

צֶדֶק צְדָקָה, תְּרֻדָּה-- לְמַעַן תַּחֲיֶה וַיִּרְשָׁתָּ אֶת-הָאָרֶץ, אֲשֶׁר-יְהוָה אֱלֹהֶיךָ נָתַן לָךְ.

## Labor on the Bimah

Resource Guide 2011 / 5771-5772

For a number of years, rabbis across the United States have made it a point to draw some attention to the issues of worker rights and Jewish text, tradition and culture, focusing on the fact that the September Labor Day Weekend comes just as the *Yomim Noraim* are approaching. Here are a few essays that might be useful in preparing a Dvar Torah on THIS year's Labor Day.

We look forward to incorporating additional items in future issues of this resource guide, and wish all who read this a Good and Sweet New Year.

### *Rabbi Jonathan Biatch*

Should Jews Support a Union's Right to Collective Bargaining? Yes!

Judaism has always championed workers' rights.

The creation of the Sabbath emanated from ancient Israelite ideals of offering the laborer humane working conditions. The laws in Deuteronomy—"Do not abuse the needy and destitute laborer... You must pay him his wages on the same day... for he is needy and urgently depends upon it" (24:14-15)—protected workers from the whims of corrupt bosses and abuses in the marketplace. Rabbinic tradition supported safe working conditions

and recognition of trade guilds (Sukkah 51b). And the Talmud implicitly recognized the right to bargain collectively, as per the bakers of the "shew bread" of the Temple (Yoma 38a), even though the rabbis preferred arbitration and negotiation over work actions (Baba Batra 9a).

The American Jewish tradition of support for union organizing and collective bargaining started more than 100 years ago, and intensified after the 1911 Triangle Shirtwaist

the American worker, including rights to bargain collectively (1918, 1920, and 1947).

Laborers' abilities to form unions and engage in collective bargaining have resulted in fair and decent wages, as well as safer working conditions, for millions of workers—even for those not in unions. And the more satisfied the worker, the higher quality the work!

This past February and March, the governor of Wisconsin used his political muscle to weaken organized labor in the state. I am proud to be among the many rabbis in Wisconsin who demonstrated, led study sessions and worship, and rallied Jews to continue the state's support of public employee unions.

The mandate of Torah is to bring dignity to humanity. What more Jewish accomplishment can there be!

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employees, mostly young female immigrants, lost their lives because their employer kept them locked in their workplace. Since 1918, the Central Conference of American Rabbis has championed laws that help

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## Rabbi Jack Moline

There is a temptation to justify every effort of social conscience by a verse from the beginning of Parshat Shofetim (Deut. 16:20).

Rabbi David Saperstein calls it the “Justice, justice shalt thou pursue” rationale, that is, “We are commanded to pursue justice, therefore, we must...(insert your favorite cause here).”

When it comes to supporting fair labor practices, no such manipulation of text is necessary. Throughout the Torah there are specific instructions on the proper treatment of workers. They are generally framed by a reminder from God that we know how it is to be slaves, and we must therefore show both justice and compassion for those who labor on our behalf. Wages must be fair and promptly paid (Deut. 24:14-15). A garment given in pledge must be returned each evening (Deut. 24:12). “Slaves” (really indentured servants) must be fed and sheltered, paid a wage and eventually released (Ex. 21:2, Deut. 15:12-14).

While it is true that Torah and subsequent tradition does not endorse a specific economic system, it is pretty clear from the very beginning—the story of Eden—that productive labor, designed to improve the lot of the worker and the community, is part of the dignity and purpose of human existence. When the first human beings are expelled from the garden and sent into the world, God instructs them, “by the sweat of your brow shall you eat bread” (Gen. 3:19). Far from being a curse, it is a manual for survival. And that which we value for the individual should be reflected in the practices of the society in which we live.

At the risk of falling subject to my own parody, I return to the verse first cited above. If we have a contribution to make to America as Jews, it is to share the wisdom of our system of values—including the protections afforded by Jewish tradition to those who earn their daily bread by the sweat of their brows (See Lev. 5:20-23, 19:13, Deut. chapters 15, 24).

