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*Six Days Shall You Toil:
Classic Jewish Work Values
in Summary and
Comparative Religious
Perspective*

Jewish tradition exhibits a keen appreciation for the imbalance that typically exists in social relationships. Especially in the financial and economic realm, it tilts in favor of those lacking privilege and prerogative, whose weakness may result in their abuse. While these include the widow, the orphan and the poor, objects of compassion in most religious codes, the tradition also bids us recall the renter, the consumer, the borrower and the employee. Labor was accorded a respected position in the schema of Jewish social values. Still there was a realistic understanding that those who toiled for others were generally less affluent and possessed fewer rights than their opposites in the commercial equation. Aside from their material or legal status, their position in a

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transaction was seen to put them at a disadvantage, meriting the protection of both public authority and religious norms.

This bias toward the weak in the context of social equity is hardly more evident than in the parameters forged by *Ḥazal* in the relationship between workers and their employers. The tradition operated from the assumption that a laborer was needy, that his living was hand to mouth, and that he depended upon his daily wage to support his family. For this reason alone, the sages explain, workers gave their very spirit to the task, taking undue risk and subjugating their freedom to the whim of another.

Yet *Ḥazal* also understood that workers often could be lazy and unmotivated. They might take unfair advantage of their employer's absence and exhibit disloyal and insubordinate behavior. Neither could one depend upon their enthusiasm for the task or their concern for the product and equipment under their care. Close supervision was the proactive rule alongside a detailed schedule for liability in cases of damage or loss, which were frequent.

Our intent is to provide an overview of the role of work as a social value in Jewish tradition, alongside several of the legal instruments employed to help structure balance in workplace relations as they contrast with the ethical traditions of other religious systems. We fully appreciate that in the diversity and ingenuity of Jewish tradition, many of the texts we cite have been the subject of multiple interpretation and commentary, some at variance with what is offered below. Still, we believe that the confluence of disparate texts and sources applied collectively support our portrayal. Not unlike the social scientist or anthropologist, our aim is to search for the prescriptive and normative judgments that reside at the core of a tradition, so as to identify the thrust and direction of its social values.

In the course of that search, we will consider:

- a) Biblical and talmudic sources regarding the role of labor in the pursuit of the righteous life;
- b) the place of other variables, such as individual merit, fate and *mazzal*, that were understood to determine prosperity, success and personal fulfillment;
- c) the inherent freedom of the worker as an independent social agent due personal dignity and respect;
- d) his responsibility to serve his employer with loyalty and diligence;
- e) the importance of *minhag*, prevailing market conditions and business practices as a presumed clause to the labor contract, and
- f) brief closing comments comparing Judaism with two other reli-

gious traditions: Calvinism, as interpreted by Max Weber, and Catholic Social Teaching, as reflected in Papal Bulls and pronouncements of the past century.

II

In the Bible, labor is introduced as a scourge and punishment (Gen. 2:15, 3:16-19). Adam and Eve are placed in the Garden of Eden to “work and to protect it,” restricted only in that they must refrain from eating of the Tree of Knowledge of Good and Evil. Once they transgress God’s will by eating the forbidden fruit, they are expelled from the luxurious garden wherein their physical needs were divinely provided. Moreover, because of Adam’s personal iniquity, the land would be ever cursed before him; he would earn bread only “by the sweat of [his] brow.” Despite his ministering, the earth would bring up only thorns and thistles.

The point is made in more poetic form in the following talmudic lament:

R. Shimon ben Eliezer said, have you seen beast or fowl with a craft? Yet they are sustained without pain. Were they not created only to serve me? And I who have been created to serve my maker, should I not certainly subsist without pain? But, that I turned my deeds to evil and my subsistence is curtailed (*Kiddushin* 82a).

In its natural state, life for man should be as effortless and carefree as it is for the beast or the bird of the field, who earn their bread with neither trade nor craft to support them. The effortless bounty a person rightly deserves is curtailed. Because of his evil alone, he is subject to arduous labor.

Yet most normative rabbinic sources largely ignore these themes in their consideration of work in the social schema. Viewing work as neither a curse nor purely an instrumental necessity of subsistence, *Hazal* look upon it as an ennobling facet of moral development. To demonstrate this proposition, a recent study of some 900 “work related statements” from the Babylonian and Jerusalem Talmud, the Tosefta and nineteen compendia of the Midrash suggests that of all “ideational references” to the value of labor, 84% were positive, reflecting a “high esteem of work and craft.” Evidently such esteem was intrinsic to labor and not merely a concession to the need for work as a condition for sustenance.¹

Labor was so central to the rabbinic scheme for living that the two, work and life, were often equated in literary and poetic form. We

read in Moses's famous soliloquy at the close of a lifetime as leader and lawgiver:

I bring the heavens and the earth as witness that life and death have I placed before you, blessing and curse. And you shall choose life so that you and your children may survive (Deut. 30:19)

Of the variety of messages *Hazal* might have derived from the ringing call "choose life," it is telling that R. Yishmael understood it to mean choosing a trade or a vocation (*Yerushalmi, Pe'ah* 1:1; *Kiddushin* 1:7). To earn one's keep by gainful employment is a central tenet of normal existence set in the crossroads between life and death, between blessing and curse. It was to be understood as livelihood in its literal sense, a mode for living.

In a similar derivation, *Hazal* infer numerous lessons from Yitro's advice to Moses in regard to the administration of the people's needs and the resolution of their conflicts (Ex. 18:20). Among them is a curious reference to *beit hayyeihem*, literally, "the home of their lives," presumably denoting those practices that sit at the root of their very existence. Rashi, in his commentary to the Talmud, understands this to mean both the study of religious texts (*Bava Kamma* 100b) as well as "a trade by which they can sustain themselves" (*Bava Mezi'a* 30b). Once again labor and vocation are equated with life itself, this time alongside the study of Torah.

At the same time, the talmudic sages tell us that one should love work and avoid positions of authority (*Avot* 1:10 and *Avot de-Rabbi Natan* 11:1). As the Torah was given in a covenant with Israel so, too, was gainful labor part of that covenant. As evidence they cite the verse: "six days shall you toil and you shall do all your work and the seventh day is a Sabbath for the Lord" (Ex. 19:8-9).

The proof text is curious. The commandment is meant to establish the seventh day as the Holy Sabbath; yet in the midrash, it is considered a mandate for the other six. *Hazal* here seem to be suggesting that the six days of labor hold intrinsic religious value in rough parallel to the spiritual benefits derived from the Sabbath itself. Indeed, *Avot de-Rabbi Natan* goes on to tell that Adam partook of the fruits of Paradise only after he toiled in its fields, and God did not allow His presence to rest among them, until the Israelites labored in constructing His desert tabernacle.

