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THE DIGNITY AND THE RIGHTS OF LABOR,

ACCORDING TO BIBLE AND TALMUD.

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I. THE DIGNITY OF LABOR.

Man does not find the necessities of life ready for his use. Nature furnishes only the raw material which he must transform. Even the simplest of his foods, bread, demands the putting forth of considerable physical energy before it is prepared. Labor, which is necessary in the procuring of food, the most imperative need of man, is also necessary for the acquisition of dwellings and garments to shelter and protect him. Even the primitive man was forced to exercise all his energies to win the skin of an animal, to erect a tent or to heap up a mound that might shield him against the rough elements of nature. We can scarcely imagine a period in which man did not labor, for the instinct of self-preservation, of progress, so thoroughly developed within him, always impelled him to toil. The ever developing conditions throughout the history of civilization bear witness to the deeply rooted instinct in mankind for advancement, which is impossible without constant toil and endeavor.

As we look back towards the beginning of history, we can see the races of Babylon building up their vast structures of

brick and stone. , We can see the people of Egypt occupied in the erection of their huge temples and pyramids. In those nations who laid the foundation for civilization we can already see how vastly their impulse towards progress was gaining ground, and to what extent their appreciation for the necessity of labor had grown.

But if these peoples and all other mighty races of antiquity were so strongly inclined towards advancement and had so fully recognized the value of labor, yet among them we find only a few enjoying the benefits gained through the severe toil of the masses, and even through the sacrifice of thousands upon thousands of human lives. The idea of justice was as yet insufficiently developed; despotism still held full sway; he who could, by virtue of his might, subject hundreds of thousands of human beings to a state of servitude, might do so without the slightest compunction. An impassable barrier existed between those who toiled and those who held sway. Different, however, were the conditions in Israel. Here labor was dignified; the rights of labor, according to Biblical and Talmudical legislation, were humane and pervaded by the spirit of justice.

As regards the dignity of labor in Israel, we may mention, first, that in Judaism labor was incumbent upon each and all; secondly, that every kind of useful labor is entitled to the same esteem and consideration; third, that idleness is ^{regarded as ?} one of the most degrading and abasing tendencies in human nature; and, fourth, that

begging is to be avoided, because it dulls the efforts and stifles the energies of man.

Man occupies the highest position in nature. He is created in the image of God, but this is true only if he endeavors to develop the divine powers within him. Now, ^{his intellectual progress} ~~the progress~~ of his mind is impossible without arduous toil, both of mind and body. The Psalmist exclaims, "Thou hast made him but little lower than the angels and hast crowned him with glory and honor; thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet; all sheep and oxen, the fowls of the air and the fish of the sea." (Psalm 8)

These beautiful lines show most forcibly that man is destined to be the ruler in nature. The animals are to be at his service, the grand forces of nature are to await his command. He, however, is not to stand as a mere onlooker, but must participate in and ^{control} ~~guide~~ the mighty forces of nature. Nay, he should even find the highest pleasure in the performance of his high task. What, indeed, can be conceived as affording more pleasure than the intelligent exercise of man's powers? The place of greatest bliss which man can imagine is Paradise. But even in Eden felicity is conditioned on work. When the Lord plants a garden in Eden he puts man there to cultivate and beautify it. (Gen. 2--8). Thus, the highest reward which religion holds out to man consists of work.

Therefore, the Hindoo religion, which advocates entire seclusion and withdrawal from the affairs of man, so as to approach the divinity, which is Nirwana, preaches⁹ doctrine altogether at variance with that of Judaism, which exalts labor and which makes it the duty of every man to contribute his share in the economy of the world.

Man cannot take religion as a pretext for not working. He is not allowed to say, "I shall pray and worship continually and God will provide for me all that I need." (Tanchuma to Gen., Ch. 31).

Thus we see how far-sighted our sages were. They recognized that religion was made for man and not man for religion. Religion is to hallow man's toils and endeavors. It is to guide him and direct him in whatever he undertakes to do; but labor he must. A religion which ^{teaches} asceticism is in conflict with work, for the ascetic usually excludes himself from all fields of human activity, and spends his time in contemplation, prayer and fasting. However strongly Judaism emphasizes the relationship of God and man, it leaves no room for asceticism. It is a religion that assigns a special place on this earth to man. "The heavens belong to God, and the earth is given to mankind to cultivate, to develop and to beautify."

Piety does not mean complete reliance upon Providence;

it means that man is to have faith in himself, faith in his powers to cope with conditions and circumstances that surround him. In this spirit our sages say: "He is the pious man who expects least of God and does most for himself." (Midr. Til., Ch. 79) ² Whom does the Midrasch characterize as pious? Not those who spend their time in idle contemplation; not those who solely rely for their bread on Providence; but men like David, Asa, Jehosaphat and Hezekiah; men who did not look toward the interference of Providence, except in cases of utter helplessness. When David had been dismissed from the king Achish and returned with his people he found Ziklag burned and all his possessions robbed. He did not ask God to return to him his loss, but merely begged for permission to pursue the band of plunderers. This being granted to him, he overtook them and regained all, even more than he lost. Asa manifested less faith in himself in his war with the King of Kish. Thus Asa prayed to God: "Lord of the world, I have not the strength to pursue the King of Kish." And God fulfilled his prayer and smote the Kishites before Asa. Jehosaphat asked even more of God. He prayed: "Lord of the world, I have not the might against this great company that cometh against us, what to do, but our eyes are upon thee. Let us remain quietly and thou pursue our enemies," and God granted him the petition, as it is written: "When they began shouting for joy, God placed an ambush around the children of Ammon,

Moab and Mount Seir that had come against Judah, and they were defeated. But while Jehosophat asked ^{God} to fight for him, Hezekiah demanded even more, for he asked a victory of God while he was to sleep, and God granted him even that, as we read: "In that night God smote the kingdom of Ashur and they marched away." Why is David's place at the head of these four kings ? Because he displayed the greatest degree of self-reliance in his eagerness to use his own powers.