Honest work should produce, at a minimum, adequate results. Just as the Biblical slave-owner was obligated to provide for the needs of his workers before meeting his own, so should contemporary employers place the living wages of their workers ahead of any but the most necessary profit margins. Our just society should expect no less.

We look around our cities today, large or small, and we see that the ideal has not been met. Not a one of us wishes for workers to be exploited, for honest people to be forced to live in poverty. Yet, we are shielded from both cause and solution by layers of bureaucracy and confusion. As individuals, our temptation is to reduce the problem to cases: we help to stock food banks, we write checks to legal aid services, we offer a dollar to the unemployed person on the street corner -- well-intentioned and commendable actions, to be sure, but actions which address the symptoms and not the causes of poverty. Who, after all, can be held responsible?

One answer is at the end of the Torah portion with which I began – Shofetim -- discussing not labor, but, of all things, murder. The discussion concerns the discovery of a murder victim in the fields between two cities. With no evidence at hand, it might be possible for people to throw up their hands in all innocence, decry the crime and go on with their lives. But Torah demands instead that the leaders of the nearest city, representing all of the residents, go through a complex ritual assuming responsibility for the crime and seeking God’s forgiveness. Presumably, they will be inspired to take steps to ensure the safety of residents and strangers alike so that their regret will not be hollow.

Workers are most often victimized not in fields between cities, but in the netherworld between competing interests, decentralized corporations and geographically scattered inves-



tors. With no one at hand to take responsibility for low wages or inadequate benefits, we might reasonably throw up our hands in all innocence, decry the crime and go on with our lives. But until we take responsibility for our neighbors and strangers alike, seeking for them the protections from this anonymous neglect, we have not fulfilled the mandate of Torah.

We all know that not every worker is righteous and not every employer is evil -- and vice versa. But we who live in privilege know the lengths to which we go to provide for ourselves and the ones we love. We hope to be rewarded for our effort and intention, fairly and adequately, whether we meet an ideal of righteousness or not. Gathered here as we are to offer thanks for God’s blessings, we must earn those blessings by pursuing a just society in which all people can depend on the dignity of their work as a reflection of the purpose for which they were created.

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## **Massachusetts Board of Rabbis**

Statement on Labor - October 2009

*Do not oppress your neighbor and do not rob; the wages earned by a day laborer shall not remain overnight with you until the morning. (Lev. 19:13)*

The Massachusetts Board of Rabbis recognizes the central role of organized labor in protecting the rights and dignity of American workers, and supports legislation that safeguards and promotes their wellbeing.

The dignity of the worker in Jewish tradition is rooted in the dignity of the human being created in the image of God. Of equal standing before God, the employee and the employer are each servants of God, thereby equal in relation to each other, each with responsibilities toward the other. Jewish law affirms the personal autonomy of workers. "Rav said: A worker can withdraw from employment even in the middle of the day without loss." (Bava Metzia 77a). Likewise, workers are required to be honest and responsible. In the Mishneh Torah, Maimonides offers a biblical paradigm for honest employees. Before leaving his father-in-law's employ, Jacob turned to Rachel and Leah and said: "As you know, I have served your father with all my strength" (Genesis 31:6). Citing this source, Maimonides ruled that "just as an employer must not cheat an employee, so too the employee must not cheat the employer. In what way does an employee cheat an employer? By wasting a bit of time here and a bit of time there, until the entire day has been craftily passed, with little or no

work done. An employee should be like the righteous Jacob who worked with all his might for his employer" (Hilchot S'chirut, 13:7). Though each has responsibilities to the other, the relationship between a worker and an employer is ultimately a power relationship, in which workers are the vulnerable party. In regard to all aspects of social interaction the Torah sets forth the challenge, *k'doshim tihiyu*/"you shall be holy." In the enumeration of commandments by which the ideal is to be met, the Torah anticipates the ease with which a worker can become dependent and thereby mistreated. Regarding the obligations of employers to employees, the Torah says "You shall not abuse a needy and destitute laborer, whether of your own people or a stranger.... You must pay the worker's wage on the same day, before the sun sets...., lest in crying out to God against you, you will incur guilt." (Deuteronomy 24:14-15). The Torah is clear in its demand that employers treat workers justly and Jewish law protects the worker from exploitation and neglect by employers.

