



Conservatives adopt religious ruling on paying workers a living wage

By Ben Harris

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NEW YORK (JTA) -- Just days after the Conservative movement became the only Jewish denomination to speak out against alleged worker abuse at the largest kosher slaughterhouse in the United States, the movement's legal authorities voted to recommend that Jewish-owned businesses pay their employees a living wage.

The Committee on Jewish Law and Standards, the movement's highest legal body, endorsed a religious ruling, or teshuva, on May 28 saying that Jews should "strive to" hire unionized workers and pay them a living wage. The teshuva earned 13 votes in favor, with one opposed and three abstentions.

The decision comes just five days after the movement urged kosher consumers to consider the appropriateness of purchasing meat from Agriprocessors, the Postville, Iowa company whose workers have alleged gross mistreatment in the aftermath of a May 12 immigration raid.

A joint statement from the movement's rabbinic and synagogue organizations stopped short of calling for a boycott of the company.

"For sure it was in the air," Rabbi Jill Jacobs, who authored the teshuva, said of the controversy surrounding Agriprocessors. "I think that everything going on in Postville has for sure raised people's consciousness of how important workers' issues are."

Both decisions point to the rising assertiveness of Conservative rabbis on social justice issues, but they also have laid bare the tensions between activist rabbis who want to see the movement take firm positions and those that remain cautious about the potential fallout from such actions.

Among the three rabbis who abstained in the living wage vote was Rabbi Jerome Epstein, the outgoing executive vice president of the United Synagogue for Conservative Judaism, the movement's synagogue association.

Epstein told JTA that while in principle he favors paying workers a decent wage, he is concerned that if companies raise their salaries they also may be forced to reduce their work force. He also worries about putting Jewish employers at a competitive disadvantage.

"Is it better to have 100 percent of people earning a wage in which they can sustain themselves, but not at the appropriate level, or is it better to have 50 percent of the people unemployed?" Epstein asked.

A living wage is generally considered to be the money needed to support oneself on a 40-hour-per-week job, taking into account basic expenses such as housing, food, health care and transportation.

Jacobs in her teshuva offers several methods for calculating a living wage. Invariably they result in figures above the federally mandated minimum wage of \$5.85 an hour and vary from city to city. In New York City, for example, a living wage would be more than \$10 an hour.

"I am all for the basic principles that Jill was articulating," Epstein said. "I just felt uneasy about putting some people in a difficult situation where they would have to lay off individuals in order to meet the conditions of that teshuva."

Similarly, while some in the movement wanted a boycott of Agriprocessors, others favored a softer approach so as not to discourage observance of kosher laws by making approved meats harder to access. Epstein, who favored the latter approach, also noted that allegations against the company remain unproven.

Rabbi Leonard Gordon, who chairs the Rabbinical Assembly's Social Action Committee, told JTA that both issues reflect the careful balancing of competing values that rabbis must perform as they apply religious strictures to contemporary social issues.

"I think what will typify an emergent Conservative approach to this is going to be an understanding of the complex lessons of Jewish history and of how Jewish communities have dealt with analogous situations, along with understanding more narrowly the history of a specific halachic issue," Gordon said. "We are trying to model a path that recognizes that it's not just about taking a strong prophetic stand with a sort of absolutist vision and saying follow this banner and that's where morality lies."

Or as Jacobs put it, "Law codes are written in a vacuum, but teshuvot aren't."

Jacobs, the rabbi-in-residence at Jewish Funds for Justice, first submitted her teshuva to the committee in 2003, and undertook extensive revisions before its final adoption. She added a detailed economic analysis to address concerns that a living wage might lead to a loss of jobs and thus hurt workers overall. She also inserted the phrase "strive for," softening the language to make clear the ruling expressed a recommendation, not a requirement with respect to wages and unionization.

Marc Gary, executive vice president and general counsel of Fidelity Investments and a non-voting member of the law committee, said he was unconvinced by Jacobs' economic analysis.

While Gary said he was comfortable with the recommendation language, he had other objections to the teshuva and overall thought it was more appropriate as a policy statement than a religious ruling.

"In my judgment, if you increase the wages of folks who are essentially unskilled workers in lower-income types of jobs, like busboys or nurses' aides and so forth, and you raise them to the levels that Rabbi Jacobs was suggesting, I think it would have negative employment effects," Gary said. "I think that's pretty clear in my mind."

Conservative social justice advocates say the real challenge is putting the principles of the teshuva into action.

Gordon says his committee will now turn to the "tricky task" of producing materials to help rabbis and educators explore the implications of the teshuva for Conservative institutions. Gordon and Jacobs speak of the teshuva as a conversation starter, a role both see as entirely appropriate for a halachic ruling.

"Halacha is a very big category, and I don't think that it just breaks down into things that you absolutely must do and things that you absolutely can't do," Jacobs said. "I think there's a lot of space in between."