

Workers' Rights / Fair Wages - Jewish Texts

Deuteronomy 5:12-15

שְׁמוֹר אֶת יוֹם הַשַּׁבָּת לְקַדְּשׁוֹ כַּאֲשֶׁר צִוָּה ה' אֱלֹהֶיךָ: שֵׁשֶׁת יָמִים תַּעֲבֹד וַעֲשִׂיתָ כָּל מְלֶאכֶתְךָ: וַיּוֹם הַשְּׁבִיעִי שַׁבָּת לַה' אֱלֹהֶיךָ לֹא תַעֲשֶׂה כָּל מְלֶאכֶת אֲתָה וּבִנְךָ וּבִתְּךָ וְעַבְדְּךָ וְאִמָּתְךָ וְשׁוֹרְךָ וַחֲמֹרְךָ וְכָל בְּהֵמָתְךָ וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ לְמַעַן יָנוּחַ עַבְדְּךָ וְאִמָּתְךָ כָּמוֹךָ: וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיֹּצִיאֲךָ ה' אֱלֹהֶיךָ מִשָּׁם בְּיַד חֲזָקָה וּבְזֵרַע נְטוּיָה עַל כֵּן צִוָּה ה' אֱלֹהֶיךָ לַעֲשׂוֹת אֶת יוֹם הַשַּׁבָּת:

Observe the Sabbath day, to keep it holy, as Adonai your God commanded you. Six days you shall labor and do all your work; but the seventh day is a Sabbath of Adonai your God; you shall not do any work-- you, your son or your daughter, or your male or your female slave, your ox or your ass, or any of your cattle, or your stranger in your settlements, so that your male and female slave may rest as you do.

Deuteronomy 24:14-15

לֹא תַעֲשֶׂק שָׂכִיר עָנִי וְאֶבְיוֹן מֵאַחֶיךָ אוֹ מִגֵּרְךָ אֲשֶׁר בְּאֶרֶץְךָ בְּשַׁעְרֶיךָ: בְּיוֹמוֹ תִּתֶּן שְׂכָרוֹ וְלֹא תָבוֹא עָלָיו הַשְּׁמֶשׁ כִּי עָנִי הוּא וְאֵלָיו הוּא נֹשֵׂא אֶת נַפְשׁוֹ וְלֹא יִקְרָא עָלֶיךָ אֵל ה' וְהָיָה בְּךָ חַטָּא:

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

Deuteronomy 26:5-8

וְעֲנִיתָ וְאָמַרְתָּ לִפְנֵי ה' אֱלֹהֶיךָ אֲרָמִי אֲבִד אָבִי וַיֵּרֶד מִצְרַיִמָּה וַיִּגַּר שָׁם בְּמִתֵּי מִעַט וַיְהִי שָׁם לְגוֹי גָדוֹל עָצוּם וָרֹב: וַיַּרְעוּ אֹתָנוּ הַמִּצְרַיִם וַיַּעֲנוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבֹדָה קָשָׁה: וַנִּצְעַק אֵל ה' אֱלֹהֵי אֲבוֹתֵינוּ וַיִּשְׁמַע ה' אֶת קוֹלָנוּ וַיִּרָא אֶת עַנְיֵנוּ וְאֶת עֲמָלָנוּ וְאֶת לַחֲצֵנוּ: וַיּוֹצִיאֵנוּ ה' מִמִּצְרַיִם בְּיַד חֲזָקָה וּבְזֵרַע נְטוּיָה וּבְמִנְרָא גָדֹל וּבְאֹתוֹת וּבְמוֹפְתִים:

You shall then recite as follows before Adonai your God: "My father was a fugitive Aramean; he went down to Egypt with meager numbers and sojourned there; but there he became a great and very populous nation. The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us. We cried to Adonai, the God of our fathers, and Adonai heard our plea and saw our plight, our misery and our oppression. Adonai freed us from Egypt by a mighty hand, by an outstretched arm and awesome power, and by signs and portents.

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Mishnah Bava Metzia 7:1

א השוכר את הפועלים ואמר להם להתערים ולהעריב, מקום שנהגו שלא להתערים ושלא להעריב, אינו רשאי לכופן. מקום שנהגו לזון, יזון, לספק במתיקה, יספק. הכל כמנהג המדינה. מעשה ברבי יוחנן בן מתתיהו שאמר לבנו, צא שכר לנו פועלים. הלך ופסק להם מזונות. וכשבא אצל אביו, אמר לו, בני, אפלו אם אתה עושה להם כסעודת שלמה בשעתו, לא יצאת ידי חובתך עמהן, שהן בני אברהם יצחק ויעקב. אלא עד שלא יתחילו במלאכה צא ואמר להם, על מנת שאין לכם עלי אלא פת וקטנית בלבד. רבן שמעון בן גמליאל אומר, לא היה צריך לומר, הכל כמנהג המדינה:

'He who hires workers and tells them to begin early and finish late cannot force them to it if beginning early and finishing late does not conform to the custom of the place. Where the custom is that they be fed, he is obligated to feed them; where it is that they be served dessert, he must serve them dessert. Everything goes according to the custom of the place.' (Mishnah Bava Metzia 7.1)

Commentary by Emmanuel Levinas, 'Judaism and Revolution' in *Nine Talmudic Readings* trans. Annette Aronowicz (Bloomington: Indiana University Press, 1994), p. 97:

It is clear from the start that the Mishna affirms the rights of the other person, even if this person finds himself in the inferior position, which is dangerous to his freedom, of a worker for hire. This position is dangerous to his freedom because he runs the risk of losing his liberty without undergoing any violence; to be sure, the person is still acting willingly since he engages himself and stays within the interpersonal commerce of an exchange; but commerce is at the border line of alienation, and freedom easily turns into non-freedom. Our text teaches that not everything can be bought and not everything can be sold. The freedom to negotiate has limits which impose themselves in the name of freedom itself. It matters little that the limits formulated here are not the same as those demanded by modern trade unions. What matters is the principle of limits imposed on freedom for the greater glory of freedom. It is the spirit in which the limits are set: they concern the material conditions of life, sleep and food. Sublime materialism! The secretary who typed the translation of the page I am commenting on was not mistaken when she exclaimed "But this is a trade union text! A union text before the letter, certainly. For the nature of the limits imposed is fixed by custom and evolves with custom. But custom is already a resistance against the arbitrary and against violence. Its notion of a general principle is tribal and somewhat childish, but it is a notion of a general principle, the root of the universal and the Law. Sublime materialism, concerned with dessert.

The Talmud Text goes on to comment on wage ethics Bava Metzia 83a-b:

If an employer were to pay a higher wage, it would be possible to think that he is saying to the workers: I agree to pay you a higher salary assuming that you would begin earlier and finish later. Thus, our text teaches us that they can answer him: You have increased our salary so that we work with more care.