From Samuel Gompers until today, Jews have played a central role in the American labor movement. The Yiddish verse of sweatshop poets such as Morris Rosenfeld gave voice to the anguished cry of oppressed workers: "...not a single window welcomes the sun...., toiling without letup...., blighted women, blighted men, with their spirits broken, and their bodies spent... (The Sweatshop, 1897)." Protection of workers in American law came through the courage and determination of workers to join together, and through unions to speak with one voice. Responsible for much that is taken for granted today, such as safety standards in the workplace, child labor laws, minimum wage, and the weekend, unions continue to be essential for ensuring the rights and dignity of workers. The Massachusetts Board of Rabbis has demonstrated its commitment to worker rights in the past. In a historic 1974 decision, published in English and Yiddish, the MBR called on Jews to boycott non-union lettuce and grapes as part of a campaign to support migrant farm workers.

Today, the MBR reaffirms our commitment to principles of fairness and justice in support of workers. The MBR offers the following tenets toward labor justice.

1. Aware that Jews are on both sides of contentious labor issues, the MBR calls for open discussion and for all sides to refrain from personal attacks. We call on both sides in a labor dispute to adhere to the highest ethical standards, and to work in good faith for the resolution of conflict.
2. Human dignity rests on self-determination. It follows that:
  - ◊All workers be treated with respect and dignity.
  - ◊All workers be paid a living wage that allows them to meet the basic needs of their families.
  - ◊All workers be provided with affordable health care benefits for themselves and their families.
  - ◊Employers support workers' training programs.
3. Workers have the right to organize without intimidation.

Therefore, the Massachusetts Board of Rabbis urges rabbis and congregations to:

- ◊ Draw on such resources as the Jewish Labor Committee to help raise awareness of local labor issues.
- ◊ Employ union labor where possible
- ◊ Hold all events, both communal and personal, in union-friendly venues.
- ◊ Consider the rights of those who work in our buildings and institutions, including those on professional staff, administrative support, and those who care for our buildings, whether contracted or salaried workers. In addition, we ask rabbis and congregations to be concerned for the ethical treatment of all employees of the services we use.

## ***Rabbi Mordechai Liebling***

For Jews around the world the bible reading for the week of this Labor Day contains the following passage from Deuteronomy 24:14-15. "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is needy and sets his life on it; else he will cry to God against you and you will incur guilt."

This is a clear call for a living wage and treating workers justly. The phrase "he sets his life on it" has always been interpreted as the worker needing the wage to pay for the necessities of life for self and family. The law is designed to protect a worker's dignity and physical needs. The workers must be paid on the same day (read in a timely fashion) so that they and their families do not go hungry and do not have to beg for food.

There are many jobs in our economy that do not pay a living wage—forcing workers to take two or even three jobs or work great amounts of overtime. In some cities there are movements to pass living wage bills. The bills would provide that the city does not contract with anyone who does not pay a living wage to its employees. Churches and synagogues have a biblical basis for supporting these campaigns.

The language of the text makes it clear that we have to give special attention to poor workers. We are not to abuse them. In this economy it is poor workers who are the most exploited. They are the ones that do not have health benefits, job security, or pension plans. They receive the least amount of respect, yet God hears their voice. We too need to hear their voice and fight on their behalf.

The rabbinic commentary on this text stresses the seriousness of this law. Anyone violating it is considered guilty of oppressing a neighbor, stealing, and oppressing the poor in addition to violating the expressed laws about paying wages promptly. These are very serious offenses. We don't often think of underpaying workers as stealing, but the rabbis rightly understood it as theft. They say it as stealing one's life. I think that it can be understood as theft on



"ABOLISH CH[ILD] SLAVERY!!" in English and Yiddish, probably taken during May 1, 1909 labor parade in New York City. George Grantham Bain Collection (Library of Congress).

three levels. If someone is not being paid a living wage, then he or she is not able to provide for the essentials of life -- food, shelter and clothing -- robbing them of being able to lead a normal life. It is also stealing money from them, by profiting from their labor and not giving them their due share. It is, also, a theft of their dignity, their hard work is not good enough to support themselves.

