

“Gender Pay Equity: A Textual Exploration for Justice”

Rabbi Mary L. Zamore

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Quotes from Rabbi Zamore’s article

“When workplaces underpay women, it reflects an imbalance in the overall worth placed on women”. (p.10)

“...It is vital to address pay equity as an issue of justice, for Judaism envisions society as built on justice. This is reflected in the expectation of fair compensation, as seen in our sacred texts.” (pp.10-11)

“...The Torah protects employees with laws forbidding *oshek* (the oppression of workers), which includes withholding salary. Ultimately, not paying a female worker fairly is a type of withholding”. (p.12)

“The question every modern employer must answer is not “Am I paying my female employees fairly?” but “How do I know that I am paying them fairly?” ...The latter question requires thought and research to ensure that salaries offered to female employees are truly equal with the market range offered to men”. (p.14)

“Exploring the possible punishments for false weights and measures, the Talmud explains that false measures are worse than ordinary robbery because robber can always find and repay their victims, but “who could ever track down all the victims of false measures?” BT *Bava Batra* 88b (p.14)

“Like false weights and measures, it is impossible to completely repair the damage done by the wage gap, for it affects the access the employee and her family has to quality food, health care, childcare, education and retirement”. (p.15)

“The institutionalized *oshek* of female workers, through the deliberate or inadvertent undervaluing of their contribution to the workplace, impacts their finances and their sense of self-worth”. (p.15)

“The underpayment of women impacts their husbands, partners, and children, too. The nonprofit National Committee on Pay Equity urges:

In 2009, the number of women in the workforce exceeded the number of men, and more men than women lost jobs. With more families relying on women’s paychecks for their livelihood, the US must address the wage gap for the sake of American families and their financial stability.

“Equal Pay Day Op-Ed,” National Committee on Pay Equity, <https://www.pay-equity.org/day-kit-oped.html> “ (p.16)

“The wage gap persists within the Reform Movement, as it does within the greater American Jewish community.... When our own house is in order, we can share our model and demand pay equity in our greater world”. (pp.16-17)

Texts quoted in Rabbi Zamore's article

ויקרא י"ט:י"ג

(יג) לא-תעשק את-רעהך ולא תגזל לא-תלין פעלת שכיר אתה עד-בקר:

Leviticus 19:13

(13) You shall not defraud your fellow. You shall not commit robbery. The wages of a laborer shall not remain with you until morning.

דברים כ"ד:י"ד-ט"ו

(יד) לא-תעשק שכיר עני ואביון מאחריך או מגרעך אשר בארצה בשעריך: (טו) ביומו תתן שכרו ולא-תבוא עליו השמש כי עני הוא ואליו הוא נשא את-נפשו ולא-יקרא עליך אל-י' והיה בך חטא: (ס)

Deuteronomy 24:14-15

(14) You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. (15) You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to the LORD against you and you will incur guilt.

ויקרא י"ט:ל"ה-ל"ו

(לה) לא-תעשו עול במשפט במדה במשקל ובמשורה: (לו) מאזני צדק אבני-צדק איפת צדק והין צדק יהיה לכם אני י' אלקיכם אשר-הוצאתי אתכם מארץ מצרים:

Leviticus 19:35-36

(35) You shall not falsify measures of length, weight, or capacity. (36) You shall have an honest balance, honest weights, an honest ephah, and an honest hin. I the LORD am your God who freed you from the land of Egypt.

ויקרא י"ט:ט"ו

(טו) לא-תעשו עול במשפט לא-תשא פני-דל ולא תהדר פני גדול בצדק תשפט עמיתך:

Leviticus 19:15

(15) You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly.

דברים כ"ה:י"ג-ט"ז

(יג) לא-יהיה לך בכיסך אבן ואבן גדולה וקטנה: (יד) לא-יהיה לך בביתך איפה ואיפה גדולה וקטנה: (טו) אבן שלמה וצדק יהיה-לך איפה שלמה וצדק יהיה-לך למען יאריכו ימיה על האדמה אשר-י' אלקיך נתן לך: (טז) כי תועבת י' אלקיך כל-עשה אלה כל עשה עול: (פ)

[Deuteronomy 25:13-16](#)

(13) You shall not have in your pouch alternate weights, larger and smaller. (14) You shall not have in your house alternate measures, a larger and a smaller. (15) You must have completely honest weights and completely honest measures, if you are to endure long on the soil that the LORD your God is giving you. (16) For everyone who does those things, everyone who deals dishonestly, is abhorrent to the LORD your God.

[בבא בתרא פ"ח ב:ו'-ח'](#)

א"ר לוי קשה עונשן של מדות יותר מעונשן של עריות שזה נאמר בהן (ויקרא יח, כד) אל וזה נאמר בהן (דברים כה, טז) אלה ומאי משמע דהאי אל קשה הוא דכתיב (יחזקאל יז, יג) ואת אילי הארץ לקח גבי עריות נמי הכתיב אלה ההוא למעוטי מדות מכרת ואלא מאי עודפיייהו דהתם אפשר בתשובה והכא לא אפשר בתשובה

[Bava Batra 88b:6-8](#)

§ **Rabbi Levi says: The punishment for using false measures is more severe than the punishment for transgressing the prohibition of forbidden sexual relations. As in that case, forbidden relations, it is stated with regard to them a shortened term for the word "these": "El," in the verse: "For all these [el] abominations" (Leviticus 18:27). And in this case, false measures, it is stated an expanded term for the word "these": "Elleh," in the verse: "For all that do these [elleh] things, even all that do unrighteously, are an abomination unto the Lord your God" (Deuteronomy 25:16). And from where may it be inferred that this expression "el" indicates that the prohibition is severe, based on which it is understood that the form this word takes indicates a level of severity? As it is written: "And the mighty [eilei] of the land he took away" (Ezekiel 17:13). The Gemara asks: But with regard to forbidden relations isn't it also written: "For whosoever shall do any of these [elleh] abominations" (Leviticus 18:29)? If so, why is the punishment for using false measures considered harsher? The Gemara answers: That expression of "elleh" (Leviticus 18:29) in the context of forbidden relations does not serve to emphasize its severity. Rather, it serves to exclude one who uses deception in measures from the penalty of excision from the World-to-Come [karet]. The Gemara asks: But if the punishment is in fact less severe, what is the advantage, i.e., the greater severity, in the case of false measures? The Gemara answers that there, in the case of one who engages in forbidden relations, he has the possibility of repentance. But here, in the case of one who uses false measures, there is no possibility of repentance because he has no way of knowing whom he cheated, and is therefore unable to return the stolen money.**

Additionally, Rabbi Zamore offers an extensive interpretation of the Biblical stories of the Daughters of Zelophchad on pp.15-17 of her article.