R. Yehudah and R. Shimon both declare "great is work for it brings honor to its master" (*Nedarim* 49b) while R. Yirmiyah proclaims its value more dear than noble ancestry (*Bereshit Rabbah* 74:12). In that vein, con-

sider the following from R. Ḥiyya ben Ammi in the name of Ulla:

Greater is one who benefits from the work of his hands than he who stands in fear of heaven. Regarding the fear of heaven it is written: “Happy is the one who fears the Lord” (Ps. 112:1). However, in regard to the work of one’s hands it is written: “If you eat by the work of your hands happy are you and it will go well for you” (Ps. 128:2). Happy are you in this world and it will go well for you in the world to come (*Berakhot* 8a; see *Avot* 4:1).

Here too the reference is curious. Rewards attributed to the “fear of heaven” should reasonably accrue in the spiritual or mystical realms of the World-to-Come while those attached to self-sufficiency should garner extra benefits in the more material climes of our mundane present. Yet *Ḥazal* chose to understand these texts in reverse. The extra promise “that it shall go well” for one who toils on his own behalf, is one of well-being in the celestial regions of eternal paradise.

The dissonance concerned the Maharsha, R. Shmuel Ideles.² In response, he relates the story of R. Ḥanina Ben Dosa (*Ta’anit* 25a), a pious soul whose godliness was matched only by his indigence. At his wife’s behest, the rabbi prayed that his family be adequately sustained through the mercy of heaven. His prayers were answered when he mysteriously discovered a golden pillar whose sale would support them for many years.

Soon thereafter R. Ḥanina is visited in a dream in which he sits among the saintly and pious of all ages around golden tables, imbibing the spirit of the divine. To his shock, however, his table is absent a prop, the very golden pillar that was bequeathed to support his family. Though his petition was just, his stake in Paradise was diminished nonetheless. Again at his wife’s behest, he prays that the golden pillar be returned to Heaven. They would live in hunger and want rather than compromise their eternal rewards in the hereafter.

From this R. Ideles infers the moral lesson embedded in our dictum. One places his eternal rewards at risk when piety forces dependence upon the largess of Heaven. By contrast, he who provides for himself assures that his faith and good deeds remain intact and stand him in good stead. To be self-sufficient therefore provides a spiritual benefit even over the fear of heaven. Beyond a mere prescription for comfortable living, it stands akin to a religious obligation.

Apart from the choice of a career or one’s exertion in its pursuit, fate and fortune were also seen as ingredients of prosperity. Parents were not to direct their children toward trades that were consuming. Vocation

should never overtake good deeds and faith as life's priority. According to R. Meir:

One should always teach his child a trade that is clean and simple and then pray to the One in Whose hands reside both property and wealth. For there is no trade that is absent poverty or affluence. Neither do poverty nor affluence depend upon one's trade, but rather everything is according to his merit (*Kiddushin* 82a).

The point much exercised the talmudic commentaries. In the first case, it appeared to contradict clear references to the contrary elsewhere in the Talmud. Thus the sage Rava tells us that "one's life span, children and prosperity do not depend upon personal merit but rather upon *mazzal*" (*Mo'ed Katan* 28a). *Mazzal* popularly connotes luck, but in Rava's dictum it refers to fate rooted in astrological signs ascendant on the day and at the hour of birth. Some talmudic commentaries also have attempted to include a mix of social and biological factors, e.g. genetic makeup, upbringing, national culture and nutrition, as correlates of this elusive variable.³

In Rava's view, therefore, the most fundamental elements of life—longevity, fecundity and prosperity—were controlled less by man or even by heaven, than by the stars, matters of simple and inalterable fate. His dictum is supported by several anecdotes regarding individual pietists and scholars of apparently similar merit whose success and good fortune varied sharply.

The issue connects to a topic discussed in many places throughout Talmudic and later rabbinic literature. For example, R. Ḥanina tells us that "it is *mazzal* that brings wisdom and riches" and, *yesh mazzal le-yisrael*, all people, including adherents of the Jewish faith, are subject to its reign (*Shabbat* 156a). His assessment sums up an earlier discourse outlining at great length the influence of the celestial bodies in determining the character of those born on a given day of the week, or a particular hour of the day (*Shabbat* 102b). Elsewhere, however, the same R. Ḥanina explains that "all is in the hands of heaven except for the fear of Heaven" (*Berakhot* 34a), i.e., while fate resides in the hands of God, faith and morality are left to human choice.

Others demur, preferring to follow the path set by R. Meir above. For them *mazzal* may play a central role for much of humanity. However, owing to their special relationship with the Creator, the Jewish People are not governed by the movement of stars. For them success is a function of personal merit. Moral and spiritual accomplishment defines them and determines their financial success and prosperity. In a phrase

infused with much irony among those who reflect on the adversities of Jewish history, R. Yoḥanan declares, *ein mazzal le-Yisrael*, “there is no *mazzal* for Israel” (see *Shabbat* 156a, and *Yevamot* 70a).

Still, many talmudic commentaries remained unwilling to part with the idea that a profound influence on the vital aspects of life is exerted by *mazzal*. Yet to claim that there was no recourse from what had been ordained at birth flew in the face of deeply held values of free choice and personal accountability. To ease the conflict, they argued that, even for Jews, the broad social patterns of life along with highly personal and individual dispositions were predetermined. However, extraordinary effort in the form of prayer and supplication, joined with personal morality, religious study and acts of kindness and compassion, may yet avert misfortune ordained.⁴

Their position was reinforced by such language as:

What shall a man do so that he may become wealthy? Let him increase his business activities and trade. Let him buy and sell honestly and faithfully. Many have done such and it has not helped. Rather, let him beg for mercy from the One with Whom all wealth resides (*Niddah* 70b).

What emerges, therefore, is a threefold formula whereby assiduous labor and honest trade combine with personal merit and with *mazzal* to determine material success. Pursuing one to the exclusion of the others is a prescription for disappointment and failure. Hard work alone is no guarantor of wealth. In fact it may actually hinder success if its overemphasis becomes an obstacle to moral and spiritual improvement.

Similarly, merit and supplication may avert the penury or misfortune already ordained by the stars—but, then again, it may not. Therefore, one is warned to “increase his business activities,” i.e. to work hard and honestly. Yet he is not to lose faith though he may see hard-working saints spend their lives in poverty even as the evil prosper. *Mazzal* remains part of the mix, and according to some, the determining factor. A fourth element, God’s compassion, remains available should the others prove insufficient.

The advice for parents to teach their children a trade that is simple and clean takes on fuller meaning in this context. On their own, neither one’s profession nor his efforts within it lead to wealth. Each field has its potential for success and for failure. There are elements of prosperity that simply cannot be controlled and misfortunes that will not be averted, no matter how fervent the prayer or how sincere the penance. Therefore encourage children to choose a trade that is simple and clean, neither degrading nor exhausting, a trade that leaves ample time for

religious reflection and study, a trade that will become neither life's central focus nor its driving force. Early on, teach them that poverty is a function of neither sloth nor indifference. A successful life is marked not by wealth and material acquisition but by spiritual values and personal morality.⁵

III

From here we shift to the more concrete concerns that drive much of Jewish labor legislation. One is a fear that the employment relationship may devolve into something akin to indenture. *Hazal* acted to instill justice and compassion in the workplace, lest the employer, individual or corporate, become a master with the worker virtually enslaved to his job. To this end, they invoked a biblical reference wrested from the context of indenture and servitude itself (Lev. 25:55). As a reminder to both master and employer, the Bible declares that the Children of Israel are servants of the Lord who rescued them from their bondage in Egypt. The Talmud expands the reference by adding that they are servants only to Him and to no others (*Bava Mezi'a* 10a).

