

Labor Day 2000
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There are certain occasions of the year when, as Americans, we become aware of the close connections between the values of our tradition and those of America. Thanksgiving is one such occasion. After all, the American holiday of Thanksgiving is, in essence, a secularized version of the Jewish holiday of Sukkot, the occasion on which we pause to give thanks to God for the bounty of the earth. Another such occasion, also widely observed by Americans, is less commonly appreciated for its close links to our tradition, for the simple reason that its essence is usually ignored.

I'm speaking of that all time favorite end-of-summer holiday, **Labor Day**. For most of us, it's that last three-day weekend before the school year begins in earnest. Most of us wouldn't think of showing up at the office on Labor Day, and we wouldn't imagine that school would be held on that day. After all, it's a national holiday. It's sacred.

And yet, most of us are completely unaware of the struggles that were fought to establish that day and what it truly represents. The best way to put it is this: *we wouldn't even have the notion of a weekend -- much less a three-day-weekend -- were it not for the people who gave us Labor Day.* In Australia, Labor Day is called "Eight Hour Day." It's not surprising. Once upon a time, even in this country, there was no notion of an eight-hour day, or a forty-hour workweek. There was no notion of minimum wage, of workers' compensation, of child safety laws. The notion that employers should bear some responsibility for providing health insurance and other benefits to employees -- all this was once unheard of, and not too long ago. Labor Day represents the success of the effort to provide basic compensation and working conditions and dignity to workers in this country. All our lives have been immeasurably enhanced as a result of that effort -- and not just because we get a holiday at the end of the summer.

Because of our lack of awareness of the historical background of Labor Day, what also usually goes unacknowledged is the harmony of the values Labor Day celebrates and those we, as Jews, have held dear for thousands of years. It's a nice coincidence that Labor Day always falls during the month in which we read from the Book of Deuteronomy, *Sefer Dvarim*, in shul. This book is very, very sensitive to the needs of the laborer. Let me just give you a few examples.



In Parashat Re'eh, which we read last week, we read, "Do not shut your heart against your needy kinsman. Rather open your hand and provide him with sufficient for his needs." It's not too far from that text to the notion that one should pay a minimum, living wage to one's workers. And in next week's Parashah, we read the following specific charge to employers: "Do not abuse a needy or a destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day [as he earns them], before the sun sets, for he is needy and his life depends on it. Or else, he will cry out to God and you will incur guilt."

Strong language. The employer of a needy worker -- whether a native or foreign born -- incurs guilt if he withholds paying the employees' wages promptly and the worker cries out. The idea is that the employer shares responsibility for the employee's welfare. That contract between laborer and employee is more than an agreement to pay money in exchange for work. It's a *covenant* to build interdependence and mutual responsibility.

Rabbinic commentary on this law makes it clear. Even though, ordinarily, in Jewish civil law, the burden of proof is on the plaintiff who claims he is owed money, that isn't the case when the plaintiff is a laborer suing his employer. If a worker claims he hasn't been paid in a timely fashion, the burden is on the employer to show that he was. Workers' wages, in other words, are given a higher status than other types of debts.

Jewish law goes even further to protect workers' rights. There's an interesting law in one of the passages we read today that has taken on a fascinating evolution in rabbinic law. The Biblical verse states that you can't move a boundary marker between properties. *Lo taseeg gvul reyacha*. This makes sense. What's on one side of the marker doesn't belong to you. Period. You have no right to move the marker over it. But the rabbis extended the meaning of that law to prohibit infringing on a neighbor's livelihood through unfair competition. Same difference, they said. Whether the neighbor depends on his business or on his labor for his livelihood, that amounts to a property right of sorts that you can't claim for yourself. If you are a storekeeper, you can't, for example, slash your prices far below cost to drive a competitor out of business. If you're a worker, you can't agree to perform your work for far below the usual wage of your fellow laborers. It wouldn't be fair. It would be akin to moving that boundary marker.

Workers, in other words, have a right to protect their livelihood, just as business owners have a right to protect their businesses.

These are just a few passages in Deuteronomy that serve to protect the workers of a community from harm. It shouldn't be surprising, then, that during the early decades of this century, Jews were so prominent in the labor movement in this country. I would like to believe it isn't just that hundreds of thousands of Jews

were working in sweatshops. It isn't just that tragedies such as the Triangle Shirtwaist Factory fire in 1911 hit the Jewish community particularly hard. (In that fire, incidentally, 146 workers, most of whom were Jewish women, died because the rear exit from the factory floor had been blocked by the factory owners as a security measure.) I'd like to believe that it wasn't just the *experience* Jews had as workers, but the *legacy* they had inherited, which refused to allow the industrial revolution to tamper with the human dignity of the worker.

What is our Labor Day challenge today as we face the 21st century? Well, we live in a world in which the economy, as we are so often told, is global. So fruit picked in Guatemala ends up the next day or so on our dinner plates. And shirts woven in Mexico, Indonesia or Singapore end up in our Department Stores within weeks. That raises some nagging questions. Here in this country, we have many laws protecting workers. But many of those other countries where our products originate don't have such laws. What's our responsibility? When we buy a shirt, do we ask how old the worker was who sewed that shirt, and what she was paid to sew it? Do we ask whether the workers who picked the bananas we ate for breakfast have health insurance? And those wonderful running shoes we got, on sale! -- do we ask whether the children of the workers who made them have shoes on *their* feet? Is there any way we could ask those questions? And what if we did -- what would we do with the answers?

I'm not going to answer those questions. I'm just going to quote what is perhaps the most famous line from our *parashah*, almost its opening line, in fact. *Tsedek, tsedek, tirdof*: "Justice, Justice, thou shalt pursue." Note that the text doesn't say that we should teach justice. It doesn't say that we should live in a just community. The text tells us that we must *pursue* justice. I understand that to mean that we have an affirmative obligation to right wrongs whenever and wherever we see them. As the medieval commentator Bachya ben Asher interpreted it, "We must pursue justice whether it results in a profit for us or a loss. It makes no difference."

And so let me wish everyone a Happy Labor Day. As we're soaking in the rays, I hope we'll pause and appreciate how blessed we are to live in a country that in some rather significant ways has tried to put the humanistic values of Deuteronomy into practice. We have much further to go but we can be thankful for what's already been achieved.

Shabbat Shalom.