



T'ruah

the rabbinic call for human rights

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A NATIONAL CALL for MORAL REVIVAL

EVERYBODY'S GOT A RIGHT TO LIVE: JOBS, INCOME,
THE RIGHT TO ORGANIZE AND HOUSING

Rabbi Michael Rothbaum

Our current political discourse often considers poverty as a moral issue — but perversely as a moral failure of the poor. Jewish texts, in contrast, tend to frame poverty as a failure of those who hold more power within economic structures: employers, landlords, and policy-makers. How might we reorient our economy so it becomes more values-based?

I. POVERTY, WORK, AND VIRTUE

A. Deuteronomy 24:15

Give [the impoverished worker] his wage in his day and don't let the sun go down on it — for he is poor and lifts his soul up for it. Otherwise, he will cry to The ETERNAL and it will be accounted to you as a sin.

בְּיוֹמוֹ תִּתֶּן שְׂכָרוֹ וְלֹא־תָבוֹא עָלָיו הַשֶּׁמֶשׁ
כִּי עֲנִי הוּא וְאֵלָיו הוּא נִשָּׂא אֶת־נַפְשׁוֹ
וְלֹא־יִקְרָא עָלֶיךָ אֱלֹהֵי וְהָיָה בְּךָ חַטָּא.

B. Commentary of R. Jacob ben Asher, *Tur HaAroch* (14th c. Castilian), on Deuteronomy 24:15

For he is poor. Most people hiring themselves out for a day at a time are poor, and depend on every penny they have earned with their labor on that day. By trusting that particular employer to pay them on time, they are, metaphorically speaking, entrusting the employer with their lives, as they depend on that prompt payment to satisfy their most basic requirements. He might die from hunger during that night if he had not been paid and become able to buy food with that money.

כי עני הוא. כרובי הנשכרים
ואל השכר הזה הוא נושא את
נפשו שיקנה בו מזון להחיות
את נפשו ובא לבאר למה לא
תלין פעולת שכיר אתך עד
בקר שאם לא תפרענו ילך
לביתו ואין לו מה יאכל וימות
ברעב בלילה:

If one's life, or one's soul, depends on their wage, how does that affect your understanding of religious morality? What would it look like for this worldview to be reflected in public policy?

II. THE RIGHT TO ORGANIZE

A1. Babylonian Talmud, *Bava Batra* 8b

It is permitted for residents of a city to fix the measures, prices and wages as they see fit, and to enforce this with fines.

ורשאים בני העיר להתנות על המדות ועל השערים ועל שכר פועלים ולהסיע על קיצתן

A2. Rabbi Shlomo ben Avraham ibn Aderet, *T'shuvot HaRashba*, 4:185, 5:125 (13th c. Spain)

[Since residents of a city may set wages — see *Bava Batra* 8b, above —] every association organized for one purpose is to be considered a 'city' even if only members of one occupation — their decisions are binding...

אפי' לא עשו כן כל בני העיר אלא שהתנו ותקנו ביניהם אנשי אומנות אחת כסוחרים כקצבים כספנים תנאם קיים...

B. Tosefta on *Bava Metzia* ch. 11

24: Textile workers and dyers may decide that all material brought into the town be processed collectively.
25: Bakers may establish their work shifts, and donkey drivers may say, "To whomever [in this collective] a donkey dies, we will replace it for him." If it dies through negligence, they are not required to replace it.

כד : ורשאים הצמרין והצבעין לומר כל מקח שיבוא לעיר נהא כולנו שותפין בו
כה : רשאים נחתומין לעשות רגיעה ביניהן רשאים החמרין לומר כל מי שתמות חמורו נעמיד לו חמור אחר מתה בבוסיא אין צריכין להעמיד לו...

Why do you think our sages of blessed memory are concerned with the workings of the labor market? Where do they place the authority to make workplace decisions? Does this surprise you? Do you see a moral underpinning at the root of these discussions?

C. Babylonian Talmud, *Yoma* 38a

The Sages taught: The House of Garmu were expert in the preparation of the showbread [which was ritually displayed for a week in the Temple], and they did not want to teach [the skill to others]. The Sages [fired them and] sent for and brought [replacement] workers from Alexandria in Egypt. They knew how to bake like [House of Garmu], but they did not know how to remove [the bread from the oven] like they did.... [The way that the Alexandrians bake,] their bread becomes moldy, and [in the case of the House of Garmu,] their bread does not become moldy.

When the Sages heard of the matter, they said: Whatever the Holy Blessed One created was for God's honor, as it is stated [Isaiah 43:7]: "Everyone who is called by My name, I have created for My glory" — let the House of Garmu return to their station. The Sages sent for them, but they did not come. They doubled their wages and they came. Each day they had been taking [wages of] 12 *maneh*, and today — 24 *maneh*. Rabbi Yehuda says: Each day, 24, and today — 48.

ת"ר בית גרמו היו בקיאים במעשה לחם הפנים ולא רצו ללמד. שלחו חכמים והביאו אומנים מאלכסנדריא של מצרים והיו יודעין לאפות כמותן ולא היו יודעין לרדות כמותן...הללו פיתן מתעפשת והללו אין פיתן מתעפשת.

כששמעו חכמים בדבר אמרו כל מה שברא הקב"ה לכבודו בראו שנאמר (ישעיהו מג, ז) כל הנקרא בשמי ולכבודי בראתיו וחזרו בית גרמו למקומן. שלחו להם חכמים ולא באו. כפלו להם שכרן ובאו; בכל יום היו נוטלין שנים עשר מנה והיום עשרים וארבעה. ר' יהודה אומר בכל יום עשרים וארבעה והיום ארבעים ושמונה.

