**S.A.L.T. – PARASHOT ACHAREI MOT – KEDOSHIM**

**By Rav David Silverberg**

Motzaei Shabbat

The Torah in Parashat Kedoshim (19:33) reiterates the prohibition against oppressing foreigners who come to join *Am Yisrael*: “If a foreigner lives with you in your land, do not oppress him…” Curiously, the Torah here speaks specifically of a foreigner who lives “*be-artzekhem*” (“in your land”), in the Land of Israel. Quite obviously, it is forbidden to oppress converts to Judaism anywhere in the world, and not merely in *Eretz Yisrael*. Why, then, would the Torah here specify the case of a convert who joins the nation in our land? (See *Torat Kohanim*, which explains this verse as indicating that different standards of proof are required in *Eretz Yisrael* and in other locations when somebody claims to have become a convert.)

Rav Pinchas Menachem Yustman (the Piltzer Rebbe), in *Siftei Tzadik*, suggests that the Torah specifies the situation of a convert in *Eretz Yisrael* because converts were not assigned portions in the land. When *Benei Yisrael* entered the land, the territory was divided among the families at that time, such that foreigners were not guaranteed a plot. This may have led some to the mistaken conclusion that they may mistreat converts, or at least deny them the same rights and privileges granted to other members of the nation. After all, they might assume, if the Torah denied them a guaranteed portion of *Eretz Yisrael*, then they must have a lowly status, and may therefore be treated as such. To dispel this dangerous misconception, the Torah here emphasizes that even in *Eretz Yisrael* all converts must be treated fairly, respectfully, and as full-fledged members of the nation.

The Tolna Rebbe of Jerusalem applied this insight of the *Siftei Tzadik* to all situations of people who seem to have been denied certain privileges by Providence. A person might look around him and notice many people who were not fortunate enough to have the same level of intelligence as his, to have received the same quality education he received, to have enjoyed the same kind of stable upbringing and happy childhood that he did, or to have the same financial success that he enjoys. The *Siftei Tzadik*’s comment reminds us that we must never feel superior to other people on account of talents, resources or other advantages and privileges that we have been given and they haven’t. It is not for us to know why God makes some people healthier, wealthier, more intelligent, more socially adept, or more skilled than others. The prohibition against oppressing a foreigner, when seen from this perspective, teaches us that we must give respect to all people, even to those whom we feel we have reason to view as inferior.

Sunday

The Torah in Parashat Kedoshim (19:9) introduces the obligations of *pei’a* and *leket*, which require leaving certain portions of one’s field for the poor. The *mitzva* of *pei’a* requires leaving the corner of one’s field, while *leket* requires leaving the sheaves which fall to the ground during the harvest.

The Rambam, in Hilkhot Matenot Aniyim (1:14), writes (based on the Talmud Yerushalmi, Masechet Pei’a) that according to Torah law, these obligations apply only in *Eretz Yisrael*. The Torah here speaks of “*ketzir artzekhem*” – when people are harvesting “in your land,” implying that these *mitzvot* are relevant only in the Land of Israel. Nevertheless, the Rambam adds, they apply elsewhere by force of rabbinic enactment.

The *Tur* (Y.D. 332) writes that these *mitzvot* did not practically apply in his time, even on the level of rabbinic enactment, “because the majority [of people] are non-Jews; if they would leave [these portions of the field], non-Jews would come and take them.” Since the obligation is to leave these portions of the fields to assist needy Jews, there is no obligation in areas where leftover portions of the field would be taken by gentiles. Accordingly, the *Shulchan Arukh* (Y.D. 332:1) ruled that in a place where there are no Jewish paupers who would benefit from the leftover portions, these obligations do not apply. Interestingly, the *Shakh* understood that the *Shulchan Arukh*’s ruling was intended specifically for areas outside *Eretz Yisrael*, where these *mitzvot* apply only on the level of rabbinic enactment. In the *Shakh*’s view, it is only outside *Eretz Yisrael* that these obligations are inapplicable if no Jewish paupers would benefit from the produce. In *Eretz Yisrael*, however, where these obligations apply on the level of Torah obligation, one must leave the required portions of his field regardless of whether there are needy Jews who would benefit from them. Others, however, including the *Bach* and *Chatam Sofer* (cited in *Pitchei Teshuva*), disagreed, and accepted the straightforward reading of the *Shulchan Arukh*’s ruling, that even in *Eretz Yisrael*, these obligations do not apply if no underprivileged Jews would avail themselves of the produce. These authorities noted that the Rama, in his *Darkhei Moshe* commentary to the *Tur*, writes explicitly that this exemption applies even in *Eretz Yisrael*.