To be sure, the Torah provides indenture as an option for those to whom abject poverty leaves no other choice, or as a means of compensation for crimes against property (Lev. 39-43; Deut. 12:15). Still, medieval authorities reasoned that freedom was the natural state for a people who were servants only to the Lord. No matter how dire his circumstances or how pure his motivation, an indentured Hebrew transgressed this most fundamental principle.

Commentaries even entertained the thought that this mandate to freedom might prohibit any form of labor subordinate to another. If one is to serve only God, they reasoned, if indenture whether from poverty or criminal prosecution transgresses His will, then perhaps one may never be beholden to another, even if he pays a wage in return. Along with freedom, therefore, self-employment also is the natural human state. While an intriguing proposition, the consensus appears to be that proscriptions against indenture which threaten the very integrity of the person, cannot be extended to employment in which one remains inherently independent.⁶

However, given their concerns about his person, *Hazal* strained to assure that the worker retain his liberty in both fact and appearance by granting him important benefits and prerogatives. For example, symbolic of his freedom of action and movement, he was free to rescind the

terms of his employment, “even in midday.” This was later curbed and bounded if there was clear damage to his erstwhile employer who remained obligated by their agreement. Of course, a worker was expected to refund payments he received for work yet unfinished. If his funds were insufficient, though, he could carry the debt over time with no prejudice against his option to leave (*Bava Kamma* 116b, *Bava Mezi’a* 10a).⁷

Similarly the Torah refers to the efforts of the Hebrew servant as “double the hire” of a worker (Deut. 15:18). Since the normal term for such a service is six years, the life of an employment contract was often limited to three. Anything beyond that was viewed as dangerously close to indenture, and might “enslave” the employee by its conditions. Consider this, from R. Mordekhai ben Hillel:

More than three years removes one from the category of a worker. Though he is not a servant in all its laws, since he has removed himself from the category of a worker he has transgressed “for the Children of Israel are servants to Me.”⁸

The image of indenture and the legal mandates that governed its status influenced the protection of employees in other important ways. There arose, for example, a predisposition to assure them any benefits or prerogatives due to a Hebrew servant. One who violates a fundamental religious principle by bartering away his freedom is still entitled to various personal and material considerations. Therefore, *Hazal* reasoned, these also should accrue to those who find a more legitimate route to earn their livelihood.

The reasoning is succinctly stated in rulings issued by the medieval sage R. Meir ben Barukh of Routtenberg (Maharam). In his words:

all that is lenient for a Hebrew servant is extended to the laborer, *a fortiori*. For the Hebrew servant has transgressed, and nevertheless the Merciful One has been lenient. Therefore, certainly a laborer who has not so transgressed has the same benefit.⁹

This thinking found ample expression in at least two areas of worker benefit: severance pay and sick leave. In the first instance, the Torah mandates that when the term of indenture expires, the master of a Hebrew servant must deal kindly and compassionately with his outgoing charge (Deut. 15:12-15). He must share the best that his fields and his flocks produced during the years of his servant’s tenure. Whether this was integral to his remuneration, or grounded in a philanthropic impulse, the master is adjured not to “let him go empty.”

Though the practice of indenture *per se* was discontinued with the destruction of the Temple, here was a model for severance benefits to all types of employees who were entitled to similar treatment, even if their tenure was substantially less than then the typical six-year term.¹⁰ Regarding sick leave, the Talmud tells us that a Hebrew servant may miss as many as half the days of his indenture, i.e. three years, due to sickness or injury, without being liable for the time lost. At the expiration of his term he is free to leave, and he need not compensate his master (*Kiddushin* 17a). In a series of cases involving tutors hired privately by a local family, medieval authorities invoked the indentured servant as their model once more, arguing that the employee should be extended similar liberty, for “all that is lenient for a Hebrew servant is extended to the laborer.”¹¹

However, the Tosafists took exception, true to their emphasis on the contrasts between the employee and the indentured servant. Aside from arguments based largely on talmudic precedent, they reasoned that one controlling a servant has title to all his efforts, rather than to any specific task or service, and is subject to his limitations. Should he suffer illness or injury, the master has no claim against him nor can he defer the term of his indenture. With an independent employee, it is his skill and competence that has been transacted for an agreed period of service. If he fails to complete his commitment, he can have no claim but to be compensated for work performed.¹²

Apart from this freedom from indenture, it is appropriate to invoke yet another talmudic source that provides an analogous claim to the inherent dignity of the worker. It emerges from a workplace anecdote involving R. Yoḥanan ben Massiya, a talmudic sage who was also an employer. He told his son:

Go and hire for us workers. He went and arranged to provide for them meals. When he returned, his father said to him “my son, even if you provide a meal fit for King Solomon himself, you will not have fulfilled your obligation, for they are the children of Abraham, Isaac and Jacob. Before the work has commenced, go and specify that we will provide only bread and beans” (*Bava Mezi’a* 83a).

Beyond the extent of his responsibility to provide food on the job, a question that was later mooted by the Talmud itself, R. Yoḥanan furnishes for us yet another principle basic to the Jewish image of workplace relations. Despite differences in their status, workers can point to at least one important bond in common with their employers, their distinguished lineage. Reinforcing their claim to serve the Lord alone, they also stem from

the biblical patriarchs. They command respect and dignity from their employer on this basis, their lesser station notwithstanding. The point has its analogy in public leadership as well. Communal administrators and trustees are warned never to exhibit willful arrogance, nor to take their constituents lightly. If nothing else, they must be treated with reverence and respect as the worthy scions of illustrious ancestry.¹³

It should be noted that the tale of R. Yoḥanan ben Massiya and his employees is applied elsewhere, regarding a complex discussion of the efficacy of verbal contracts (*Bava Mezi'a* 49a). There the Talmud takes exception to what appears to be an employer's unilateral renege on an unqualified agreement to provide food for his workers. They deflect the objection by explaining that the otherwise binding nature of this verbal contract was linked to his employees and their understanding of his terms.

If work had not yet commenced, it is likely that they were not satisfied with his son's authority to execute such a commitment and therefore awaited approval from R. Yoḥanan himself. No contract had yet been consummated and the terms could still be revised. However, if work had begun, this was a clear indication that they had accepted his son's authority as proxy for their employer and R. Yoḥanan would be bound by the terms transacted in his name. For our purposes, however, the dignity of his employees based on their venerable pedigree was never impugned.

