

VaYetze

By Jeremy Burton

This week's torah reading includes the story of Jacob and Laban, the first documented report of an employer-employee relationship. Laban is remembered as the classic example of chicanery in his dealings. 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 Orach 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 New Studies in Genesis notes 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 as social justice activists draw from these lessons? Maybe the answer is in another component of Jewish labor law. The Shulchan Orach 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.

Jewish advocates 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 their unions and through the Jewish Labor Council, working to establish rights and build the empowerment of others, particularly new immigrants and low-wage workers.

At the grassroots level in communities, Jews are organizing to raise the baseline of values and standards. Jews United for Justice (Washington D.C.) and others have led the way in advocating for local living-wage campaigns that create a higher standard for their cities, while the Progressive Jewish Alliance (Los Angeles) has been at the forefront of a campaign against garment sweatshops in southern California.

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.

Such a campaign would have meaningful impact in places like New York City where Jews For Racial and Economic Justice is building support for the mostly Latino workers who have been locked out of the Jewish owned Tuv Taam kosher food factory after they tried to unionize to address harsh working conditions and wage practices. If we could get the rabbis to cut off their seal of approval until the situation was resolved, how quickly might management 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?”

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