In the Book of Joshua we read that we are to meditate on the divine law day and night. This would seem to indicate that man may be tempted to neglect his vocation for the sake of the study of the divine law. To guard against this misunderstanding our sages have laid down the maxim: "Any science, any pursuit in the domain of knowledge that is unaccompanied by remunerative labor will in the end result in failure." (Aboth 2-2). This statement of Rabbi Gamliel carries with it a still greater weight, coming as it does from the lips of a man who acquired a large fortune by means of his efforts and industry, and he could have well retired from active work in order to devote his whole life to study. Rich as he was, he did not cease from performing useful labor. The fact that a man is a scholar does not entitle him to live on the bounty of his fellow beings; but he is duty bound to perform some of the work that will yield him his livelihood. Then only,

according to our sages, may the words of the Psalmist be applied to him: "If thou enjoyest the fruit of thy labors, it is well with thee." (Talmud Deut., Chap. 30²²). The duty of work does not rest upon the teacher alone, but also upon his disciples. They, too, must endeavor as much as possible to earn their support. Rabba, the head of the school at Machuzah, who is reported to have had an unusually large number of pupils, admonishes them by no means to report during the spring and autumn months, but labor in the fields and earn all their necessities to pursue their studies free from care. (Raschi Berachoth 35b).

The duty of all to work, from which, as we have seen, not even the scholar and the disciple are exempt, might make it appear as if all men without exception were to expiate the so-called curse wherewith God cursed Adam. "In the sweat of thy brow shalt thou eat bread." We may infer that work is not a blessing to man, but a curse. Man may term labor a curse because of the obstacles that present themselves in our active pursuits. On a clear scrutiny ^{shall} tiny we see that even obstacles are not without value. Who is not strengthened by the numerous difficulties along the road of success? Activity, despite all obstacles, is the grand purpose of man on earth, and it is the purpose set by God himself. Tanchuma to Gen., Ch. 49²¹).

This does not mean that man must constantly be engrossed

by toil and care, leaving no room for the more genial occupation of study. Education and learning are indeed to be sought after with all the energies in our possession. Study and labor must supplement each other. The idea in Judaism is a combination of both: devotion to intellectual pursuits as well as to a trade. We may wonder why our wise men say: "Man cannot be brought under the yoke of work too soon," (Midrasch Echa, Ch., 3), when we notice that the tendency in our times is against child labor; but our age does lay stress upon physical development, and every school endeavors to have a gymnasium. In olden times such well equipped means for physical culture certainly did not exist, and the child had to be introduced to manual labor, that the growth of his body might reach its full strength. In those days the danger of sweat shops did not exist, where now children of tender years are forced to perform labor that demands the strength of adults, and to grow up in the rankest ignorance, a disgrace, indeed, to the so much boasted enlightenment of the twentieth century.

Judaism recognizes no class of aristocracy, neither of learning nor of wealth. The mere fact that one is in possession of culture does not entitle him to claim the fat of the land as his own. Comfort acquired without labor only disgraces him who makes use of it. "Nur der verdient das Leben der es täglich erobern muss." "He only is worthy of existence who does daily acquire the

means of subsistence."

This fact will enable us to understand why our wise men insisted that "every father" must instruct his son in some kind of occupation. (Berach. 65) The parent that fails to do this paves the way to dishonesty for his children. (T. Kid. 29)

Those who are not taught in early life to exercise their energies in the struggle of life gradually become accustomed to that most terrible of vices, inactivity. What enters into our life most is habit. We get accustomed to anything in time, which becomes our dominant element. The man of studious habits will reluctantly part ^{with} ~~from~~ his books. The man of the world cannot easily abandon pleasure, enjoyment, and so on through all situations and conditions of life. The sages of Israel recognized this tremendous power of habit, and endeavored to teach us the necessity of controlling that force perpetually at work, either for the good or for the bad, in the life of the individual. Our wise men, once realizing that which uplifts man and tends towards his development, urged constant and uninterrupted application to that. "Four things should become a habit to man and practiced regularly. The study of God's word, charity, piety and work." (Berach. 32) Spasmodic activity, though it be worthy, will achieve no great success. Occasional bursts of enthusiasm, though they be for a high cause, will rarely result in real good. The true and the good demand constant atten-

tion. Never are we to allow ourselves any respite.

It is only by unceasing care and unremitting toil that the comforts and luxuries of our day have been made possible. Man is privileged to enjoy comforts and luxuries. If our aim would be merely to acquire ^{the} bare necessities of life, progress would be well nigh impossible. We could easily be sustained by the raw products of nature, and even be sturdy and strong as our ancestors were, who knew not the use of the mechanical arts by which we transform the raw material which nature produces. The impulse of progress that has created our magnificent civilization is still at work among us, is still producing thousands upon thousands of new improvements. We are not satisfied with the juice of the sugar cane, but transform it into delicious confectionery. We are not satisfied with the luscious grapes, but press them into wine, and so through all nature's products. Nevertheless, Judaism would not have us merely ~~to~~ enjoy the luxuries which we derive from the products of Mother Earth, enjoy them through the toil of others alone, but we are instructed to perform some useful labor before relishing spicy and rich food, or comfortably seat ourselves upon soft couches and easy chairs. In other words, though one may be rich and opulent, he has no right merely to eat and drink and be merry; he must lend his efforts to some useful enterprise. We are now able to understand why our sages said: "Adam was not allowed

to taste of the dainties of the Paradise before he did some work."
(Aboth D. R. M., Ch. 11.)

This saying of our Rabbis which endeavors to impress upon us the importance of work, is in perfect harmony with the fourth Commandment that tells us "Six days shalt thou work and on the seventh rest." This commandment does not mean that we may or may not work six days as long as we rest on the Sabbath, but it aims to impress upon us labor as a duty, as an obligation from which we have no right to free ourselves. The seventh Commandment confirms this when we are forbidden to steal. Our duty to humanity is not discharged when we simply refrain from robbing our fellowman, but it is the sacred duty of each and all to make an honest living by working, and who will say that by toiling honestly, taking no advantage of one's fellowman, enough could be gained to retire from active labor in the prime of life? Honest work means life work. It is only by gambling, by speculation, or taking unfair advantage of our fellowmen that large fortunes are amassed and hundreds of thousands left to misery. But should any one, perchance, get rich without violence to others, without unfair means, then how much more reason is there for that individual to labor? For, unless man is occupied he will become corrupt and degraded, yield to temptations that will shorten his life and embitter his enjoyment. As we read in the Book of Ecclesiastes: "The sleep of a laboring man

is sweet, whether he eat little or much: but the abundance of the rich will not suffer him to sleep." (Ecc. 5:12.)

