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November 2nd, 2008
Cheshvan 4, 5769

עוֹרֵי לְצֶדֶק. Uri L'Tzedek

Workers' Rights:

Ethics, Kashrut and Kedusha
Agri Boycott

Here was a population, low-class and mostly foreign, hanging always on the verge of starvation, and dependent for its opportunities of life upon the whim of men every bit as brutal and unscrupulous as the old-time slave drivers; under such circumstances immorality was exactly as inevitable, and as prevalent, as it was under the system of chattel slavery. Things that were quite unspeakable went on there in the packing houses all the time, and were taken for granted by everybody; only they did not show, as in the old slavery times, because there was no difference in color between master and slave.

~Upton Sinclair, The Jungle

Workers' Rights in Biblical and Rabbinic Literature (Timely Compensation)

Vayikra 19:13

You shall not defraud your neighbor, nor rob him; the wages of he who is hired shall not remain with you all night until the morning.

ויקרא פרק יט:יג

לא תַעֲשֶׂק אֶת רֵעֶךָ וְלֹא תִגְזֹל לֹא תִלִּין
פְּעֻלַת שְׂכִיר אֶתְּךָ עַד בֹּקֶר :

Dvarim 24:14-15

You shall not oppress a hired servant who is poor and needy, whether he is of your brothers, or of your strangers who are in your land inside your gates;
At his day you shall give him his hire, nor shall the sun go down upon it; for he is poor, and sets his heart upon it; lest he cry against you to the Lord, and it should be sin to you.

דברים פרק כד: יד-טו

לֹא תַעֲשֶׂק שְׂכִיר עֲנִי וְאֶבְיוֹן מֵאַחֶיךָ אוֹ
מִגֵּרְךָ אֲשֶׁר בְּאַרְצְךָ בְּשַׁעְרֶיךָ :
בְּיוֹמוֹ תִתֶּן שְׂכָרוֹ וְלֹא תָבוֹא עָלָיו הַשֶּׁמֶשׁ כִּי
עֲנִי הוּא וְאֶלְיוֹ הוּא נִשְׂא אֶת נַפְשׁוֹ וְלֹא
יִקְרָא עָלֶיךָ אֶל יְקוֹק וְהָיָה בְּךָ חַטָּא :

Ramban, Dvarim 24:15

For if you will not immediately pay as he leaves from his task, he will go to his home, and his wage will be with you until the morning, and he will die from hunger during the night.

רמב"ן דברים פרק כד: טו

... שאם לא תפרענו בצאתו ממלאכתו מיד
הנה ילך לביתו וישאר שכרו אתך עד בקר
וימות הוא ברעב בלילה.

1. How do you understand the psukim above? What responsibilities do employers have vis-à-vis their workers? What rights does the Torah grant workers? Can you think of rights that are omitted by these psukim?
2. The Ramban provides one possible consequence should an employer adhere to the Torah's guidelines. How realistic is this consequence? What are other

consequences if an employer shirks his or her responsibilities?

Talmud Bavli, Bava Metzia 112a

All who withhold an employee's wages, it is as if he has taken his life from him.

תלמוד בבלי מסכת בבא מציעא דף קיב עמוד א

כל הכובש שכר שכיר כאילו נוטל נפשו ממנו.

Talmud Bavli, Baba Kama 116b

As it is written, "For me, the children of Israel are servants" (Vayikra 25:55), and not servants to servants.

תלמוד בבלי מסכת בבא קמא דף קטז עמוד ב

דכתיב: +ויקרא כ"ה+ "כי לי בני ישראל עבדים", ולא עבדים לעבדים.

Sefer HaYirah, Rabbeinu Yonah

Be careful not to afflict any living creature, whether animal or bird, and all the more so, one should not afflict a person who is **created in the image of the Divine**. If you want to hire laborers and you find that they are poor, they should be [regarded as] poor members of your household, and do not degrade them, for you were commanded to have a respectful manner with them and to pay their wages.

