

## GENDER PAY EQUITY

RABBI MARY L. ZAMORE, MORAL RESISTANCE AND SPIRITUAL AUTHORITY SERIES

In this chapter, Rabbi Mary L. Zamore, executive director of the Women's Rabbinic Network, cites Jewish texts teaching us about the fair treatment of workers and fair business practices. She applies these traditions to the persistent contemporary issue of the gender pay gap.

Rabbi Zamore writes (p. 175):

Just as the Talmud's instruction that fair measurements include two parts, measuring accurately, plus adding a bit more, to ensure ethical business practices, employers need to be scrupulous in assigning salaries to female workers, perhaps even overpaying by a bit to safeguard they are not underpaying and therefore perpetuating the gender pay gap.

The Talmud text she cites offers more details.

Talmud, Bava Batra 89a:

ת"ר מנין שאין מוחקין במקום שגודשין ואין גודשין במקום שמוחקין ת"ל (דברים כה, טו) איפה שלמה

**The Sages taught: From where** is it derived **that one may not level** a measuring vessel **in a place where they** are accustomed to **heap** it **and that one may not heap** it **in a place where they** are accustomed to **level** it? **The verse states: "A perfect weight"** (Deuteronomy 25:15), which indicates that one must use whatever is considered a perfect measuring vessel in that locale, as this ensures that there is no deception or trickery.

ומנין שאם אמר הריני מוחק במקום שגודשין ולפחות לו מן הדמים והריני גודש במקום שמוחקין ולהוסיף לו על הדמים שאין שומעין לו ת"ל (דברים כה, טו) איפה שלמה וצדק יהיה לך

**And from where** is it derived **that if the seller said in a place where they heap: I am hereby leveling and am willing in exchange to reduce the price for you, or said, in a place where they level: I am hereby heaping and am willing to increase the price for you, that the court does not listen to him? The verse states: "A perfect and just weight you shall have"** (Deuteronomy 25:15). The addition of the term "just," beyond the requirement that the weight be "perfect," teaches that one must keep his weights in a just manner, i.e., that employed by the people of that locale.

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DISCUSSION QUESTIONS:

- (a) How did you react to Rabbi Zamore's suggestion that it would be better to overpay rather than underpay female workers, and why do you think you reacted that way?
- (b) What are the pros and cons of using "local custom" to determine what is just?
- (c) If you were to create a just system for workplace wages, what factors would you take into account? How would you ensure that all workers felt fairly and equally compensated? Do you think a system like this is possible in the "real world?"

Rabbi Zamore explains (p. 176):

Many employers use implicit bias inventories, self-administered tests which help individuals reflect on the biases they unwittingly harbor, before engaging in the hiring or review process to reduce the impact of bias on hiring, promotion, and salary. Being able to identify those subconscious biases that inevitably lurk within every human helps an employer consider if they are judging potential or current employees fairly.

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ACTIVITY:

Have you ever taken an implicit bias test? These tools seek to expose our sub-conscious preferences and associations. Take 10-15 minutes, using your own computer or tablet, to take one.

Visit [implicit.harvard.edu](http://implicit.harvard.edu) (you will be able to indicate whether you will take the test with a keyboard and mouse, or with a touchscreen), and select a test. For this discussion, the Gender-Career Implicit Association Test is directly applicable; the other tests may also be interesting, and you may wish to bookmark the site return to later.

When everyone in the group has completed their test, discuss:

- (a) What were your results? Did they surprise you?
- (b) How do you see your results affecting you in your work or other aspects of your life?
- (c) How might you use your results to counteract conscious or subconscious biases you have?

Rabbi Zamore argues (p. 176):

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.

The Jewish tradition she cites about false weights and measures stems from multiple verses of the Torah.

Leviticus 19:35-36:

לֹא־תַעֲשׂוּ עוֹל בַּמִּשְׁפָּט בַּמִּדָּה בַּמִּשְׁקָל וּבַמְשׁוּרָה: מֵאֲזַנִּי צֶדֶק אֲבִנִי־צֶדֶק אֵיפֶת צֶדֶק וְהִין צֶדֶק יְהוָה לָכֶם  
אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרָיִם:

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

Deuteronomy 25:13-16:

לֹא־יְהִיֶּה לָךְ בְּכִיסֶּךָ אָבֹן וְאָבֹן גְּדוֹלָה וְקֹטָנָה: (לֹא־יְהִיֶּה לָךְ בְּבֵיתְךָ אֵיפָה וְאֵיפָה גְּדוֹלָה וְקֹטָנָה: אָבֹן  
שְׁלֵמָה וְצֶדֶק יְהוָה לָךְ אֵיפָה שְׁלֵמָה וְצֶדֶק יְהוָה לָךְ לְמַעַן יֵאָרִיכוּ יָמֶיךָ עַל הָאָדָמָה אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נָתַן  
לָךְ: כִּי תוֹעֲבַת יְהוָה אֱלֹהֶיךָ כָּל־עֲשֵׂה אֱלֹהֵי כָּל עֲשֵׂה עוֹל: (פ)

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

Rabbi Arthur Waskow, in *Down-to-Earth Judaism: Food, Money, Sex, and the Rest of Life*, has also written (p. 178):

Almost all autonomous Jewish communities since then have appointed inspectors of weights and measures to make sure that these laws were communally enforced, not left to individual ethical decision alone.

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#### DISCUSSION QUESTIONS:

- (a) In addition to affecting access to **quality food, health care, childcare, education, and retirement**, what are other consequences created by the wage gap, both immediate and far-reaching?
- (b) Will fixing the wage gap completely eliminate these consequences? Why or why not?

Rabbi Zamore reveals (p. 179):

A comparison of salary surveys and studies of the rabbis, cantors, executive directors, and educators of the Reform Movement reveal that on average Jewish women professionals earn roughly 85 percent of their male counterparts. It is even more troubling ... since it is this branch of Judaism that touts gender equality and social justice as foundational values.

Jewish traditions may equate unfair pay with fraud, in texts ranging from Biblical to Rabbinic.

Leviticus 19:13:

לֹא־תַעֲשֶׂה אֶת־רֵעֶךָ וְלֹא תִגְזֹל לֹא־תִלֵּין פְּעֻלַּת שֹׂכִיר אֹתָהּ עַד־בֹּקֶר:

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

Talmud, Bava Kamma 119a:

א"ר יוחנן כל הגוזל את חבירו שוה פרוטה כאילו נוטל נשמתו ממנו שנאמר כן ארחות כל בוצע בצע את נפש בעליו יקח

Rabbi Yoḥanan says: Anyone who robs another of an item worth even one [penny] is considered as though he takes his soul from him, as it is stated: "So are the ways of every one that is greedy for profit; it takes away the life of the owner thereof" (Proverbs 1:19).

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DISCUSSION QUESTIONS:

- (a) Do you think that pay disparities are a type of fraud? Why or why not?
- (b) Why do you think the pay gap persists in Reform institutions despite the foundational values of the Reform Movement?

AFTER THE SESSION (OPTIONAL):

Find out whether or not the Jewish institutions in your community have policies in place to ensure equal pay for equal work (from religious school teachers to rabbis), using objective scales and data from salary studies. If not, do research to find out what fair wages are for each kind of work available, level of experience, etc., in your area, and create a proposal of a policy to present to the relevant governing body.