But pleasure is by no means the total aim of life. Whether it be the enjoyment of him who toils, or of him who lolls at ease, there is a more sacred and higher goal toward which we should strive. Judaism is not satisfied merely with bidding us to work for our advantages. "Edel und hülfreich sei der Mensch, denn das allein unterscheidet ihn vom Tiere."

To be true to our dignity as men, we must labor for the good of others and also for posterity. Numerous stories from the Talmud serve to show what stress our people laid upon work, the benefits of which were to be reaped, not by the toilers themselves, but by their successors.

Onias, the Essene, tells us of meeting an old farmer who planted trees bearing St. John's bread.

"Do you hope to eat from this tree which needs seventy years of growth in order to bear fruit?" asked Onias.

To him the aged farmer replied: "And if I do not eat thereof, what of that? I have found trees planted upon this soil, and it would be indeed ungrateful on my part if I were not to toil for my children as my ancestors planted for me."

This revealed the spirit of the whole Jewish nation. Even the cruel Emperor Adrian was forced to admire it. Once upon

a time the Emperor Adrian met an old man in Tiberias while traveling in Palestine. The old man was busily at work planting fig trees.

"Old man, thou old man," exclaimed the Emperor; "if thou hadst been working in thy youth, thou wert not obliged to exert thyself now."

"In my youth I did work, O great King," was the answer; "and in my old age I likewise toil, and as God wills it, so be it."

"How old art thou ?" asked the Emperor.

"A hundred years," was the answer,

"Thou art a hundred years old, and still thou plantest and hopest to see the fruits from the trees that thou art planting ?" asked in astonishment Adrian, at the same time sneering at the old man.

"If God will grant me life," answered the old man, "I shall enjoy the fruits; and if not, I work for my children as my fathers have labored for me."

"If thou shouldst live to eat the fruits, then let me know," said the King and took leave of him.

The old man lived to see the trees he planted bearing fruit, and he took a little basket and filled it with the choicest of the fruit and brought it to the Emperor. Adrian accepted it and commanded that the little basket be filled with gold. His courtiers

were astounded at seeing Adrian, the tyrannizer of the Jewish people, bestow such mercy upon a Jew, and were eager to find^{out} the cause for the distinction accorded to him. Adrian explained to them: "Shall I not honor a man whom God honors for his merits ?"

No grander testimonial for Jewish industry and love of toil need we to look for than this which has come down to us from one of the greatest enemies of our people in antiquity. [God took the children of Israel to Palestine after the land had been well planted and cultivated, in order that they might see how others toiled for them, so that they should at all times labor for the good of others. (Midr. Tanchuma 19-23.)]

From the wonderful delivery out of Egypt and from Israel's wanderings in the desert, and from their taking possession of the land of promise to become servants of the Most High, we might infer that the sole aim of the Bible is to teach man contemplative religion, to pray and to worship God. That, truly, is one purpose of the Scripture, to bring man into close relation with his Creator, to make ^{man realize that} his necessities depend upon Him, to acknowledge that He is the giver of all, that without God life is dreary and void. Still, the Bible distinguishes its characters not alone by meditation upon and faith in God, but pictures them also as men of industry and activity.

Beginning with the patriarchs, continuing with the proph-

ets, and ending with the kings, and excluding, of course, the wicked ones among the latter, we find that all are engaged in work for the common welfare. A beautiful tradition shall illustrate this.

When Abraham turned to Canaan he lingered for a while in Mesopotamia. There he saw the people given over to luxury and licentiousness. The sight of such life filled his heart with sorrow.

"Only one thing do I wish, O Lord of Heaven and earth: may it not be my lot to toil here and share the life of these people."

Having arrived near the border of Palestine, he saw the people of that country busily at work. He saw them plowing, sowing, reaping and labor with all their powers. At the sight of this industry he became inspired and exclaimed: "If I am allowed to wish, then will I ask that my portion and the portion of my descendants be in this land where work is a blessing to man." (Midr. T Rabba.39)

Religion is to go hand in hand with work. Religion is to influence the life of the individual for good. It is to sanctify life. It is to develop the highest powers of the human soul, but life must not consist wholly of religious meditation. As long as man is an inhabitant of the earth, his thoughts must be given to a large extent to things earthly, to his physical well being. The festivals which the Jewish religion retains are few in number, because they imply refraining from work. They urge us to devote the

holidays to the uplifting of the soul. Rabbi Simon explains the duration of the festivals as follows:

"The feast of Passover and the Feast of Tabernacles last eight and nine days respectively, because work is at a standstill during the seasons when these festivals are to be observed. The Feast of Pentecost lasts but one day, because the season when it is observed involves work, being then harvest time. (Midr. Tanch. 19)

What is more elevating than the study of the divine law? Still, we must not become absorbed in the study of it to such a degree that our material welfare should suffer. Our sages say: "One sentence is sufficient to study daily, and the rest of the time is to be spent in work." It is, indeed, a minimum which our wise men would assign to us for spiritual devotion. Sad it is to say that most of us hesitate to do justice to even that little requirement.

Very frequently we are slow to begin our allotted task, but having begun we will not cease until we finish. Again, sometimes we commence our duties with enthusiasm, but soon our wings droop and our energies slacken. We leave our work but half completed. Our sages realized this truth. Therefore, to encourage the beginner and to spur on the worker ^{our sages} they put a new and unique interpretation into the words of Scripture: "Blessed art thou in thy coming in and blessed in thy going out." This they explain: "Blest art thou when thou beginnest the work, and blest when thou

bringest the same to an end." (Berach. 8) 2

From the view entertained by our sages regarding idleness, we may learn how highly they esteemed labor. Work strengthens, inactivity weakens the human body. Only he who is in possession of a healthy organism can enjoy what earthly life offers. When the appetites are dulled, when the energies are weakened, when the thinking capacity is impaired, man cannot possibly derive any enjoyment from life. This world, with the constant toil it demands, is a veritable Paradise to the individual enjoying health. How else shall we attain happiness if not through the healthy exercise of the faculties with which God has blessed us? Realizing how much our physical well being is conditioned upon labor, our sages assigned idleness as the cause of death and the loss of Paradise. (Midr. ^{to} Gen. 2, Ch. 17)

The Book of Proverbs abounds in sayings condemning laziness. In Chapter 6, verses 6--12 the indolent man is asked to take an example from the busy ants. He is to consider their ways and be spurred on to work. The author also shows the nature of idleness which seems to assume its worst form in too much sleep. The evil consequences of falling into this most terrible of temptations to which human nature is exposed are vividly delineated by the author. How terrible is the poverty which confronts the idler! "So shall thy poverty come as one that travelleth, and thy want as an

armed man." (Prov. 6:11.)