The rabbis underlined the gravity of this law by reversing normal contract law. Normally the burden of proof is on the one who is owed money; in this case the burden of proof is on the employer. The worker is assumed to be owed the money unless the employer can prove otherwise. Workers' wages are given higher rights than other types of debts.

Christian and Jewish religious institutions -- nursing homes, hospitals, schools -- need to heed the

principles of a worker's right to a living wage that their traditions teach. And we as faith members need to remind them of their responsibilities.

As we take the time to acknowledge and celebrate the contribution that all workers have made let us also take the time to make sure that all workers have the dignity of a living wage.

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**Rabbi Saul J. Berman**

The central event of Biblical history is the Exodus.

More space is devoted to it than to the narrative of creation. It is referred to more frequently than the revelation at Sinai. It is used as the rationale of many other Mitzvot of the Torah — of Shabbat and the Holidays, of Tefillin and tzitzit, and of many interpersonal Mitzvot. God identifies Himself as the Deity of the Exodus, and it is the only Biblical event which the Torah itself commands to be verbally affirmed daily (Deut. 16:3).

What precisely is it that we are required to remember in our daily verbal expression about the Exodus?

Deuteronomy 7:18 instructs us that we are to remember that God was the one who took us out of Egypt. Exodus 13:3 suggests that we are to remember that we, the Jewish People, chose to leave when God offered us the opportunity. Then, in five separate passages in the Book of Deuteronomy, the Torah implores us to remember that we were slaves in the land of Egypt (Deut. 5:15; 15:15; 16:12; 24:18 and 24:22.) In the first of these instances, the Torah uses this remembrance as a motive for the observance of Shabbat. In the other four, the remembrance of what it was like to be slaves in Egypt, is to serve as the vehicle through which we shape our ethical behavior in relation to the poor, the oppressed and the disadvantaged.

So long as we clearly recall the character of our own oppression at the hands of our Egyptian taskmasters, the Torah expects that we will be moved in our personal conduct to emancipate slaves, to include the poor in our rejoicing on our Holydays, to avoid bias against the weak, and to make our gleanings available to the stranger, the orphan and the widow. In sum, the memory of our own pain will be a constraint



on our causing similar pain to other vulnerable persons.

What then was the character of the oppression and pain which we suffered, the vivid recollection of which will impact so directly on our own behavior? The Torah refers to that labor as “avodat perach”, rigorous or ruthless work (Ex. 1:13,14.) The horror of such ruthless labor is so intense in the Torah that later verses explicitly forbid a Jewish person from assigning “avodat perach” to his or her bondsmen, servants or laborers (Lev. 25:43 and 46.) But what is the nature of such labor?

The Sifra, the Midrash Halakhah to the Book of Leviticus (commenting on Lev. 25:43), offers a definition of this horrendous and evil form of work, by illustration. “Avodat perach”, says the Sifra, is telling a laborer to bring you a cup of water when you don’t really intend to drink it, or telling him to

rake leaves in this area until you return to instruct him to stop. This is ruthless labor? This is the paradigm of evil in the relationship to vulnerable people?

The Rabbis are here teaching us a profound lesson. The most demeaning form of oppression of a laborer is to assign to him meaningless work. The most ruthless form of abuse of a laborer is to have him engage in an activity which serves no productive purpose and, therefore prevents him from having any pride in his achievement.

The measure of proper treatment of labor is not simply the physical rigors to which the employee is exposed. The employer has a responsibility to preserve the dignity of the employee through assuring that he or she can achieve a sense of meaning in the labor which she performs.

The remembrance of the Exodus calls to our consciousness not only the physical protection of laborers, but their emotional and spiritual protection as well.

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*This listing is a 'work-in-progress' - additional suggested entries welcome.*