IV

Quite beyond the integrity of their person, workers are due special consideration because of presumptive need. Employers are expected to impart kindness and compassion above the prescriptions of the law's strict letter. According to many authorities, this stands as corollary to a broader legal principle known as *lifnim mi-shurat ha-din*, the moral and even legal injunction to extend oneself past the formal lines of the law. The application of this principle to workplace relationships is grounded in yet another talmudic anecdote (*Bava Mezi'a* 83a), with a parallel but different text in the Jerusalem Talmud (*Bava Mezi'a* 6:6), though the former is typically invoked in normative discussion.

The Talmud tells us that Rabbah bar Bar Ḥannan (by some readings "Bar Ḥannah" or "bar Rav Huna") engaged porters to move barrels of wine. In the process the barrels broke and he confiscated their clothing against his loss, an action specifically proscribed in regard to a debtor but not clearly prohibited in cases of damage such as this. They peti-

tioned Rav, presumably the presiding judicial authority. He ruled (quoting now the text as it appears in the Vilna *shas*):

“Return their cloaks.”

“Is this the law?” [asked the employer].

He answered, “Yes [Aramaic: *in*] ‘so that you walk in the good road’” (Proverbs, 2:20).

They [the porters] then said to him, “we are poor, we have worked all day and we are hungry. Shall we get nothing?”

Said he [Rav] “go and pay them.”

“Is that the law?” [asked the employer].

He answered, “Yes [Aramaic: *in*], ‘and the paths of the righteous shall you guard’” (Proverbs 2:20).

On its face, the incident stands as a powerful precedent, mandating extra measures of compassion from employer to worker. Whether by their negligence or purely by accident, the porters had clearly caused a loss. About this there was no dispute. Rabbah, their employer, may have been well within his rights to demand from them a surety against compensation, which given their impoverished conditions, would be long in coming. Yet it appears that he is forced by law to return their cloaks. Moreover, in consideration for their financial need, he is required to compensate them for their time. Again, as presented in the text, when confronted directly, Rav, the presiding justice, confirms that his ruling is rooted in neither personal compassion nor charitable impulse. Rather, it is handed down as legal directive (“Yes,” Rav replies to the question “Is this the law?”).

Talmudic commentaries and the authors of classic codes of Jewish Law were much exercised by both the style and the substance of this judgment. For some it was evident that action standing above the line of the law is purely that, and no more. It could not be imposed by the courts no matter how compelling the context, or how needy the beneficiary. The Torah severely admonishes against showing any partiality in legal judgment. To be sure, its most likely intent was to prevent bias in favor of the wealthy, a common happenstance. Yet its language also warns against an assertive judiciary that overreaches even on behalf of the weak, no matter how laudable and well intentioned are its motives (Ex. 23:3; Lev. 19:15; Deut. 16:19 and Deut. 24:17).

Interlocutors argued that when, in its estimation, the claimant is financially able, a court may set aside such a judgment and find on behalf of a needy petitioner, even if the former is disadvantaged as a result, indeed even if the inclination of the law appears to the contrary. This fulfills Scriptural demands (Ex. 18:20; Deut. 6:18) to reach beyond

the letter of the law, a practice to which even the Almighty is said to subscribe (*Berakhot* 7a; *Avodah Zarah* 4b). Precedent exists in related cases dealing with assisting the wayfarer (*Bava Mezi'a* 30b), with cases of malpractice among expert consultants (*Bava Kamma* 99b-100a), and with the return of lost valuables (*Bava Mezi'a* 24b). It is reasonable that the principle also be applied to the interests of poor workers.

Aside from these doctrinal differences, commentaries debate crucial details of the case itself. To Rashi, for example, the outcome turns on the question of negligence. Rabbah's porters were liable based on the damage that was caused by their insufficient care in transporting his goods. Else they could have acquitted themselves by accepting the special oath that was instituted for precisely such events. Indeed this is the talmudic context within which the case emerges.¹⁴

By contrast, Meiri claims that the affair was nothing more than happenstance, a common accident quite typical in such enterprise. Yet the porters stand accountable for damages, nevertheless. By the strict letter of the law, a worker bears responsibility for his employer's wares and equipment equal to a paid watchman (*Bava Mezi'a* 80b). Normally this would free him of liability in unforeseeable cases of accidents. What occurred here, however, was preventable. The porters therefore must make compensation for the damage.¹⁵

Authoritative opinion is found on all sides of the issue. Rosh records it as normative, without noting whether its source is legal or purely moral in nature.¹⁶ For R. Mordekhai ben Hillel, the demands of compassion are sufficiently powerful to contravene liability for damage. Consequently, the employer can be compelled to act in a kind and charitable fashion, even forgoing a judgement to which he is entitled. In the far term, such lenience works to the benefit of employers. Without protecting workers and holding them blameless against damage, it would be most difficult to recruit porters, for example, to engage in high-risk occupations.¹⁷

By contrast, *Nimmukei Yosef* and the *Tur* excise the word in the text—"yes [*in*]"—that suggests the intent to read compassion as a basic part of the legal structure. In these versions, when asked whether this is indeed the law, the judge quotes a verse from Proverbs, without saying his ruling represents pure *din*. By implication, the discussion operates on a moral plane only.¹⁸ Indeed, the Tosafists reject our passage as an example of *lifnim mishurat ha-din*, while the major medieval codes, e.g. Rambam, *Tur* and *Shulḥan Arukh*, ignore the case *per se*. Though they deal with the topic as a legal principle, they do not include our text or its implications in their rulings.

Following this theme, the troublesome anecdote has more recently been applied in a revised context, where the judicial decision was never intended to be binding.¹⁹ This is precisely why more prominent Scriptural verses were ignored in favor of one from the Book of Proverbs, not generally employed as a sourcebook for legal opinion. The intent was merely to illustrate a moral and ethical model for a learned colleague. Equality before the law may be a basic legal standard for the bulk of society, but more is expected from one who styles himself a righteous scholar. An illustrious station may entitle one to benefits and exemptions, but it also imposes special responsibilities to act in an exemplary fashion, above and beyond the normative bar of justice.

Finally, R. Shelomoh Ideles provides an ingenious approach to the proceedings. He argues that indeed there was negligence here but not on the side of the porters. At least in part, responsibility for the damages must fall to their employer who demanded that they follow an unsafe route in transit. The verse chosen as legal citation: “so that you walk the good road and the paths of the righteous shall you guard,” was a metaphoric rebuke. For them to be held liable for damages, the judge was suggesting, porters must be permitted to travel the safest path, i.e., “. . . the good road. . .” Rabbah had not been fastidious in this regard. He had not “guarded the righteous pathway,” allowing them to transport his goods by the route that represented least risk. In consequence, the judgment was against him.²⁰

These complexities and nuances aside, the case of Rabbah and his porters stands as a powerful precedent and model for employee relations in Jewish practice. Whether from legal reasoning or moral and ethical sensibility, employers are called upon to exhibit a charitable nature in their dealings with workers. The tradition demands that they be treated with leniency and understanding especially when they suffer want. They may be due compensation for their time though the employer has suffered loss and damage.