ספר היראה (רבינו יונה)

השמר מלצער בע"ח הן בהמה הן עוף, וכ"ש שלא לצער אדם שהוא עשוי **בצלם המקום**. אם אתה רוצה לשכור פועלים ומצאת עניים יהיו עניים בני ביתך, ואך אל תבזה אותם, אך דרך כבוד תצוה להם, ותשלם שכרם משלם...

The Talmud in Baba Kama could be suggesting a distinction between Jewish and non-Jewish laborers. Perhaps in contrast, Rabbeinu Yonah invokes the concept of *B'tzelem Elokim* and urges the embrace of impoverished workers.

1. Are these texts in conflict with one another? Should such a distinction exist for Jewish employers?
2. In your view, how should Jewish employers treat non-Jewish laborers?

Mishna Bava Metzia 7:1

One who hires laborers and demands that they commence early or work late — where local usage is not to commence early or work late he may not compel them. Where it is the practice to supply food [to one's laborers], he must supply them therewith; to provide a relish, he must provide it. Everything depends on local custom.

משנה מסכת בבא מציעא פרק ז משנה א

השוכר את הפועלים ואמר להם להשכים ולהעריב מקום שנהגו שלא להשכים ושלא להעריב אינו רשאי לכופן מקום שנהגו לזון יזון לספק במתיקה יספק הכל כמנהג המדינה.

It once happened that r. Johanan b. Mathia said to his son, 'go out and hire laborers.' he went and

מעשה ברבי יוחנן בן מתיא שאמר לבנו צא שכור לנו פועלים הלך

agreed to supply them with food. But on his returning to his father, the latter said, my son, should you even prepare for them a banquet like solomon's when in his glory, you cannot fulfill your undertaking, for they are children of Abraham, Isaac and Jacob. But, before they start work, go out and tell them, "[i hire you] on condition that you have no claim upon me other than bread and pulse." R. Simeon b. Gamaliel said: it was unnecessary [to stipulate thus]; everything depends on local custom.

ופסק להם מזונות וכשבא אצל
 אביו אמר לו בני אפילו אם אתה
 עושה להם כסעודת שלמה בשעתו
 לא יצאת ידי חובתך עמהן שהן בני
 אברהם יצחק ויעקב אלא עד שלא
 יתחילו במלאכה צא ואמור להם
 על מנת שאין לכם עלי אלא פת
 וקטנית בלבד רבן שמעון בן
 גמליאל אומר לא היה צריך לומר
 הכל כמנהג המדינה :

1. Do you agree with the Mishna's assertion that "everything depends on local custom"?
2. What are the limits or boundaries of this principle? In your opinion, should everything depend on local custom OR should there be certain guidelines that are accepted across Jewish businesses (in an ideal scenario)?

Other Applications, Scenarios, Current Events

All Things Considered October 25, 2007

San Diego County is home to tens of thousands of immigrant workers, both legal and undocumented. Their homes and workplaces may be at risk, but poor access to services and fear of immigration authorities at evacuation centers may keep some from seeking shelter.

Workers in California's lucrative agriculture industry are among those in limbo.

Jesus Gomez from Oaxaca was at his job at a nursery in San Diego's North County when the Witch fire roared in from the east. His crew kept working while wind whipped smoke and ash in their eyes.

"They gave us masks, but still, our eyes were filling with dirt and ashes. So, we keep working, but then the police came in," Gomez says.

He says his boss told him to stop working only after law enforcement gave the mandatory evacuation order. He's been out of work since, though he may be an exception.

Personal Safety Versus Employment

At the tomato field across the street and at other fields too close for comfort to the fires, many laborers have not missed a day tending the crops.

Alberto Lozano of the Mexican Consulate in San Diego says he's concerned that the workers care more about their jobs than their personal safety.

"They could smell the smoke and they could see the light of the fire. But since their boss didn't order them to leave, they were thinking they were just saving their jobs," Lozano says.

1. What types of workers' rights might extend to the situation in San Diego? Can we apply any of the previously discussed paradigms?
2. Alternatively, consider the foreign workers that have become a significant presence in Israel. In your opinion, how should the Israeli government or Jewish-owned businesses relate to these individuals? Do they fit into any of the biblical or rabbinic paradigms? Should they?