A number of recent halakhic authorities addressed the question of whether these obligations apply nowadays in the modern State of Israel, where there are, unfortunately, a fairly large number of needy Jews who could, at least in theory, benefit from leftover portions of agricultural fields. Indeed, Rav Yechiel Michel Tuketchinsky, in his *Sefer Eretz Yisrael* (10), wondered why religiously observant farmers in the Land of Israel did not leave the required portions of their fields over for the poor. He suggested, quite simply, that under modern conditions, when people generally obtain food from stores, and not from fields, it is simply not worth it for the poor to make trips through agricultural fields to collect leftover produce. In practice, the situation today resembles the situation described by the *Tur*, where no Jewish paupers would avail themselves of the portions left for them. Rav Tuketchinsky thus rules that farmers in *Eretz Yisrael* today are exempt from these obligations, unless they know of needy people nearby the fields who would benefit from leftover portions of produce. This point is also made by the *Chazon Ish* (*Ma’aserot*, 7:10). (Of course, the validity of this claim depends on the debate cited above, as according to the *Shakh*, one must leave the required portions of produce in *Eretz Yisrael* even if no paupers would benefit from them.)

Rav Chaim Kanievsky, in his *Derekh Emuna* (Hilkhot Matenot Aniyim 1:10), cites this ruling of the *Chazon Ish*, but adds that farmers are nevertheless able to fulfill these *mitzvot* by informing needy people that they are leaving portions of produce for them, and inviting them to take it.

(Based on Rav Yehuda Adari’s discussion in *Tenuvot Sadeh*, vol. 12 5757)

Monday

One of the *mitzvot* presented by the Torah in Parashat Kedoshim is the obligation of *pei’a*, which requires leaving the corner of one’s field for the poor (19:9).

The Mishna in Masekhet Pei’a (2:5) addresses the case of a field in which one has grown two different species of vegetation, and it rules that this land is regarded as two separate fields with respect to the *pei’a* obligation. Even if the two different species are harvested together, nevertheless, the different areas are viewed as two separate fields, such that the individual must leave the corner of each of the two sections. The exception to this rule is a field with two different types of wheat. If all the produce is harvested together, then the land is considered just a single field, such that only one corner of the entire field needs to be left for the poor. In the case of different species of wheat, it is only if two separate harvests are made for the different species that they are regarded as separate fields.

The next Mishna cites Nachum Ha-lavlar as stating that this unique provision originates from a “*halakha le-Moshe mi-Sinai*” – an oral tradition dating back to Sinai. Nachum was a member of the *Sanhedrin* when this very question was posed, and he proclaimed, “I have received from Rabbi Meyasha, who received from his father, who received from the pairs [of Sages who led the *Sanhedrin* in the earlier part of the Second Commonwealth], who received from the prophet a law given to Moshe at Sinai regarding one who plants two species of wheat in his field: If he made then into a single granary, he leaves one corner; two granaries – he leaves two corners.”

Rav Yehuda Leib Ginsburg, in his *Musar Ha-mishna* commentary, raises the question of why this *halakha* earned such a dramatic proclamation. Rather than simply state the *halakha*, Nachum found it necessary to trace the entire tradition of this law, and to do so in emphatic fashion, something we would not expect when mentioning a technical provision of this nature.

Rav Ginsburg suggests that the dramatic presentation of this rule perhaps points to a deeper concept symbolically expressed through this *halakha*. The law presented here reflects the notion that two different species can constitute a single entity – a notion that we should strive to apply in our communities. It is possible for people with different ideologies and outlooks on important matters to come together under one roof and conduct themselves as a single unit. Rav Ginsburg speaks of the specific example of synagogues, lamenting the fact that certain ideological subgroups find it necessary to form separate synagogues, rather than remain in the same congregation with other subgroups. The “*halakha le-Moshe mi-Sinai*” presented in this Mishna, Rav Ginsburg writes, should serve as a model that challenges us to remain united even as we disagree on significant issues. Certainly, some ideological differences run very deep and do not allow for the establishment of a single entity. In the case of *pe’a*, it is only different species of wheat that can be united into a single field; entirely different species will always retain separate identities without the possibility of merging into a single halakhic unit. But the example of the field with two species of wheat demonstrates that we do not need to join together with only those with whom we agree on all matters, and that different “species” can, in many cases, work and live together under the same roof with mutual respect and in fruitful cooperation with one another.