The indolent man is pictured as one who is afraid of work, who sees innumerable obstacles in the way that may endanger his very life. (Prov. 22:13.) Now it is a lion that strikes him with terror and keeps him indoors; now it is some other vain fancy that prevents him from accomplishing his duty. Very frequently, indeed, do we meet with the repulsive picture drawn of the idler. We see him lolling upon his bed and worn out from sheer ennui. We see him constantly confronted by want and beggary. On the other hand, how pleasing is the admonition of the industrious woman! We see prosperity and contentment the results of cheerful labor. (Prov. Ch. 31).

When the hymn, "Who Can Find an Industrious Woman ?" resounds on Friday evening in the homes of Israel, we feel how great are the blessings which labor confers.

There are no blessings of heaven which are not at the same time the blessings of labor. He who relies on prayer, unaccompanied by his own efforts, does not usually attain the result he hopes for. If we do not use those powers which God has given us, it seems like ingratitude to ask the Most High to aid us. Our sages say that work must precede prayer if it is to have the right effect. (Sabbath, 30b) ?

"The spirit of God," says the Talmud, *T*"cannot dwell where

idleness prevails." We are hallowed and elevated through constant effort. We are debased and lowered through idleness.

The dangers which threaten human dignity and self-respect usually have their source in idleness. On the other hand, any kind of useful labor which man performs commonly proves his safeguard against vice and corruption.

Every one will admit that industry makes a nobler manhood and womanhood possible. It is but foolish to ascribe the great number of evils in our present civilization to the increase of commerce and the multiplication of various kinds of labors. No matter what be the work to which man devotes himself, as long as it tends to improve and elevate society, it is to be honored and regarded with esteem. Some are fortunate to go through life performing easy work, while others must labor with the sweat of their brows merely to keep body and soul together. It is unfortunate that man looks down upon his brother man who is compelled to work hard for a living. Happy is he to whom easy work is allotted, but every other labor is also honorable. (T. Kid. 82)

This sentiment of our sages shows that they would not have us judge man's inner worth by the kind of labor he performs. The humblest worker may be morally better than the highest officer of the State, and, therefore, is entitled to our respect and consideration. Civilization would be impossible if all were to

choose easy work. Some one has to do the rough labor. This truth we find strikingly expressed in the Talmud. (Pes. 65) "We must have compounders of fragrant spices as well as the less agreeably smelling tanners."

Nor is the welfare of man dependent upon the kind of work he performs. We are so constituted by nature that we easily adapt ourselves to conditions. The miner, who endangers his life as often as he descends into the earth to perform his labor, may, after all, be as happy in his occupation as the mechanic in the machine shop whose work involves less danger to his existence. "God has so arranged that each individual should find his work agreeable and prefer it to any other work, though it be hard and burdensome." (Berach. 43b)

Parents, being anxious for the welfare of their children, naturally desire that their offspring should not be compelled to do hard work. The farmer frequently educates his son and rejoices to see him follow some profession which does not require such wearisome toil as that of the tilling of the soil. Regarding all labor as dignified and knowing that the humble shoemaker is as indispensable to the welfare of mankind as the proud architect, our sages gave utterance to this remarkable precept. "Let a son follow the trade of his father, no matter what it be." (Erachin 16b)

If all labor is to be looked upon as dignified, no man can

have occasion to consider himself above a certain kind of work.

Distinction in labor is the source of much evil in the world.

I knew of a certain merchant who was very illiterate. He was the father of several sons, none of whom gave promise in school. Still the father was very anxious to have a doctor or lawyer in the family. He sacrificed considerable of his fortune to educate one of his sons to the profession of medicine. The young man failed in several institutions, but had finally succeeded in graduating. The last I heard of him was that he contemplates going into the junk business. Had the father realized that useful labor of whatever kind it may be is by no means incompatible with culture and refinement, he would not have undergone so much useless expense to have the son become a physician. No man shall say, "I am too high for this or that work; I am the son of a great man or the offspring of a noble family." (Aboth D. R. M., Ch. 11)

Labor, however, which does not enable him who performs it to lead a life free from dishonesty and suspicion, is not only disapproved, but even forbidden by the Rabbis. Work which bears even the least taint of suspicion is to be avoided. The labor which the Talmud regards as dignified and worthy of pursuit is only that which is in compliance with honesty and uprightness. Work is praised and exalted when it is performed honestly. "An honest working man stands higher than a man of noble birth." (Midr. to

mult. page

Gen., Ch. 23)

Quite frequently in the Talmud we meet with statements directed against vocations that will cast a shadow over a man's moral character. A man must not choose work that will bring him in too much contact with women, and, likewise, is woman forbidden to labor in such a sphere that belongs to man. It is, indeed, deplorable that nowadays so many women are compelled to work at that which is not infrequently the source of moral corruption. Otherwise, none are such zealous advocates of labor as the Rabbis, none as ready to appreciate even the most humble and lowly occupation. No occupation is perhaps so lowly as that of the shepherd, who, walking around with his sack and staff, makes quite an humble appearance; yet God suffers himself to be called a shepherd by Jacob and the Psalmist. (Jalkut Til., Ch. 23)

Thus do the Rabbis show their consideration for the lowly toilers and the deserving poor. Charity which endeavors to promote the welfare of humanity is only to be employed for the sake of those who strive as much as they are capable. Charity in this sense is a fundamental teaching of our religion. Simon the Just says: "Upon three things the world rests: Upon the divine law, upon service and upon charity." In Israel charity was dispensed in such a manner as to prevent begging. The garnerings of the fields, the

gleanings of the vineyards, the forgotten sheaves were left for the needy, so that they might put forth some effort of their own, and also that they might not accustom themselves to the debasing habit of going from door to door. The laws that widows, orphans, strangers and the poor Levites are to participate in sacrificial feasts, that they are to be awarded the tithes which were set apart at the end of every three years (Deut. 14), show that begging could scarcely take root in Israel as long as they were upon their own soil. The widow is entitled to charity because she has lost the pillar of her support; the stranger is to be provided for, since he is unacquainted with conditions and he is not likely to receive employment so easily..