V

Even as Halakhah exhibits a bias in favor of workers both because of their financial need and their disadvantage in workplace relations, talmudic and later rabbinic authorities were candid in their observations about shortcomings in workers themselves. They noted a distinct tendency toward sloth too frequently displaying less than an acceptable commitment to the job. For example, the talmudic sage R. Yoḥanan

warns that to squander a large inheritance one need only hire workers and permit them to do their jobs unsupervised. R. Yehudah ben Shimon expresses a related sentiment. Reflecting on the uncommon productivity of Jacob in the fields of Laban, R. Yehudah tells us “it is the way of the world that laborers work faithfully for their employers for two or three hours, but then become lazy in their toil” (*Bereshit Rabbah* 70:20).

Out of concern for the effective use of the workday, *Hazal* curtailed certain religious activities so as not to distract employees on the job. For example, they composed an abridged *tefillah* and *Birkat ha-Mazon* to accommodate the demands of the job. In addition, they limited the extent to which employees could participate in certain religious and communal functions (*Berakhot* 45b-46a, *Kiddushin* 33a, *Hullin* 54b).²¹

Moreover, their concern was not merely for chronic cases of low productivity. Even occasional inefficiencies were treated sharply, assuming that they resulted from lapses in performance. Maimonides, for example, warned laborers to be ever careful lest they “steal” from employers “by wasting a bit here and there and completing the day with trickery.”²² Extending this concern, *Tur* and *Shulḥan Arukh* both ruled that those who take personal time without the prior consent of management may be dismissed, penalized for their time off the job and then held liable for the cost of their replacement. The extent and nature of the penalty would depend upon the type of loss suffered by the employer, the point at which the work stoppage occurred and the availability of an alternative labor supply. Special exemptions were made for emergency circumstances, illness, death in the family, accident and the like. Here employers are generally required to pay for work done until such unforeseen occurrence, but they need not compensate workers for time off the job even in an emergency.²³

Dissenting opinions soften these judgments, however, with the earliest being the most liberal. They suggest that employees who must leave their posts without managerial consent for reasons of emergency should suffer no penalty at all. Rather, they are entitled to compensation for the full term of the contract, even if they are never able to return to work. Similarly, if pre-payment was made, employees need not refund their wages for time off due to an emergency. Others strike a middle ground. They claim that financial penalty should depend upon an employee’s own good faith. If he returns to his post of his own volition after the emergency is passed, and he completes the work or the hours for which he was engaged, then no penalty need be imposed. However, if the emergency occurs at the end of the contract period or if management

suffered irretrievable loss for time off the job, it may not be possible to compensate for time lost, and employees will be liable for damage caused by their absence.²⁴

Contemporary authors have reasoned, therefore, that management can hold employees financially liable in instances of under-productivity. Of course, a legitimate number of sick or personal days without penalty may be included as part of the initial work agreement. Additionally, local usage and custom regarding sick days, personal days and vacation time can be invoked as the arbiter of practical judgment. Then management could not claim that time was being taken without its consent.²⁵

Short of dismissal for malfeasance, employees may be held liable for damage to materials or equipment under their care as well as for the poor quality of their product or service. Such damage may be actual loss due to employee negligence in executing responsibilities. Alternatively, it may be the consequence of poor performance reflected in an inability to adhere to explicit managerial request or in a departure from generally accepted standards of quality. The negligent employee may also be liable for opportunity costs, including clear and measurable profit that would have accrued had there been no damage, or had delivery been made in a timely fashion at usual standards of quality.²⁶

This liability inheres even in cases of accidental damage. For example, employees bear responsibility for theft, loss and most instances of breakage to product or equipment. The operative principle suggests that though damage was not a direct result of employee negligence, particular care for product and equipment is implicit in the employment contract. Damage implies that the employee did not exhibit sufficient concern. At least one recent authority advises leniency in cases of minor accidental damage, absent gross negligence.²⁷

As noted above, necessary concessions were made to the realities of the labor market. For example:

One engaged to move barrels from one place to another and they break—the law requires that he pay . . . but the rabbis ruled that he only be required an oath of non-negligence. For if you require that he pay, then no one will hire himself to move barrels.²⁸

No matter how equitable, parameters for complex commercial relations that ignore the simple realities of the labor market render any ethical system irrelevant. Worse, they encourage constituents to take its prescriptions lightly. At best, adherents give little more than lip service to its obligations, fulfilling their demands formally and superficially, with little regard for the spirit and the sense that these norms imply.²⁹

VI

Given the balance they tried to strike between a natural bias in favor of the worker and the legitimate productivity concerns of his employer, it is not surprising that *Ḥazal* placed strong emphasis on *minhag*, long-standing general practice and social usage often rooted in religious literature. Such custom and tradition may be global, it may be defined by geographic locale, or its parameters may reflect the bounds of an industry or an economic sector. To be sure, the impact of *minhag* as a legal category is not peculiar to employment issues or commercial activity. Prevailing custom is understood as normative in religious ritual and in family law, as well as in social regulation.

However, there is reason to believe that much of the classic Jewish attitude toward the importance and vitality of *minhag* was shaped by its commercial application. Unlike differences in prayer, dress or diet, which were frequently intended to create insulation between the Jewish community and its neighbors, to ignore prevailing commercial usage would make it impossible for them to survive under already difficult circumstances. Consequently, *Ḥazal* more often stood firm in their ritual determinations while making special efforts to accommodate tradition to the commercial and economic circumstances that surrounded their communities. This, in turn, was grounded in precedent immediately relevant to our discussion.

Consider the following, from the earlier portion of the text regarding R. Yoḥanan and his hungry workers:

One who hires laborers and demands that they rise early and work late, in a place where it is not the *minhag*, he may not force them. Where it is the *minhag* to provide food, he must provide food, to offer fruit refreshments, he must offer fruit refreshments. Everything [is measured] by the custom of the locality (*Bava Mezi'a* 83a).

Indeed the Talmud goes on to explain that R. Yoḥanan need not have fretted about their culinary demands. As with any other unstated details of their contract, lunchtime cuisine need conform to local custom and no more.

In a following discussion, the Talmud (*Bava Mezi'a* 83a) presents specific biblical guidelines that define the workday, local practice notwithstanding. Citing from Ps. 104:22-23, they demonstrate that the typical hours of employment should properly commence with the first rays of sun and continue until nightfall, allowing special considerations for Shabbat preparations on Friday afternoon. Nevertheless, local cus-

tom supersedes such regulation. Unless stated otherwise, employees may presume that the terms of their hire will conform to local *minhag* rather than those of the Psalmist.

In their account of the text, the authors of the Jerusalem Talmud extend the import of *minhag* from a narrow question of the working day, to the vast scope of Jewish tradition and practice. In a broad and sweeping opinion, they record that “this [ruling of the Mishnah] informs us that *minhag* nullifies the law” (*Bava Mezi’a* 7:1, 11a). Though marked by specific bounds and limits, that which is designated as prevailing custom may take precedence over enacted legislation, or, as in our case, even Scriptural mandate. At face value, long-standing practice fully abrogates the law. It is, minimally, a presumed but unstated clause to any agreement. Absent stipulation to the contrary, the parties are bound to its dictates.