Tuesday

The Torah in Parashat Kedoshim introduces several commands regarding portions of the harvest that must be left for the poor (19:9-10). These include *pei’a* – a corner of one’s field which must be left unharvested; *leket* – sheaves of grain that fall during the harvest; *olelot* – abnormally shaped clusters of grapes; and *peret* – grapes that fall during the harvest.

The Mishna in Masekhet Pei’a (8:1) discusses the points at which *leket*, the produce that is dropped during harvesting, becomes permissible for all people, and not only for the poor. For most types of produce, the Mishna rules, the dropped sheaves become permissible to all people once the “*nemushot*” – the frail, elderly paupers – leave the field with their collected sheaves. Naturally, the *nemushot* were the last ones among the poor to arrive at the fields to collect the dropped sheaves, and thus once they leave, the process of the poor’s collection is deemed complete, such that the remaining stalks may be taken by anybody. The exceptions are vineyards and olive groves. The portions of vineyards allotted for the poor (*peret* and *olelot*) become available for all people after the poor make their second trip through the vineyard, and the portions of olive groves may be taken by all after the second autumn rainfall.

The Talmud Yerushalmi raises the question of why *Halakha* draws this distinction. The rule of *nemushot* – that the poor’s collection is considered complete once the slow, frail paupers finish collecting – seems to be the most reasonable end point at which the *leket* process can be said to have concluded. Why, then, does it not apply to all harvests, including those of vineyards and olive orchards? The Yerushalmi explains that due to the special importance of grapes, even the *nemushot*, despite their frailty, would exert themselves and show up together with the younger, stronger paupers to collect the *peret* and *olelot*. And as for the olive harvest, olives – as opposed to other forms of produce – are harvested in the autumn, after the weather has already turned cold, and so the elderly did not generally go out to collect the *leket* of olives, in order to protect their health.

Rav Yehuda Leib Ginsburg, in his *Musar Ha-mishna*, suggests drawing a practical lesson from the Yerushalmi’s discussion. Sometimes we feel like “*nemushot*” – frail and fatigued, and we thus seek to excuse ourselves from working hard to accomplish and achieve. The Yerushalmi’s discussion shows that when it comes to especially valuable assets, even the “*nemushot*” find the energy and rigor to do what is necessary to obtain the commodity. The lesson being conveyed is that very often, when we feel the need to excuse ourselves from religious achievement due to our fatigue, we can muster the energy needed to do the work once we recognize its great value and importance. Like the *nemushot* at the time of the grape harvest, we can often overcome lethargy if we have our priorities in order and truly appreciate the central importance of Torah and *mitzvot*. Certainly, as in the case of the olive harvest, there are times when we need to excuse ourselves for the sake of our physical wellbeing. On other occasions, however, we simply feel listless, a feeling we can and should try to overcome by reminding ourselves of the importance and value of that from which we seek to excuse ourselves.

Wednesday

Parashat Kedoshim begins with the command, “You shall be sacred, for I, the Lord your God, am sacred.” Rashi, citing *Torat Kohanim*, understands that this command refers to “*perishut*” – restraint and abstention. As the Ramban famously explains, we are to emulate God’s “sanctity” by moderating our physical indulgence, whereby we resemble – albeit to a miniscule extent – God’s entirely nonphysical essence. We introduce Godly sanctity into our lives by exercising restraint over our physical drives, satisfying them in moderation rather than freely indulging as much as we naturally and instinctively desire.

*Ketav Sofer* adds further insight into the command of “*kedoshim tiheyu*” by noting the conclusion of this verse – “for I, the Lord your God, am sacred.” Rather than state simply that we should follow the example of sanctity set by God, the Torah here commands following the example set by “the Lord **your God**.” The emphasis on the fact that the Almighty is “your God,” *Ketav Sofer* explains, points to His intimate involvement in our lives despite His qualitatively different level of sanctity. Although God is infinitely greater and holier than even the greatest and holiest human being, He is nevertheless “our God,” directly and closely involved in all our affairs. Our lowliness in relation to God does not prevent Him from caring about us, providing our needs, protecting us, and taking interest in us. And this, too, is a crucial component of the command of “*kedoshim tiheyu*.” Our quest for sanctity, *Ketav Sofer* comments, must not lead us to become disinterested in those who do not aspire to sanctity. Our attainment of *kedusha* must not result in our dissociation from those who have not accomplished the same. Just as the Almighty is “our God” – actively and directly involved in and concerned about our lives – despite His infinitely higher level of sanctity, we, too, must be involved with and concerned about others even if we feel we have achieved a far higher stature of *kedusha* than they.