The aversion which our sages entertain towards begging may be seen by the following remarkable utterance: "Flay a carcass upon the street and do not say, 'I am a priest, a great man. Any kind of work is more honorable than idleness and being supported by others.'" (Pes. 113) *Baba Bathra 110^a*

The following also illustrates how greatly they esteem self-help. [A grandson of Moses was found employed as a priest in idolatrous service, first in Mt. Ephraim and later in Dan. The people were highly astonished at this and asked him how he possibly could be employed in and receive remuneration for idolatrous service, knowing that Moses had so strictly forbidden idolatry and commanded

us to worship God as a spirit. To this the priest answered: "Our grandfather did not bequeath unto us one or any other rights, but at the same time it was not his will that his own descendants should be supported by the people on account of his high merits. He has left us a maxim which is equal to all the treasures of the world, and to which we adhere with might and main. A man may become a hireling even in the service of idolatry, provided his work does not include worshipping idols, in order to avoid idleness and refrain from accepting assistance at the hand of his fellow beings." Of course, the grandson of Moses was justly accused, since his vocation did imply idolatrous worship. Later that maxim was interpreted to mean that work, no matter how humble it may seem, is to be preferred to the acceptance of benevolent gifts, but at no time must our work be such as to conflict with our belief, nor our holy traditions with our conscience. (Bab. Batr. 110)

"He that hateth gifts shall live." (Prov. 15:27) Man's endeavors should be constantly directed towards the attainment of independence. All his time should he employ for this sacred purpose, nay should use even the time that is intended for recreation so as not to have to rely upon human aid. (Sabbath 118b)

Let him rather live in poverty and misery than to take advantage of benevolence. Let him not seek human assistance so long as he is in possession of enough to procure for himself a meal.

Let him rather choose any kind of labor, no matter how lowly,
so that he may not have to appeal to human mercy. For labor alone
is capable of glorifying man, the image of his Maker.

II. RIGHTS OF LABOR

Before discussing the rights of labor it will be best to make a few general statements on slavery. If I were to write on the rights of labor in connection with any other nation of antiquity, I would have to pass over slavery, for slaves had no rights whatever, even among such cultured nations as Greece and Rome. Among these nations the slaves were regarded as on a level with the lower animals. Aristotle claims that nature had from the very outset retained some to command to rule and others to serve and obey. In Sparta the condition of the slaves was so miserable that no court existed for them where they might seek aid, no matter how great a wrong was committed against them. There a slave served not only one master, but he belonged to every citizen. According to the law of Aquillusⁱ, an injury done to a brute or to a slave is regarded in the same light. In sharp contrast to the condition of the slaves in all other countries of antiquity is the position which slaves occupied in Israel. There were no such conceptions of slavery as that of Aristotle and Aquillus among the Jews; but one of the most fundamental teachings of Judaism is that of the equality of man. All men, we are told, have one and the same origin, owe their existence to the same Creator; all occupy the same prerog-

ative in creation and possess a rational soul, which is a gift of God. "This is the generation of Adam. (Gen. 5:1.) "This is the highest principle in the Tora," says the Talmud, for it teaches unity and the equality of man through their descent." (Jer. Ned. 89a)

The aim of Scripture and Talmud is to establish a social equality between servant and master, as we shall have occasion to prove. All are equal before the law. (Levit. 19:15)

The Hebrew language has no word that should stamp a certain class of those who serve as degraded and distinguish them as slaves from the rest. There is but one term used for those whose lot it is to be subjected to the command of others, to serve; that term is "Ebed," "servant," but properly speaking, "working." "Ebed" means to labor, to work, as may be clearly seen from its use in the law as to the Sabbath. (Ex. 29) "Six days thou shalt labor." The same term, "Ebed," is applied to Moses and the prophets. The pious men in Israel proudly called themselves "Abde Adonai," servants of the Lord. The Hebrews, being a people among whom labor and toil was highly esteemed, whose greatest law giver and kings entered upon their high missions from the midst of those who labored, whose great sages were laborers, could not see anything derogatory in an appellation derived from work.

In treating of the rights of the various kinds of labor

in Israel, it will be most convenient to classify them under these four headings:

1. Hebrew Slaves and Female Servants;
2. Heathen Slaves and Maid Servants;
3. Slaves for Debt;
 - (a -- ex furto
 - (b -- ex consensu
4. Hired Labor.

1. Hebrew Slaves and Female Servants.

Properly speaking a Hebrew could not be a slave to one of his own race, but could serve only to pay his debts that he had incurred and thus become a hired servant. The oldest Jewish law states: "If thou buy a Hebrew servant, six years shall he serve; and in the seventh he shall go free." (Ex. 21:2)

"And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: But as a hired servant, and as a sojourner, he shall be with thee, and shall serve thee unto the year of jubilee." (Levit. 25:39-40)

Similarly, Deut. 15:12 and Jeremiah, 34:14, where the prophet rebukes the people for having transgressed this law.

The Scriptures fully recognizing man's craving for freedom, aims to liberate the Hebrew servant, and therefore sets a

limit to servitude. However, should the servant desire to continue in his servile state, he may, but not without being obliged to undergo humiliation for his contempt of liberty. His master shall bore his ear through with an awl and he shall serve him forever. The uniqueness of this custom, as well as the cruelty that we may associate with it, may lose considerable in effect if we regard the explanation which the Talmud gives of this peculiar ceremony. "Israel was set free to serve God. Thus it was proclaimed on Sinai. The ear that refused to heed this proclamation must be marked."