The Kosher Consumer demystified: Kedusha or Kidush Hashem?

Shemot 19:6

שמות פרק יט

And you shall be for me a kingdom of priests and a holy nation.

(ו) וְאַתֶּם תִּהְיוּ לִי מְמֹלְכֵת כְּהֹנִים וְגוֹי קְדוֹשׁ

Vayikra 19:2

ויקרא פרק יט

Speak unto all the assembly of the children of Israel, and you shall say to them, you will be holy, for I God, your God, am holy.

(ב) דַּבֵּר אֶל כָּל עֵדוּת בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדוּשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי יְקֹוֹק אֱלֹהֵיכֶם :

1. How do you understand this mandate of holiness? What are its boundaries or limits?
2. Would you extend this mandate to the realm of workers' rights? Would you extend this mandate to the laws of kashrut?

Manischewitz Wants to Move to a Mainstream Aisle

(By Stuart Elliot)

From the NY Times – 07/07/06

The leading marketer of kosher foods, Manischewitz, is expanding efforts to reach mainstream shoppers with what the company is calling its first campaign aimed at the general market as well as at consumers who traditionally buy kosher products for religious reasons...

...Research has found that many non-Jewish consumers perceive kosher foods, made in accordance with centuries-old dietary laws, to be purer and higher in quality than their nonkosher counterparts.

Kosher Food Becoming Chosen Food of the Unchosen People

Sunday, Jan. 28 2007

Fox Business News

By Michael Y. Park

“The idea of kosher, in a world with so many health and product claims, is just and continues to have with consumers this idea of being cleaner, purer, better, and because of that, many consumers are looking for kosher foods and something positive, even though they don't keep kosher...”

...In fact, non-Jews are now the kosher-food market's fastest-growing segment, which is good news for Manischewitz and its competitors, considering that the Jewish population in the United States isn't growing.

Kosher foods catching on with non-Jews too

Thursday, December 14, 2006

The Seattle Post-Intelligencer

"It's not your bubbe's (grandmother's) matzo and gefilte fish anymore," said Jeremy Fingerman, president and chief executive officer of the privately held R.A.B. Food Group of Secaucus, N.J., which acquired the Manischewitz brand in 1998...

...Non-Jews represent one of the fastest-growing sectors in the kosher market. They are looking for healthier food options, similar to growth in the organic or natural foods market.

"Kosher is perceived as being cleaner, better, purer," Fingerman said, though he does not promise more healthful.

A social kashrut certificate
By Yechiel Tropper *

August 5, 2004 Ha'aretz

For the past several months, a socioeconomic dialogue has been taking place in Israel that includes both rightists and leftists, capitalists and socialists. But one voice has been conspicuous by its absence: that of the religious public. This absence is particularly grating given the contents of the agenda, whose importance is hard to overstate, and given that decisions about these issues have the power to shape the social, human, and also the Jewish character of the State of Israel.

One is forced to ask: Where is the social-ethical voice of Jewish tradition? Is it possible that the religion of Israel has nothing to say about pension arrangements, social benefits, workers' rights, poverty, the accessibility of public places to the disabled, and other such issues?

B'Maaglei Tzedek – Tav Chevra

"The main project in this area is the "[social seal](#)"- This certificate is given, free of charge to businesses that commit to basic social criteria: their conditions of employment and the accessibility of their business to people with disabilities. Correspondingly, the movement appeals to the public to patronize places that have the social seal.

We believe that a high level of social awareness is a very important tool in creating significant change in the everyday social reality in the state of Israel. The overwhelming response to B'Maagalei Tzedek's activities and the extensive media coverage that they have received indicates that the organization is filling a deep need in Israeli society in general. Aimed at religious and secular Jews alike, the activities of the organization are intended to create a better society in Israel by focusing on social justice, and to fill a void that has been created in Israeli society as a result of years of preoccupation with pressing existential issues and security concerns. While these concerns still exist, there is a clear need for national activities that focus on internal issues and social concerns, as these can be also a source of unity in a fragmented society."

TAV HAYOSHER

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