Later authorities refined the concept, providing structure and scope to the definition of *minhag*, and detailing the process of its formulation and acceptance. For example, in some accounts, *minhag* was more than simply a matter of popular usage that became ingrained in the social or economic fabric over time. To become normative, a *minhag* had to be rooted in or claim support from the store of non-legal Jewish literature, usually poetic, mystical or interpretive, though not talmudic.³⁰ Others demanded that it reflect a Scriptural reference, though without specific mandate. Still others saw the formation of *minhag* as a straightforward function of social history, a reasonable practice that has withstood the test of time and to which early local leadership concurred. Consequently, provisions were made for customs and practices that were considered unreasonable, grossly inequitable or unfair.³¹

Just as workers ought not to be enslaved or indentured by the conditions of their employment, however, neither should they be harshly limited and restricted by prevailing practice. Within broad limits the parties to a contract may voluntarily forgo or ignore local custom, opting instead for separate agreements that nullify or modify its impact. This must be elocuted before witnesses, or stipulated unambiguously in the contract, however. Absent such stipulation, an employer cannot claim, for example, that a higher wage is implicit evidence that personal expenses or compensation for a longer workday were understood and included, especially in the face of prevailing practice to the contrary.³²

Minhag, understood as prevailing business practice or local regulation, is a powerful tool in the process of elaborating contemporary employee relations. This includes retirement and severance benefits,

unionization and the right to organize, job security and occupational safety. As the circumstances of commerce and employment have changed over time, its flexibility has been applied by religious thinkers to extend the interests of workers in areas not expressly provided or anticipated in classic Jewish thought. This contributes to its elasticity and helps it serve as a viable basis for contemporary ethical discourse.

VII

We may now cast a quick glance at other Western ethical traditions as they grapple with the role of employee relations and the concerns of the modern workplace, offering tentative conclusions based on a comparison with Jewish tradition. No doubt the best-known and most enduring analysis of the link between religious culture and work values is Max Weber's seminal assessment of Protestant faith and the rise of capitalism.³³ In it, Weber argued that early Protestant religious thought, particularly the work of John Calvin, committed believers to an inescapable determinism. Here the unchanging God chooses those who will win grace and membership in "the Elect," virtually at their birth. While one could never be certain of his eternal status, financial success and prosperity suggested that the Lord had smiled upon his fortune.

In considering the impact of such thought upon capitalist economics, Weber was particularly taken by those elements that were distinct and original to Calvin. For example, aside from prosperity, those chosen for grace also were characterized by lives of disciplined austerity, bordering on the ascetic. In this sense, work was intrinsically valued on religious grounds. Idleness and sloth were sinful, but so were materialism, opulence and pride.

One must work diligently, for an independent and industrious spirit paved the way to personal redemption. Profit ought never to be squandered on frivolous luxuries that mark the devil's temptation. Instead, it was to be reinvested again and again, thus amassing greater wealth, raising the economic wellbeing of the community at large, and testifying still further to the righteousness of its possessor. By the same token, there was little point in providing assistance to those whose poverty and want suggested that they were not among God's chosen. He had ordained that they never raise their status. Who was man to interfere?

Weber argued that these values promoted and encouraged radical changes in the economic systems of Europe and later in the New World. In his estimation, delayed material gratification created the pool of

resources that was the basis for capitalist expansion. This in turn nourished more mobile financial systems, which moved Europe away from the land-based economics that reinforced Feudalism and retarded growth. He insisted that the effects of this Protestant ethic could be observed and empirically measured. He argued that members of Protestant churches tended to work harder, to save more and to show greater financial success than others, especially Catholics and similar differences would be evident in comparing predominantly Protestant countries to those whose majority affiliated elsewhere. Others have added that Protestant faith encouraged child-rearing practices that emphasized achievement and that encouraged entrepreneurial success in their children.³⁴

Empirical tests of these propositions have yielded mixed results. For example, a study of congregants at thirty-one Roman Catholic, Protestant Calvinist and Protestant non-Calvinist churches, found that the salience of their religious faith and church participation correlated significantly with their tendency to view work as a “calling.” However, specific denominational norms, sermons and pastoral influence had little effect. Similarly religious affiliation and religious conviction yielded little or no correlation with organizational commitment, job satisfaction, job involvement or achievement need.³⁵

Yet cross-national research does suggest that the Protestant Work Ethic (PWE) is alive and well, though not necessarily among Protestants. Comparative studies in Barbados, China, Malaysia, India, Sri Lanka and Uganda have found a commitment to measures of PWE as strong or even stronger than those found in predominantly Protestant nations. This has led analysts to conclude that Weber’s predisposition notwithstanding, many other religious and cultural traditions are rooted in analogous commitments to the centrality of work and the accumulation of wealth through austerity and frugality.³⁶

Matched by the industrial success of Far Eastern nations, notably Japan, this has led cross-cultural research to uncover themes in Eastern faiths that support and encourage work values similar to those of the PWE. Elements of Confucianism, for example, are said to encourage respect for work, discipline, thrift and duty in the maintenance of harmony and support for an ordered society. In addition, interpersonal principles such as *Guanxi* (social connections and indebtedness) and *Jen* (warm feeling between people) promote a high degree of organizational loyalty and a close relationships among coworkers, and between employees and management.³⁷

More recently, the Roman Catholic Church has fashioned a unique

response to the role of labor in the lives of believers, through a variety of encyclicals and authoritative ecclesiastical documents. Papal authority formally entered the realm of modern economic thought with the publication of *Rerum Novarum* by Pope Leo XIII in 1891. Intended to help ameliorate the condition of poor workers due to capitalist excesses during the late nineteenth century, the encyclical ushered a new era of Church activism, later to be dubbed Catholic Social Teaching. This tradition grounded workplace relationships in 1) the inherent dignity of the laborer, 2) a concern for the common good, and 3) the reciprocal obligation for employees to work energetically and honestly. The welfare of the worker's family also was included as an important dimension in calculating wages and benefits along with career advancement.³⁸

This was followed by a series of declarations that fashioned employees as partners in the enterprise from which they would achieve their god-ordained rights to human fulfillment. From Pius XI (1922-39) to John XXIII (1958-1963) to John Paul II (1978 -), encyclicals, letters and homilies have made this a central theme of Church policy. Employers are obligated to expand the role of their workers, encourage their participation in all facets of business, and develop in them the professional and technical skills to support their activist role. Thus, as early as 1949 the National Catholic Convention of the newly created Republic of West Germany demanded worker's rights of "co-determination." Defined as "a natural right according to the order laid down by God," this would have extended employee involvement from the day-to-day activities of the firm to its most fundamental strategic decisions.