According to the Mishna the servant acquired by the piercing of the ear is to be set free in the year of jubilee, or at the death of his original master. He is not obliged to serve his son. (T. Kid. 1-2) He is duty bound, however, to complete his term of six years and serve the master's son in case of the death of the former. The obligation does not apply to a daughter or any other relatives. The slaves were to be set free in the year of the jubilee, though the original obligation was not fulfilled. A woman that has followed her husband into slavery must likewise be freed in the seventh year. If, however, the servant had married during the period of his servitude, the woman, as well as her children, remained in the possession of his master. (Ex. 21:4)

The woman in this instance must be understood to be a heathen woman, since the condition of permanent slavery could not

be imposed upon a Hebrew woman, just as it could not be enforced upon a Hebrew man. The daughter who has been sold by her father as a maid servant cannot be freed in the seventh year. She is to become the wife of her master and regain her freedom in case he fails to provide for her. He may sell her to her father or to some one else of his people, but never to a heathen. Should he desire his son to marry her, he must treat her as his own daughter. (Deut. 15:12)

The laws pertaining to slavery in the Book of Deuteronomy are somewhat different from those found in Leviticus and Exodus. Here they are milder. There is but one law for male and female servants. Both are set free after the sixth year. Furthermore, it is ordained that slaves set free are not to be dismissed empty-handed, but are to be endowed with rich gifts consisting of cattle, grain, oil and wine, just as one dismisses a welcome guest. This, indeed, is a very humane ordinance, for otherwise the slave set free would find himself helpless in the very beginning, so that many would have preferred to continue in slavery.

The law of the year of redemption and the weekly Sabbath practically annulled slavery. A slave was compelled to serve only six years, and even within this time he could be redeemed by his relatives. If some one of his family wished to ransom him, he had

only to pay for the labor which was due to his master. The personality of the man was held sacred. It could not be bought. Thus, the value of a slave increased or decreased in proportion to the cost of labor. (T. Kid. 20)

The Jewish slave was accorded the most humane treatment. The master had no right to assign him labor in a vague and indefinite manner. To illustrate: He could not say unto him, "Go and dig around the vineyard until I come." Each task was to be definite and to be performed within a fixed time. If the master had no need of the work, he was not allowed to assign it unto his slave. Labor of a degrading nature could not be imposed upon him. For example, his master could not force him to carry his clothes to the bath, or to take off or to put on his shoes. ^(Maim. Hal. Abadim I. 36-7) One slave could not be made to work for the public at large. The Jewish slave was not more than a hireling and had to be treated on terms of equality with his master as far as eating, drinking and dress were concerned. (Maim. Hal. Abadim, c. 1-2)

Rightly have our sages said: "He who bought a Hebrew slave procured a master for himself." As the master owed proper treatment towards his servant, so did this one in turn owe proper submission and diligent application to his task.

Greece and Rome recognized no day of rest for the slaves. Judaism not alone commanded that the slave be made to rest upon

the Sabbath, but on this day elevated him to hold an equal position with his master. The Sabbath and the holidays levelled class distinctions. "Thou shalt be glad during this feast, thy son, thy daughter, thy man servant and thy maid servant, ~~the~~ Levite in thy gates, the stranger, the orphan and the widow." (Deut. 12: 12)

No other law than this do we need to prove that if slavery did exist in Judaism, it was in name only, but not in fact.

RIGHTS OF JEWISH MAID SERVANTS.

The rights of parents over their children, particularly over their daughters, was in ancient times unlimited. We find this to be true even today among some primitive peoples. The ancient Roman law accorded the father the right of life and death over his children. They could claim nothing as their own. Their father could sell them, give them in marriage and divorce them. In ancient Sparta parents had the right to expose those children who seemed to them to give no promise of physical development to perish, especially girls; and foundlings became the slaves of those who reared them. In that country parents were also in possession of the right to sell their children as slaves. From the laws that have come down to us, the power of the parents over their children was in Judaism very limited. We nowhere find that parents had the right

to sell their children as slaves; and the child was never to be put to death without a judicial sentence. (Deut. 49:18-21)

A father had the right to sell his daughter as a maid -- Hebrew Annah (Ex. 21:7).

The ordinances pertaining to this right are very few in the Bible, and we are obliged to be guided by the Talmud in the matter. According to tradition, the father had lost his right to sell his daughter as a maid soon after the return from the Babylonian exile. Only the father could sell the daughter as a maid, but not her mother. (Ex. 21:7; T. Sotah, 23a).

A daughter that had once been sold by her father and subsequently gained her freedom, no matter how, could not again be sold. (T. Kid. 185)

Similarly, the father could not sell his daughter that had attained to the age of puberty, which was after the twelfth year. (T. Kid., 14b)

LEGAL STATUS OF MAID SERVANTS.

The legal status of the maid servant was the same in every respect as that of the slave for debt. (T. Kid. 18a)

The master could demand services from her, but had no right to sell her. (Ex. 21:8)

If the maid servant agreed to it, the master could give

her in marriage to his son, or take her in marriage himself. (Ex. 21:9; T. Kid. 19a)

Her marriage could not take place before the age of puberty. (T. Kid. 19a)

The Jewish maid servant could not be a concubine to her master. She could only be his legitimate wife, or that of his son, and this we find emphasized in Scripture. (Ex. 21:8-10)

FREEDOM OF THE MAID SERVANT.

The slave for debt could attain his freedom by means of a ransom, and this right applied also to the maid servant. (T. Kid. 14b)

The slave was to be set free after six years of service. The maid servant could not attain her freedom before the age of puberty. (T. Kid. 16b and 18)

At the death of her master the maid servant gained her freedom, though the same had been survived by sons. (T. Kid. 17b)

It was a moral obligation to bestow gifts upon her when she attained her freedom. (T. Kid. 16b)

2. HEATHEN SLAVES AND MAID SERVANTS.

The Israelite who had been reduced to poverty was not to be sold as a slave to serve forever, but was to be regarded only as a hireling. But male and female servants could be bought from among the neighboring nations, and, likewise, from the midst of foreign inhabitants residing in the land of Israel. These could be employed as servants to serve forever and apportioned as an inheritance. (Levit. 25:44-46; Deut. 39:42)

Here we see bondage in a form, but not as it was in vogue among the other nations. The Mosaic law tolerated no kind of severity that is usually associated with the hard lot of a slave. The Bible safeguards the welfare of the slave and protects him as an individual that is in possession of inalienable rights. Even though a foreign slave, he is not to be subjected to the arbitrary will of his master. He cannot be punished with excessive [†]vigor and must by no means be made to toil incessantly, and this mild treatment is but to be expected from a legislation that will not even tolerate cruelty or harshness towards animals. The foreign slave could be naturalized and in time become a member of the people of Israel. He had to submit to certain religious rites to attain to this position. There existed among the Hebrews no prejudice

towards those who served. They were not looked upon as inferior beings, but, on the contrary, we find them in close relationship with the family. To illustrate: An Israelite gives his daughter in marriage to an Egyptian slave. and thus this one becomes his heir. (I. Chron. 2-34-35)

Abraham finds the steward of his house, Eliezer, worthy to make him his heir. (Gen. 15:23)
the
David assigns/property of Saul to Ziba, servant of Mephibosheth. (II. Sam. 16:4)

The Bible forbids the killing of a slave in a fit of rage, (Ex. 21:20) a thing that was permitted to the Roman master. Nothing better could happen to one destined to slavery than to be sold in Palestine, where the laws pertaining to servitude were pervaded by so much gentleness and regard. A special law prohibits the surrender of a slave that had escaped from his master living in a foreign land, and thus Palestine was also an asylum taking under its protecting wings the wronged and forlorn, regardless of religion and nationality.

