon his tongue, (5) Nor doeth evil to his fellow, (6) Nor taketh up a reproach against his neighbour; (7) In whose eyes a vile person is despised, But (8) he honoureth them that fear the LORD; (9) He that sweareth to his own hurt, and changeth not; (10) He that putteth not out his money on interest, (11) Nor taketh a bribe against the innocent. He that doeth these things shall never be moved. ...And worketh righteousness, such as Abba Hilkiahu.

### Messilat Yesharim 12:4

(4) Concerning this our Sages of blessed memory said (Sanhedrin 81a), "And he did not pollute his neighbor's wife' (Ezekiel 18:15) - he did not infringe upon his neighbor's occupation." R. Yehudah forbade a storekeeper to distribute roasted grain and nuts to children to accustom

### תענית כג:

מאי טעמא כי יהיבנא למר שלמא לא אסבר לן מר אפיה אמר להו שכיר יום הואי ואמינא לא איפגר

### מכות כד.

שית מאה וחד סרי הוי אנכי ולא יהיה לך מפי הגבורה שמענום (סימן דמשמ"ק ס"ק): בא דוד והעמידן על אחת עשרה דכתיב (תהלים טו, א) מזמור לדוד [ה'] מי יגור באהלך מי ישכון בהר קדשך הולך תמים ופועל צדק ודובר אמת בלבבו לא רגל על לשונו לא עשה לרעהו רעה וחרפה לא נשא על קרובו נבזה בעיניו נמאס ואת יראי ה' יכבד נשבע להרע ולא ימיר כספו לא נתן בנשך ושוחד על נקי לא לקח עושה אלה לא ימוט לעולם הולך תמים זה אברהם דכתיב (בראשית יז, א) התהלך לפני והיה תמים פועל צדק כגון אבא חלקיהו ודובר אמת בלבבו כגון רב ספרא לא רגל על לשונו זה יעקב אבינו דכתיב (בראשית כז, יב) אולי ימושני אבי והייתי בעיניו כמתעתע לא עשה לרעהו רעה שלא ירד לאומנות חבירו וחרפה לא נשא על קרובו זה המקרב את קרוביו נבזה בעיניו נמאס זה חזקיהו המלך שגירר עצמות אביו במטה של חבלים ואת יראי ה' יכבד זה יהושפט מלך יהודה שבשעה שהיה רואה תלמיד חכם היה עומד מכסאו ומחבקו ומנשקו וקורא לו (אבי אבי) רבי רבי מרי מרי

### מסילת ישרים י"ב:ד'

(ד) ועל ענין זה אמרו ז"ל (סנהדרין פא): ואת אשת רעהו לא טימא (יחזקאל יח): שלא ירד לאומנות חבירו. וכבר היה רבי יהודה אוסר לחנוני, שלא יחלק קליות ואגוזים לתינוקות

them to come to him; the other Sages permitted it only because his competitor could do the same (Bava Metzia 60a). Our Sages of blessed memory have also said (Bava Batra 88b), "Stealing from a person is worse than stealing from God, for concerning the first, the fact of one's being a sinner is stated before that of his having committed a wrong ..." They also exempted hired workers from the blessing over bread and from the latter blessings of Grace. And even in the case of the Shema they required them to leave off working only for the recitation of the first section (Berakhot 16b). How obvious is it, then, that a day-laborer has no right to interrupt the work assigned to him for mundane considerations, and that if he does, he is a thief. Abba Chilkiyah did not even return the greeting of Scholars so that he would not interrupt the work he was doing for his neighbor (Taanit 23b). And our father Jacob, may Peace be upon him, explicitly stated (Genesis 31:40), "In the daytime I was consumed by drought and in the evening by frost, and my sleep fled from my eyes." What, then, will those say who occupy themselves with their pleasures and leave off working, or those who during their working-time engage in their own affairs for personal gain?

להרגילן שיבואו אצלו. ולא התירו חכמים, אלא מפני שגם חבירו יכול לעשות כן (בבא מציעא ס). ואמרו ז"ל (בבא בתרא פח): קשה גזל הדיוט מגזל גבוה, שזה הקדים חטא למעילה וכו'. וכבר פטרו את הפועלים העושים אצל בעל הבית מברכת המוציא ומברכות אחרונות דברכת המזון. ואפילו בקריאת שמע, לא חייבם לבטל ממלאכתן אלא בפרשה ראשונה בלבד (ברכות טז). קל וחומר בן בנו של קל וחומר לדברי הרשות, שכל שכיר יום אסור בהן שלא לבטל מלאכתו של בעל הבית. ואם עבר, הרי זה גזלן. הנה אבא חלקיה, אפילו שלום לא השיב לתלמידי חכמים שנתנו לו שלום, שלא ליבטל ממלאכת רעהו (תענית כג). ויעקב אבינו עליו השלום מבאר בפיו ואומר (בראשית לא): הייתי ביום אכלני חורב וקרח בלילה ותדד שנתי מעיני. מה יענו איפוא העוסקים בהנאותיהם בשעת מלאכה ובטלים ממנה, או כי יעסקו בחפציהם איש לבצעו.