It should be noted that Pope Pius XII (1939-1958) took strong exception to these trends. He evidently concurred with the proposition that employers bear an obligation to consider the personal and social needs of their workers. Yet he saw nothing in Catholic tradition to justify the restrictions and limitations of ownership implicit in "co-determination" and the contemporaneous movements of worker participation. Never formally presented as an encyclical, his was a minority opinion among the many Churchmen with views more liberal and expansive.³⁹

There is much in the Jewish attitude toward work that stands in common with both the Protestant Work Ethic and with Catholic Social Teaching. Like Calvin, many rabbis saw intrinsic religious value in labor as an expression of human accomplishment and mastery over one's environment. There was no evil in the accumulation of wealth, and honest effort toward self-sufficiency was lauded as a boon to religious study and as a complement to the "fear of heaven."

Yet in Judaism there is little of the harsh determinism that emerges, especially in Weber's treatment of Calvin. Economic status on its own is no indicator of righteousness, and *mazzal* may easily rearrange financial fortunes over the course of a lifetime. Consequently, one is advised to attend to personal merit and prayer as ingredients for material success, and to accept the role of less predictable elements in the mix. Better choose work that is simple and clean and which allows ample time and energy for religious and personal fulfillment.

By the same token, Jewish tradition shares with Catholic Social Teaching the concern for the worker as a weak and often vulnerable partner to the commercial relationship. Its inclination in favor of the laborer was part of a broader attempt to create balance and equity in the marketplace. However, this does not suggest that the worker becomes a partner thereby to corporate decisions over capital, policy or the allocation of resources. Jewish thought retains its basic commitment to private property and the rights it implies.

Employers are expected to treat their workers kindly. They must look upon them with empathic understanding, paying their wages punctually, overlooking occasional lapses in the quality of their effort, and allowing them to organize in pursuit of their best interest. However, there is little doctrinal basis for the mandate of empowerment or for the participatory managerial style implicit in these recent Papal pronouncements. There is no requirement to obscure differences of status on the job by inviting workers to join in managerial decision.

Aside from a respect for ownership and property, the silence of Jewish sources toward these new labor initiatives may be borne of a second premise. Both Weber's treatment of Calvin and Catholic Social Teaching reflected in recent encyclicals have increasingly come to emphasize work as a source of moral and social achievement for the laborer and the workplace, a venue for him to perfect his dignity and his humanity. Consequently, it is natural to encourage workers to develop their personal and professional potential on the job, and it is natural that they actively participate in making the decisions that affect them.

Jewish sources denote an intrinsic religious significance in labor. By the honest execution of a trade one protects his own good name and even emulates God. Still the seeds of fulfillment lie elsewhere. One reaches his potential and finds his humanity in study, prayer, penitence and good deeds as much, or more than in financial success and professional attainment. The venue of personal fulfillment is the family, the synagogue, the study hall and the community, more often than the shop

or the office. Empowering workers may promote productivity, reduce grievances and make for good employee relations, but it is not part of Jewish economic doctrine, nor can it be justified as a moral right or religious entitlement.

It should be added, that while *Hazal* did not see the workplace as a primary venue for spiritual gratification, they were also careful to insist that employees exhibit an almost religious commitment to the profits and the property of their employers. They would never allow undue piety to stand in the way of productivity. Even as employers were adjured to look upon their workers with compassion and understanding, workers were warned against waste and indolence on the job. The latter were enjoined from allowing off-hours activities, even those borne of personal piety and godliness, from interfering with the energy and motivation that was an inherent expectation on the job. Additionally, prayers and blessings were curtailed or modified to accommodate the worker or the businessperson, and as an easement for Jewish communities whose economic status was precarious enough due to external pressures.

The social goal pursued by the interpreters of Jewish tradition was not equality *per se*, but rather moral reciprocity and balance. They never questioned the legitimacy of private property nor were they indifferent to social disparities, whether ritual, political or economic. To mandate a crude and abusive uniformity which undermined choice was unnatural, and in any case unenforceable and naïve. Instead, they sought to limit the discretion of ownership against countervailing claims of public interest and personal obligation, under the aegis of a moral code to which all parties must owe allegiance. Their point was to fashion a relationship based on equity and fairness with a vision rooted in the inherent dignity of each party to a transaction, bound to one another as servants of God and as adherents of His Torah.

Notes

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1. Bilha Mannheim and Avraham Sela. "Work Values in the Oral Torah," *Journal of Psychology and Judaism* 15,4 (1991): 252.
2. R. Shmuel Ideles, *Hiddushei Halakhot va-Aggadot Maharsha, Berakhot* 8a.
3. For a more recent assessment, see *Tiferet Yisrael, Kiddushin* 4:14 s.v. *lefi zekhut*. See also *Tosafot, Mo'ed Katan* 28a, s.v. *ela be-mazzala*.