SERVITUDE FOR INDEBTEDNESS.

Servitude for indebtedness may be two-fold, which we shall briefly designate in Latin by the respective terms, ex consensu and ex furto.

SERVITUDE FOR INDEBTEDNESS EX FURTO.

Theft in Judaism was not as severely punished as among other nations. A thief was to pay back for that which he had stolen two-fold, and in many cases, four-fold and even five-fold. (Ex. 21: 37 and 22, 3) But if he owned nothing he was to be sold for his theft. This meant servitude for debt ex furto.

The Talmudical law endeavored to diminish as far as possible the number of cases in which a thief was to fall into servitude for debt. Thus it specified that only a man and not a woman could fall into this kind of servitude, that the thief was to be sold for that which he had stolen, but not for the additional double penalty, imposed upon him by the Biblical law. Furthermore, the thief could not be sold to a non-Jew in a foreign land. (T. Sotah 23a; T. Kid. 18a; Maim. a.a.o. Abadim 1) The whole institution of servitude for indebtedness ex furto was in the end made impossible by a Talmudical interpretation. The Talmudists interpreted the Biblical law; "Thus the thief shall be sold for his theft," (Ex. 22:2) to mean that the thief might be sold as a slave for his debt, if the price of thief was not higher than the value of the thing stolen. (T. Kid. 18a) Through this explanation of the Bible, servitude for debt ex furto was rendered imaginary; the thief could always find a friend or a relative that was ready to give a higher price for him.

b. SLAVES FOR DEBT EX CONSENSU.

A Debtor was allowed to pledge his services to his creditor, and within a specified time could be freed from his obligation, having performed labor as an equivalent for his incurred debt. This is designated slavery ex consensu. The legal status of this class of slaves was the same as that of the hirelings. The slave ex consensu was in full possession of his rights as a citizen, was equally honored and retained his property. (T. Erakin, 28a.)

The servant ex consensu could not be sold by his master, whatever this slave received as a gift, whatever he found, or inherited, belonged to him, as also the earnings of his wife. (T. Baba Meziah 12a; T. Kid. 2-2)

The slave ex consensu could sue at law his master for injuries received at his hand, and if the court awarded him damages, he was to receive them directly. (T. Baba Kama 87a)

The master was compelled to provide for the wife and children of the slave ex consensu. (T. Kid. 20^{22a})

According to the Biblical law, the children of a slave ex consensu remained the property of the master, if he had given

him a wife during his period of servitude. (Ex. 21:4)

According to the law of the Talmud, the master was allowed to give a wife only to the servant ex furto, and then only if the latter had a wife and children already. (T. Kid. 20a)

At the beginning of the seventh year, the slaves who served to free themselves from debt were given their liberty. This was owing to the Biblical law that every debt became superannuated at the expiration of six years. (Deut. 15:1-2)

According to later legislation, only the servant ex furto was to be released after six years. The servant ex consensu might obligate himself for a longer period. In the jubilee year, once in fifty years, the servants of both classes had to be set free. If, after six years, the servant who labored to free himself from debt, wished to serve longer, the Biblical law prescribes that his ear is to be pierced and compels him to remain in perpetual servitude. (Ex. 21:5-6)

The Talmud, however, interprets the phrase, "He shall serve forever," to mean that his servitude is to last only until the jubilee year. We have already mentioned that the law provided for the welfare of the slaves. So as not to stifle their natural yearning for freedom, Biblical legislation prescribes that the slave shall not leave his master empty-handed, but shall be provided with the means of subsistence. (Deut. 15:13-14)

The Talmudic law designated a specific amount that was to be given to the slave who had served his term of six years and then attained his liberty. (T. Kid. 17)

The slaves for debt might also purchase their liberty. To cite an example;, an individual, having obligated himself to serve six years, for \$600 might at the end of two years procure his liberty for \$400, and so on in proportion. (T. Kid. 20-21)

Slavery for debt ended with the death of the master if the same was a heathen or a converted Jew. It terminated with the death of the Jewish master if the latter had no sons, but only daughters, or other distant relatives that have become his heirs. (T. Kid. 17b; T. B. M., 71a)

THE JUBILEE YEAR AND THE CESSATION OF SLAVERY FOR DEBT.

The Scriptures ordained the jubilee year for the purpose of restraining an accumulation of enormous wealth on the part of single individuals; and also to help many lest they become too much impoverished. If land was sold, it diverted to its original owner in the jubilee year. (Levit. 25:40)

The year of jubilee was to be a holy year of freedom to Israel. Such was the aim of the law, but the true significance was never realized, just as legislation among several Grecian re-

publics never succeeded in establishing equal distribution of wealth among their citizens. The jubilee year ceased to exist very early in Jewish history. According to the Talmud, it terminated in the year 735 B. C. The non-observance of the jubilee was fraught with evil consequences for the slaves for debt, especially for those ex consensu. The slaves for debt could now become slaves forever, but to guard against this our sages put a stop to slavery for debt altogether. (Gittin, 65a)

We do not exactly know the time when slavery for debt ceased, ~~but~~ Josephus tells us that slavery ex furto remained for a long time after slavery ex consensu had ceased.

4. HIRED LABOR.

For laws dealing with hired labor we are obliged to refer to the Talmud, as the Bible has but few ordinances pertaining to this. The Biblical law commands prompt payment to the laborer. ^{In} ~~At~~ his day thou shalt give him his hire, neither shall the sun go down upon it." (Deut. 24:15)

This refers both to the Jewish as well as ^{to} as the non-Jewish hireling. The employer and employee must enter into an agreement before the laborer could begin his work. The employer must specify the compensation, while the employee must offer his services.