Too often, we associate “*kedusha*” with disengagement and aloofness, and assume that to be “holy” means to be incapable of relating to or involving oneself with those who aren’t. *Ketav Sofer* reminds us that to the contrary, as the command to be “holy” is formulated as a command to emulate God’s “holiness,” we may conclude that the Torah’s conception of “holiness” is one that leads to greater interaction with and interest in other people, not less. The model of *kedusha* to which we must aspire is one which entails building close relationships with people regardless of their level of *kedusha*, just as God seeks a close relationship with us despite our infinitely lower level of *kedusha*.

Thursday

The Torah in Parashat Kedoshim (19:13) issues the prohibition of “*lo talin pe’ulat sakhir itekha*,” which forbids withholding the wages of an employee. The verse here forbids withholding wages “until morning,” and the Gemara in Masekhet Bava Metzia (110b) explains that this refers to a day worker, who finishes work at sundown, and whose employer is given until morning to pay the worker.

The Torah formulates the command as a prohibition against keeping the wages “with you” (“*itekha*”), indicating that it speaks of a case where the money for the wages is available, but the employer decides to keep it for himself rather than immediately give it to his worker. On this basis, the Gemara (Bava Metzia 111b) rules that one transgresses this prohibition only if he has the means of paying his worker, but chooses not to. If, however, the employer does not have the cash available, he does not violate the prohibition of “*lo talin*” by waiting until he obtains the money he needs. This provision is codified in the *Tur* and *Shulchan Arukh* (C.M. 339:10).

Rabbi Akiva Eiger, in his notes to the *Shulchan Arukh*, notes a subtle discrepancy between the *Tur*’s formulation of this law and that which appears in the Gemara. The *Tur* writes that the employer is permitted to delay payment if “he does not have money,” indicating that this is allowed even if the employer has a way to access cash. For example, if he owns possessions which he does not need and can sell to obtain cash, he is not required to do so. However, Rabbi Akiva Eiger notes, the Gemara’s formulation is that one may delay payment “*im ein lo*” – “if he does not have,” suggesting that this provision applies only if the employer has neither money nor the ability to access money. Indeed, the *Sefer Ha-chinukh* (588) writes that delaying payment is permitted “*im ein lo kelum*” – “if he has nothing,” clearly implying that this *halakha* does not apply if the employer has possessions he could sell to obtain fluid cash. This view is stated explicitly by the Ritva, in his commentary to Masekhet Bava Metzia, where he writes that if the employer has merchandise to sell, he must make an effort to sell it in order to obtain the money needed to pay his worker. Importantly, though, the Ritva emphasizes that the employer is required to sell only property which is intended for sale, and not his personal property which he uses.

This stringent view is the position accepted by the *Chafetz Chayim*, in his work *Ahavat Chesed* (9:7). Citing the ruling of the Ritva, the *Chafetz Chayim* asserts that this applies as well if the employer is owed money. If, for example, the employer had at some earlier point granted somebody a loan, and the time for payment has arrived, then, in the view of the *Chafetz Chayim*, the employer is required to claim his debt if he needs the money to pay his worker. He may not delay paying his employee if he has the ability to immediately claim a debt. (This ruling of the *Chafetz Chayim* may have far-reaching implications in cases of businesses who are owed money from their clients, and need that money to pay their employees, or schools who are owed tuition payments and need those funds to pay salaries. It would seem, according to the *Chafetz Chayim*, that the business or school in such a case bears a halakhic obligation to do what it can to obtain the money owed if it will otherwise be unable to pay its employees on time. Of course, this topic lies beyond the scope of our discussion.)

Interestingly, in his *Netiv Ha-chesed* notes to *Ahavat Chesed* (21), the *Chafetz Chayim* laments the fact that many people who hire workers for small jobs do not pay them immediately for their services because they do not have any small change. The *Chafetz Chayim* asserts that one is obligated to break a large bill if this is necessary to promptly pay one’s worker, even if this entails a small financial loss. Hence, since the prohibition against withholding wages applies even to very small amounts, one would be required to break a large bill to obtain the small change needed to pay a worker for a small job.

