

Laban's Excuse: Parshat VaYetze

by Jeremy Burton, Jewish Funds for Justice

This week's torah reading includes the story of Jacob and Laban, the first documented report of an employer-employee relationship. The midrash tells us that for the first month Jacob received only a half-wage. When Laban then asks him "name your wage," (Genesis 29:15) the cheating and underpayment expands. Jacob sets out to earn his dowry and is tricked into serving an extra seven years.

After fourteen years, and earning no property of his own, Jacob must negotiate an agreement to earn a portion of the flock – Rashi tells us that Laban cheated by removing healthy animals from the flock with the intent of leaving only the sickly and old animals. Commentaries report that Laban constantly toyed with Jacob in their negotiations, changing his mind ten times before finalizing any agreements.

As with much of Genesis this story is a foundation of Jewish perspective and values, with Jacob seen as an ideal worker and Laban's behavior as an example to be avoided. The Shulchan Aruch cites this story in laying out the obligations of employers to act fairly (Choshen Mishpat 337:20).

And what is Laban's response when he stands accused of deception? "WE shall give the you the other also for the service you shall serve with me yet another seven years" (v. 27). Nehama Leibowitz's notes in *New Studies in Genesis* that the Ramban offers the following interpretation of this plural noun to understand why Laban did not honor his original dowry agreement.

"Laban spoke with guile. He told Jacob that things were not done this way in our place, implying that the community would not let him act like that since it violated their conventions."

Leibowitz goes on to say draw the lesson from here that "one of the characteristic signs of a wicked man standing in the way of reformation, is the flight from personal responsibility...he regards himself as forced into it because the community or some vague body to which he belongs compelled him to act thus." She proceeds to draw out the implications for those who would make a distinction between their personal responsibility and a desire to cite low community morals in the avoidance of personal ethics.

What correlation can we draw from these lessons? Maybe the answer is in another component of Jewish labor law. The Shulchan Aruch tells us that in the absence of an agreement on the time at which workers are to be paid, the employer must proactively follow the accepted practice of that place, e.g. to pay at the end of the week (ibid 339).

There emerges a clear message that we have a distinctly prophetic Jewish perspective on the imperative to create a just relationship between management and workers - one that is rooted in fairness and clarity of obligations. We also see how a just labor relationship is one that can be defined by society. The standards and values of the community can create a baseline for employers.

As Rabbi Jill Jacobs noted last week in her post on the passing of Rabbi Eliezer Waldenberg:

In particular, he was one of the more important voices in granting workers the right to strike when employers have violated a workplace condition that has become “the custom of the land.” Whereas some legal authorities required workers to bring their employer to a *beit din* (religious court) before resorting to a strike, Waldenberg took the fairly bold step of invoking Maimonides’ ‘ permission for a person who is sure that the law is on his/her side to take the law into his/her own hands. Waldenberg comments:

“In situations such as these, in which the worker is absolutely certain that the employer has transgressed and violated a condition that has been established as the custom of the land, the worker may take the law into his own hands by levying the fine that the appointed communal leaders have deemed appropriate for a situation such as this (Tzitz Eliezer 2:23)”

Jews in our country have historically been involved in efforts towards these ends. From the earliest days of the labor movement, Jews have organized unions for collective bargaining and establishing contractual obligations. Many Jews continue to take leadership roles in the union movement and in progressive organizing at the grassroots level, working to establish rights and build the empowerment of others, particularly new immigrants and low-wage workers.

But we must also take a note of caution from the answer of Laban. We need to be vigilant against those who cite the absence of a higher community standard as their excuse for engaging in unethical practices, particularly when they know that we as a community are watching them — such as kosher food providers. These companies seek out and accept regular inspection to attain rabbinic certification in their pursuit of the kosher consumer. As activists, we can challenge kashrut agencies to create a linkage between basic working standards and their willingness to provide a seal of approval.

When rabbis are on the slaughterhouse floors but refuse to cut off their seal of approval until the situation was resolved, how easy is it for management to refuse to come to the table? And is the absence of outcry from these spiritual authorities as they walk the factory floor in itself allowing a new kind of “Laban’s excuse?”