4. See *Tosafot, Shabbat* 156a, s.v. *ein mazzal le- yisrael*; *Rashi, Yevamot* 70a, s.v. *zakhah mosifin lo*; *Tosafot, Yevamot* 70a, s.v. *mosifin lo*; also *Tosafot, Kiddushin* 82a, s.v. *ela ha-kol*; *Tosafot, Mo'ed Katan* 28a, s.v. *ela be-mazzala* and *Aggadot ha-Maharsha, Mo'ed Katan* 28a, s.v. *be-mazzala talya*.
5. We have purposefully avoided here, as not germane, the centuries-old controversy over full-time Torah study versus active pursuit of a profession as the modal road to righteousness and redemption. For a consideration of that topic in the context of our present discussion, see my *Learning or Earning: Toward a Jewish Work Ethic* (Ramat Gan, 2000). Also, more generally, see my *By the Sweat of Your Brow: Reflections on Work and the Workplace in Classic Jewish Thought* (in press).
6. See, e.g. *Tosafot, Bava Mezi'a* 10a, s.v. *ki li*.
7. See Rambam, *Mishneh Torah, Hilkhot Sekhirut* 9:7 and R. Yosef Karo, *Shulhan Arukh, Hoshen Mishpat* 333:3.
8. R. Mordekhai ben Hillel, *Mordekhai, Bava Mezi'a*, #460.
9. *She'elot u-Teshuvot ha-Maharam Me-Ruttenberg*, especially #85 and #79; see also *Mordekhai, Bava Mezi'a*, #347.
10. R. Aharon ben Meshullam ha-Levi, *Sefer ha-Hinukh*, #483.
11. *Mordekhai, Bava Mezi'a* #346; see also Rambam, *Hilkhot Avadim*, 2:5.
12. *Tosafot Kiddushin* 17a, s. v. *halah shalosh*.
13. See Rambam, *Hilkhot Sanhedrin* 25:1-3.
14. See e.g. *Rashi, Bava Mezi'a* 83a, s.v. *shekola'ei*.
15. See R. Menahem ha-Meiri, *Beit Ha-Behirah, Bava Mezi'a* 83a; see also *Shulhan Arukh, Hoshen Mishpat*, 304:1.
16. R. Asher ben Yehiel (Rosh), *Kizzur Piskei Ha-Rosh* 6:19.
17. *Mordekhai, Bava Mezi'a* #257; also R. Joel Sirkes, *Bayit Hadash, Hoshen Mishpat*, 12:4.
18. *Nimmukei Yosef, Bava Mezi'a*, p.102. Also, see R. Ya'akov Ba'al ha-Turim, *Tur, Hoshen Mishpat* 12:4. Also notable is the attempt by R. Yehoshua Falk-Katz to read our case into the decisions of the *Shulhan Arukh*. See his *Sefer Me'irat Enayim, Hoshen Mishpat*, 304:1.
19. For a good review of this literature, see Shmuel Shilo "On One Aspect of Law and Morals in Jewish Law: *Lifnim mi-Shurat ha-Din*," *Israel Law Review* 13 (1978): 359-90; Shillem Wahrhaftig, *Dinei Avodah ba-Mishpat ha-Ivri* (Tel Aviv, 1969), 2:924-28; and Robert Eisen, "Lifnim MiShurat Ha-Din in Maimonides' Mishneh Torah," *Jewish Quarterly Review* 89(3-4): 291-317.
20. *Maharsha, Bava Mezi'a* 83a.
21. See *Tur, Hoshen Mishpat* 337: 20; *Shulhan Arukh, Hoshen Mishpat*, 337: 20.
22. Rambam, *Hilkhot Sekhirut* 13:7.
23. *Tur, Hoshen Mishpat*, 333:3; *Shulhan Arukh, Hoshen Mishpat*, 333: 3.
24. *Mordekhai, Bava Mezi'a* # 346; *Maharam, She'elot u-Teshuvot* #85; *Tur, Hoshen Mishpat*, 333:3; *Rama, Shulhan Arukh, Hoshen Mishpat*, 333:3.
25. Wahrhaftig, *Dinei Avodah ba-Mishpat ha-Ivri*, 1:324.
26. Rambam, *Hilkhot Sekhirut*, 10: 3-4; *Tur, Hoshen Mishpat* 306:3; Wahrhaftig, *Dinei Avodah ba-Mishpat ha-Ivri* 2: 814-16.
27. See Rambam, *Hilkhot Sekhirut* 10:4; *Shulhan Arukh, Hoshen Mishpat* 306:4; R. Yehoshua Falk-Katz, *Sefer Me'irat Enayim, Hoshen Mishpat* 306:13; R. Yehiel Mikhael Epstein, *Arukh ha-Shulhan, Hoshen Mishpat* 331: 7.
28. Rambam, *Hilkhot Sekhirut* 3:2. See also *Shulhan Arukh, Hoshen Mishpat* 304:1.
29. See my "Exploratory Notes on Employee Productivity and Accountability in

- Classic Jewish Sources,” *Journal of Business Ethics*, 12, 6 (1993): 485-91 and my “The Employee as Corporate Stakeholder: Exploring the Relationship Between Jewish Tradition and Contemporary Business Ethics,” in *Jewish Business Ethics: The Firm and Its Stakeholders*, ed. Aaron Levine and Moses Pava (Northvale, NJ: 1999), 45-73.
30. See R. Avraham Gumbiner, *Magen Avraham, Oraḥ Ḥayyim* 890:22 and R. Moshe Sofer, *She’elot u-Teshuvot Ḥatam Sofer, Oraḥ Ḥayyim* 1:36.
 31. *Mordekhai, Bava Mezi’a* #366; *Rama, Ḥoshen Mishpat*, 331:1; *Tosafot, Bava Batra* 2a, s.v. *bi-gevil*.
 32. See e.g. *Tosafot, Bava Mezi’a* 83a, s. v. *ha-sokher*, and *Keẓot ha-Ḥoshen, Ḥoshen Mishpat*, 331:1.
 33. Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York, 1958); also Martin Rose, *Reworking the Work Ethic: Economic Values and Socio-Cultural Politics* (London, 1985); Arthur Furnham, *The Protestant Work Ethic: The Psychology of Work Related Beliefs and Ethics*. (London, 1990); Richard Tawney, *Religion and the Rise of Capitalism* (New Brunswick, NJ, 1998); Paul Bernstein, *American Work Values: Their Origin and Development* (New York, 1997); James Davidson and David P. Cadell, “Religion and the Meaning of Work,” *Journal for the Scientific Study of Religion* 33, 2 (1994): 135-42; Leonard Cushmir and Christine Koberg, “Religion and Attitudes Toward Work: A New Look at an Old Question” *Journal of Organizational Behavior* 9,1 (1988): 251-62.
 34. See David McClelland, *The Achieving Society* (Princeton, NJ, 1963) and Paul Bernstein, *American Work Values: Their Origin and Development* (New York, 1997).
 35. For a review of these efforts, see Jennifer Dose, “Work Values: An Integrative Framework and Illustrative Application to Organizational Socialization” *Journal of Occupational and Organizational Psychology* 70, 3 (1997): 219-40 and MOW International Research Team, *The Meaning of Work* (London, 1987).
 36. See James Lincoln and Arne Kalleberg, “Work and Work Force Commitment: A Study of Plants and Employment in the US and Japan” *Sociological Review* 30, 3 (1985):738-60; F.S. Niles, “Toward a Cross Cultural Understanding of Work Related Beliefs.” *Human Relations* 52, 7 (1999) 855-67; Arthur Furnham, et al, (1993) “A Comparison of Protestant Work Ethic Beliefs in Thirteen Nations.” *Journal of Social Psychology*, 133, 2 (1993):185-97.
 37. Jing-lih Farh, Anne Tsui, Katherine Xin Bor-Shiuan Cheng ,”The Influence of Relational Demography and Quanxi: The Chinese Case” *Organizational Science* 9, 4 (1998): 471-88; Lisa Hope Peled and Katherine Xin, “Work Values and their Human Resource Management Implications: A Theoretical Comparison of China, Mexico and the United States.” *Journal of Applied Management Studies* 6,2 (1997):185-98; David A. Ralston, “The Impact of National Culture and Economic Ideology on Managerial Work Values: A Study of the United States, Russia, Japan and China” *Journal of International Business Studies* 28,1 (1997):177-208; and Norman Coates (1987) “The ‘Confucian Ethic’ and the Spirit of Japanese Capitalism,” *Leadership and Organizational Development Journal* 2, 3 (1987):17-23.
 38. Gerald C. Treacy, *Rerum Novarum: The Condition of Labor* (New York, 1939); Michael Zigarelli, “Catholic Social Teaching and the Employment Relationship,” *Journal of Business Ethics* 12,1 (1993): 75-82; Michael Naughton

- and Gene R. Laczniak, "A Theological Context of Work from the Catholic Social Encyclical Tradition," *Journal of Business Ethics* 12,12 (1993): 981-84.
39. Michael Naughton, "Participation in the Organization: An Ethical Analysis from the Papal Social Tradition," *Journal of Business Ethics* 14,11 (1995): 923-35; also Michael Naughton, *The Good Stewards* (Lanham MD, 1992) and Gideon J. Rossouw, "Where Have All the Christians Gone?," *Journal of Business Ethics*, 13,7 (1994): 557-71.