Friday

Yesterday, we noted the ruling of the *Chafetz Chayim* in his work *Ahavat Chesed* (9:7) regarding the extent of an employer’s obligation to obtain the money needed to pay his worker on time. As we saw, the *Chafetz Chayim* cited the ruling of the Ritva (Bava Metzia 111b) that if the worker does not have cash available, but has merchandise which he can sell, he must try to sell the merchandise in order to access money to pay his employees. The *Chafetz Chayim* applied this ruling to require the employer to claim any debts owed to him if necessary to obtain the money needed to pay his workers on time.

Extending this provision even further, the *Chafetz Chayim* posits that if the employer is able to access money by taking a loan (without interest), then he is required to do so. In his *Netiv Ha-chesed* (21), the *Chafetz Chayim* points to two different factors that lead to this conclusion. First, he notes the general concept that one should endeavor to place himself in situations that enable him to fulfill a *mitzva*. The *Chafetz Chayim* cites the Gemara’s famous comment in Masekhet Menachot (41a) that although one is not required to fulfill the *mitzva* of *tzitzit* unless he wears a four-cornered garment, it is proper to specifically wear a four-cornered garment in order to place himself in a situation which obligates him in this *mitzva*. By the same token, the *Chafetz Chayim* writes, although the obligation to pay workers on time applies only if one has money available, one who can easily borrow money in order to have money available with which to fulfill this *mitzva* should do so.

The *Chafetz Chayim* then proceeds to propose the possibility that this would be required even on the level of strict halakhic obligation. Rashi, commenting to the command in Parashat Kedoshim (19:13) requiring paying a worker by morning, explains (based on the Gemara, Bava Metzia 112) that this refers to a day laborer, who finishes work at sundown. Rather than demand that the employer pay the wages immediately at sunset, Rashi writes, the Torah allows the employer the entire night “to seek money” (“*le-vakeish ma’ot*”). Seemingly, the *Chafetz Chayim* suggests, this means that the employer is required to try to access cash through any easily available means, including a loan. Likewise, the *Sefer Ha-chinukh* (588) writes that the obligation to pay a worker on time applies if the employer “has in his home or is able to pay him.” This formulation suggests that the obligation applies if the employer has any possible means of obtaining money, including taking a loan.

One might, however, question this theory on the basis of the Torah’s formulation in presenting this command. The Torah forbids withholding a worker’s wages “*itekha*” (‘with you”), a formulation from which the Gemara (Bava Metzia 111b) infers that the prohibition applies only if the employer has money which he does not immediately give to the worker. Seemingly, if the employer does not have cash or merchandise to sell, and is not owed any money, he cannot be said to have anything that he is withholding instead of giving to his worker, even if he is able to take a loan. Therefore, while we readily understand the value of borrowing money in order to facilitate the fulfillment of this *mitzva*, it seems difficult to claim that this is strictly required by force of the command to pay workers on time.

Indeed, other sources state that borrowing money to pay a worker constitutes a “*midat chasidut*” – a measure of special piety, as opposed to a strict obligation. This is mentioned by Rav Schneur Zalman of Liadi in *Shulchan Arukh Ha-rav* (*She’eila U-sekhirut*, 18), citing the Arizal, and by the *Kitzur Shulchan Arukh* (188:4). (It should be noted, however, that the *Kitzur Shulchan Arukh* appears to be speaking specifically of a case of a needy employee, who relies on these wages for his basic necessities.)

Some later authorities added that this “*midat chasidut*” applies only if the employer is confident in his ability to repay the loan. The Mishna in *Pirkei Avot* (2:9) cites Rabbi Shimon’s comment that failing to repay a loan is considered evil, based on the verse in Tehillim (37:21), “*Loveh rasha ve-lo yeshaleim*” – “A wicked person borrows and does not repay.” Therefore, if the employer fears he will be unable to repay a loan, he should not borrow money to pay his worker, in order not to risk committing the sin of failing to repay a loan. It is far preferable to refrain from this “*midat chasidut*” than to run the risk of committing the sin of borrowing without repaying. (This point was made by Rav David Gutfarb, in his *Torat Chesed* commentary to the *Chafetz Chayim*’s *Ahavat Chesed*.)

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