Who exercises power at the beginning of this text? How does it shift by the end? What mechanisms are used to shift power?

The House of Garmu did labor that was used in a ritual context. Does this strengthen or weaken the application of this text in a secular context?

A maneh is 100 dinarii (plural of dinar, a Roman currency), and the regular daily wage of a day laborer was 1 dinar; thus, the house of Garmu is earning spectacularly high wages. (Some scholars suggest this wage was for the entire family, not per worker.)¹ Does this fact change any of your feeling or analysis about this story?

¹ See *Economic Analysis in Talmudic Literature*, by Roman A. Ohrenstein and Barry L. J. Gordon, 2009, p. 153.

D. Rabbi Moshe Feinstein, 20th c. US, *Iggrot Moshe, Choshen Mishpat 1:59*

Unions in our country have a source in Jewish law, for they are 'tradespeople' of a given trade, and they constitute the majority... therefore they have the right to decide not to work until they receive higher pay, and they may even force the minority who did not agree [to join the union to abide by their decision].

ולכן אלו היוניאנס שבמדינתנו יש להם מקור מדינא דהם בעלי אומנות אחת והם הרוב... ולכן מה שמחליטין שלא לעבוד עד שיוסיף להם וכדומה היא תקנה שיכולין לכוף את המעוט שלא הסכימו.

Does the existence of explicit religious justifications for labor unions and strikes make a difference in how you think of them? What is the implication for our secular workplaces? What about Jewish institutions like synagogues and camps?

III. HOUSING: RENT CONTROL AND LANDLORD-TENANT RELATIONS

A. Babylonian Talmud, *Bava Metzia 101b*

Mishnah: If one rents a house to another during the rainy season, he is not able to evict him from the holiday of Sukkot until the holiday of Passover. And in the summer season, not without 30 days notice. And in large cities—whether summer or rainy season—he must be given a year's notice...

Gemara: If [even] one of the 30 days fell in winter, he cannot evict him from the Festival [of Sukkot] until Passover. R. Huna said: Yet if he wishes to increase the rent, he can do so. R. Nahman objected: "This is like holding him by the 'clusters' to force him to give up his cloak!"

מתני' המשכיר בית לחבירו בימות הגשמים אינו יכול להוציאו מן החג ועד הפסח בימות החמה שלשים יום ובכרכים אחד ימות החמה ואחד ימות הגשמים שנים עשר חדש.

...אם נכנס יום אחד בימות הגשמים מהני שלשים יום אינו יכול להוציאו מן החג ועד הפסח. אמר רב הונא ואם בא לרבות בדמיה מרבה א"ל רב נחמן האי לנקטיה בכובסיה דלשבקיה לגלימא!

Normally we think of the Jewish calendar in terms of ritual mitzvot like erecting a sukkah or eating matzah. What do you think is significant about the rabbis marking time for housing law according to the holidays?

How do the laws in *Bava Metzia* compare with rent regulations in your town? If you aren't familiar with the local rent laws, does that indicate anything to you?

Do you see a connection between the labor laws in the previous section and the housing laws in this text?

B. Babylonian Talmud, *Bava Metzia 101b, continued*

Mishnah: If one rents a house to another, the landlord is obligated regarding the door, the bolt, the lock, and anything that is the work of a skilled craftsman, but anything that is not the work of a skilled craftsman, the tenant does it...

Gemara: Our Rabbis taught: If a person rents a house to a neighbor, the landlord must erect doors, make the windows, strengthen the ceiling, and support the joists. The tenant must provide the ladder [for ascending to the loft], build the fence around the parapet, fix a gutterspout, and plaster his roof.

מתני' המשכיר בית לחבירו המשכיר חייב בדלת בנגר ובמנעול ובכל דבר שמעשה אומן אבל דבר שאינו מעשה אומן השוכר עושהו...

גמ' תנו רבנן המשכיר בית לחבירו משכיר חייב להעמיד לו דלתות לפתוח לו חלונות לחזק לו תקרה לסמוך לו קורה, ושוכר חייב לעשות לו סולם לעשות לו מעקה לעשות לו מרזב ולהטיח את גגו...

What implications do you see in the Talmud's distinction between the landlord's responsibilities and the tenant's?

C. Tur, *Choshen Mishpat* 314:1

One who rents a house to his fellow must do anything that is the work of a craftsman, such as putting up doors and opening windows if the tenant needs light. And the Ra'avad (France, 12th c.) wrote that even if there is a lot of light, if there are windows that are stuck and whose latches won't open, the landlord must open these....

המשכיר בית לחבירו חייב לעשות לו כל דבר שהוא מעשה אומן כגון להעמיד לו דלתות ולפתוח לו חלונות אם הוא צריך לאורה והראב"ד כתב אפילו אם יש בו אורה הרבה אם יש בו חלונות שנסתמו ולא נפרצו פצימיהן צריך לפתחן לו....

Does the Tur's ruling seem to you to be in line with the Talmud's or different from it?

Have you ever been a landlord? Have you ever been a tenant? How did you manage that relationship? How do these regulations compare to your interactions?



From the original Poor People's Campaign, "Resurrection City," which was set up on the National Mall in May and June, 1968. It housed some 3000 people and had its own zip code, 20013. Photo by Henry Zbyszynski via Creative Commons License.



Rabbi Sharon Brous speaking at the launch of the Poor People's Campaign in Washington, DC, May 14, 2018. Photo by Gilli Getz.