## Maimonides Mishneh Torah laws of Hiring 13:1-7

### Halacha 1

An animal should be given the opportunity to eat whenever it works with produce, whether the produce is still attached to the ground or has been harvested. Similarly, it may partake of produce from the burden it is carrying until it has been unloaded, provided that the person caring for the animal does not take the produce in his hand and feed it.

### Halacha 2

Whoever prevents an animal from eating while it is working should be punished by lashes, as Deuteronomy 25:4 states: "Do not muzzle an ox while threshing."

The prohibition applies to an ox and to all other species of animals and beasts, whether a kosher animal or a non-kosher animal. Similarly, it applies with regard to threshing and all other types of work with produce. The Torah speaks about an ox threshing only to mention the most common instance.

An employer is not liable if he muzzles a worker. He is, however, liable for muzzling an animal. This applies whether he muzzles the animal while he is working with it or muzzles it beforehand and works with it while muzzled. He is liable even if he "muzzles it" with his mouth.

When a person rents an animal, muzzles it and then threshes with it, he receives lashes and must pay the owners the value of four *kabbin* of grain for a cow, and three *kabbin* for a donkey. Although generally a person does not receive both lashes and a financial penalty for the same transgression, an exception is made in this instance, because the renter was obligated to provide the animal with its sustenance from the time he pulled it after him, and he is not liable for lashes

until he threshes with the animal while muzzled.

### **Halacha 6**

The owner of an ox is permitted to make his animal hungry and aggrieve it so that it will eat a large quantity of the grain that it is threshing. Conversely, the renter of the ox may feed it hay so that it will not eat a large quantity of the grain that it is threshing.

Similarly, an employer may provide his workers with wine so that they will not eat many grapes. Conversely, the workers may dip their bread in brine so they will eat many grapes.

A worker may not, however, perform work at night and then hire himself out during the day, or work with his ox in the evening and then rent it out in the morning. Similarly, he should not starve and aggrieve himself and give his food to his sons, because this leads to stealing from the work due his employer, for his energy will be sapped and his thinking unclear, and he will not be able to perform his work robustly.

### **Halacha 7**

Just as the employer is warned not to steal the wage of the poor person or to withhold it from him, the poor person is forewarned not to steal from the work due his employer and 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 preciseness is indicated by our Sages' ruling that workers should not recite the fourth blessing of grace, so as not to neglect their work.

Similarly, a worker is obligated to work with **all his strength**, for Jacob the righteous man said Genesis 31:7: "I served your father with all my strength." Therefore, he will be granted a reward even in this world, as indicated by *ibid.*30:43: "And the man became prodigiously wealthy."

## **Draft Manuscript of Maimonides Mishneh Torah Laws of Hiring chapter 13**

When cows veer from the path; When a priest is threshing grain that is *terumah, ma'aser sheni* or grain that is definitely *terumat ma'aser* with a cow that belongs to an Israelite, he is not subject to violating the prohibition against muzzling them.

A worker may not, however, perform work at night and then hire himself out during the day, or work with his ox in the evening and then rent it out in the morning.

Similarly, he should not starve and aggrieve himself and give his food to his sons, because this leads to stealing from the work due his employer.

**Margin:** for his energy will be sapped and he will not be able to perform his work robustly. Just as the employer is warned not to steal the wage of the poor person or to withhold it from him, the poor person is forewarned not to steal from the work due his employer and 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 preciseness is indicated by our Sages' ruling that workers should not recite the fourth blessing of grace, so as not to neglect their work. Similarly, a worker is obligated to work with all his strength, for Jacob the righteous man said Genesis 31:7: "I served your father with all my strength." Therefore, he will be granted a reward even in this world, as indicated by *ibid.*30:43: "And the man became prodigiously wealthy."

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**Margin:** When a person muzzles a cow that is threshing produce that is *ma'aser sheni* which is

*demai*, *terumat ma'aser* which is *demai* or produce that grew from *terumah* he violates the prohibition against muzzling the animal.

Blessed be God who grants assistance.

### **Shulchan Aruch Harav**

**Just as the employer** is warned not to steal the wage of the poor person or to withhold it from him, the poor person is forewarned not to steal from the work due his employer and 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 preciseness is indicated by our Sages' ruling that workers should not recite the fourth blessing of grace, so as not to neglect their work.

Similarly, a worker is obligated to work with all his strength, for Jacob the righteous man said Genesis 31:7: "I served your father with **all my strength**." Therefore, he will be granted a reward even in this world, as indicated by *ibid.*30:43: "And the man became prodigiously wealthy."

**Therefore:** a worker may not, however, perform work at night and then hire himself out during the day, or work with his ox in the night and then rent it out in the morning. Similarly, he should not starve and aggrieve himself, for his energy will be sapped and he will not be able to perform his work robustly.

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