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## Ziegler School of Rabbinic Studies

OF AMERICAN JEWISH UNIVERSITY

# Today's Torah

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### Labor Day

September 7, 2020 - 18 Elul 5780



**By: Rabbi Cheryl Peretz**  
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## All In A Day's Work

At the height of the Industrial Revolution in the late 1800s, the average American worked 12 hours a day, seven days a week just to earn a basic living. People of all ages- children and adults and especially the poor and recent immigrants - labored in factories, mills, and mines earning small wages and working in what were often unsafe working conditions, with no fresh air, bathroom facilities or breaks. Labor activists demonstrated, advocated, and battled for better conditions, including days off for workers. In 1894, their work led to “a workingmen’s holiday” which eventually led to President Grover Cleveland signing into law an act officially establishing the first Monday in September as Labor Day.

At a time of economic struggle and high unemployment, it is easy to remind people how lucky they should feel just to have a job at all. Yet, as Jews, I believe our responsibility goes deeper. Long before discussions of labor law in our secular law, the Torah established a model in tone and content for discussions of employee equity and fairness, introducing principles regarding work agreement, fair wages, and treatment. One such mandate, for example, is found in the Torah portion from this past week, Ki Tetze: *“You shall not abuse a needy and destitute laborer, whether a fellow countryman or stranger in one of the communities of your land. You must pay the wages on the same day, before the sun sets, for s/he is needy and urgently depends on it; else s/he will cry to God against you and you will incur guilt”* (Deuteronomy 24:14-15).

The Mishnah BavaMetzia 9:2 explains that while the Torah's pronouncements are designed to create the fairest and most reasonable earning environment for day laborers, the requirements to pay on time may also refer to any previously agreed-upon pay period—be it daily, weekly, monthly, or at some other predetermined interval. The Torah specifically explains that one should presume that day laborers live hand-to-mouth and are thus totally reliant on the wages they earn daily to cover their most immediate expenses, even the purchase of food for their families. Because we understand that, without their daily wages, such workers and their families will be unable even to eat, we must exert ourselves maximally to provide them with the money they have already earned.

All this makes total sense when we consider the worker who is “poor” and whose wages really are needed in the moment for food, but does this mean it would not apply to a case where the employee fails to demonstrate financial need or when it is known that the employee has other means of livelihood and is not poor? Should workers have to demonstrate financial need to ensure their on-time payment? In other words, if the *halakhah* finds the wherewithal to permit the relaxation of the Torah's daily payment schedule if the employee does not demand it, then why should it be so wrong to delay payment in cases where employees do not urgently need their daily (or weekly, or monthly) wages to buy food for their families?

This exact question is asked in the Talmud at *BT* Bava Metzia 112a: “Why does a worker ascend upon a ladder, suspend himself from a tree, and place himself at risk, if not for his wage? . . . One who withholds the pay of a worker, it is as if he has taken his spirit from him.” In other words, the timely payment of wages, therefore, is about more than just financial neediness and it is a feeling that is universal to all who are part of productive work in our society. It is also about the worker's commitment to his or her job; it is about his or her spirit, his or her sense of self-worth and purpose. And, it is about his or her morale and feelings towards the job.

Each of us has a universal right to feel the meaning of our work and to experience it in ways that help us mark our own contributions. Without it, we are all poor. Just as the wages should not be stolen, neither should the personal worth and meaning that results from being a contributing member of society. In this time of economic instability and job insecurity, we can hope and pray to eradicate the staggering unemployment, but we can also step beyond the superficial celebration of Labor Day as the last weekend of summer. Imagine if we all bore the responsibility of our Jewish tradition and the original architects of this holiday in remembering that the laborer next to us is one whose spirit is worthy of recognition and uplift.

*Ken Yehi Ratzon* - So may it be.

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