The agreement is valid as soon as the laborer begins his work. Previous to the beginning both parties have the right to retract, but as soon as the laborer had begun the work the employer can no longer retract. The laborer, on the other hand, may annul the agreement at any time. (T. B. M. 76a)

The agreement must specify as to the kind of work, the time of its beginning and the compensation for it. (T. B. M. 83a)

The laborer cannot claim his hire before he has completed his work. (T. B. M. 67a)

If the individual had hired himself out for work without designating any particular kind, he has to perform only such labor as is customary to be done by hired servants in the particular locality. (T. B. M. 83a)

The hireling is not to be compelled to do such work which requires special skill or training, nor is he compelled to do work that might impair his health. (T. B. M. 77a)

The laborer is to perform only such work for which he is hired and cannot be given harder labor. He may, however, be assigned to an easier task than that for which he was engaged. (T. B. M. 77a)

The length of day's work ^{was determined by local custom} ~~lasted from sunrise to sunset~~. No laborer ^{could be} ~~was~~ compelled to work over-time, even though the master permitted him special pay. (T. B. M. 83a)

The time which the laborer spent in going to the place of work ^{may be} ~~was to be considered as belonging to the master~~; while the time spent in going home ^{must} ~~was to be considered as belonging to the laborer.~~ (T. B. M. 83b)

A laborer who was hired to do a certain kind of work for several days could not hire himself out to perform other work during the evenings or nights, for thus he weakened his energies for his day work. (T. B. M., 387, 25)

Neither the Jewish nor the heathen laborer was to do any work on the Sabbath and festivals. The heathen slaves were not obliged to do housework on Sabbath for their masters. (Maim. Hilchot Sabbath 6)

A heathen slave could, of course, do work for himself on the Sabbath day as well as on the festivals. The laborer was responsible for any damage that might be due to his carelessness. If several are at work and cause damage to their master, all must make the damage good pro rata. (T. B. M. 83a)

Nevertheless, the Hebrew judge very frequently decided a damage case in favor of the worker, realizing that the master could ^{more easily} ~~easier~~ stand the loss than the laborer. The ^{Jewish} ~~Hebrew~~ judge refused to be guided by the principle, "fiat justitia pereat mundus." "Let justice be, though all the world shall perish." (T. Soth. 22a) 2

In the case of a wealthy employer and poor worker, the judge refused to prosecute a needy laborer. The following case shall illustrate this:

While at work certain laborers broke a ~~few~~ barrels of wine. The employer demanded pledges from the laborers so as to be sure of having his loss covered. The laborers went to Rab, who was the judge of the community. The judge demanded that the employer should return the things which he had taken as pledges.

"Is that the law?" asked the employer in astonishment.

"It is," answered the judge, "for it has been said, 'That thou mayst walk in the way of good men.'"

The working people demanded their pay. "We are poor," said they; "we have been working the whole day; we are hungry and have nothing."

The judge awarded them their wages also.

"Is that the law?" asked the employer again.

"It is," answered the judge. 'For thou shalt keep the paths of the righteous.'"

(Prov. 2:20; T. B. M. 83a)

DUTIES OF THE EMPLOYER.

The employer must pay the employee the wages that have been agreed upon. If no specific sum was agreed upon, he must re-

ceive as much as it was customary to pay for the kind of work in the particular community. (T. B. M. 83a)

Laborers that hire themselves out for more than a week shall be paid for the Sabbath days the same as for any other working day. (T. B. M. 58a) ?

If the employer hire his laborers through a messenger, and he had promised them more than he was commissioned, the laborers were to receive the wages promised them by the messenger, provided it could be proven that the work was worth the amount promised. (T. B. M. 76a)

If that could not be proven, then the workers were to receive the specified wages from the employer and the rest from the messenger. If the messenger promised them less than the employer commissioned him, they were to receive only what was promised to them. (T. B. M. 76a)

Laborers were to receive their pay in cash and not in merchandise. (T. B. M. 118a)

The wages fell due upon the completion of the work whenever a special period was designated within which the labor was to be completed. (T. B. M. 65a)

If no special time was agreed upon, the wages were to be paid either annually, monthly, weekly or daily, in accordance with agreement. (T. B. M. 11a)

The laborer could bring suit if he failed to receive his hire within twelve hours after his pay became due. (T. B. M. 111a)

Considering the welfare of the laborer, the Bible, as well as the Talmud, urged few things more emphatically than the prompt payment of the worker. According to the Talmud, it is a five-fold violation of the law of Scripture if the master withhold from the laborer his hire. It is regarded in the light of oppression; nay, it is looked upon as taking the very life of the laborer. (T. B. M. 83 and 110; Maim. H. Séchir, Ch. 9 and 11.)

A quarrel having arisen between employer and employee, the former claiming to have paid the hire to the laborer, while the latter insisted not to have received the same, the burden of proof rested upon the employer. The assertion of the laborer is credited if attested by oath. (T. B. M. 1-b)

The law assumes that many things might have claimed the attention of the employer, and therefore he may be more liable to error whether or not he had paid his laborer. On the other hand, the worker, whose mind is always upon his pay, is less liable to err. (T. B. M. 112b)

The employer who failed to make all the necessary provisions for the safety and welfare of his employees was held fully responsible by the law. (T. B. Kama³³ 83a)

In our statute books we may find a similar law. To our regret, however, it is frequently not enforced to its fullest extent.

We have as yet failed to learn of indictments brought against the employers of the hundreds of miners who but recently miserably perished in mines that were not safeguarded according to the law. We pass over the numerous railroad accidents that result directly from neglect on the part of the railroad officials to provide for the welfare of their employees and of their patrons. Too often the worker must labor over time, and frequently the engineer is forced to run his huge locomotive the twenty-four hours of the day without one minute of sleep. May we in the modern age look back upon ancient Israel and learn from its records many things that tend to promote the rights and the interests of that class without which our grand civilization would be impossible, the laboring class! No one can read the laws pertaining to the rights of labor as they were in vogue in ancient Israel without being profoundly impressed with the justice and humanity of our law givers. Knowing that the poor working man was more liable to suffer injustice than his wealthy master, they almost invariably made the law in favor of the former. We are astonished to find such an advance in morality at so early a time when nearly all other nations paid but little heed to the wretched, whose lot it was to be constantly bowed down beneath the yoke of oppression and servitude. The minds of the greatest men of Israel were continually occupied with the view of easing the burden of those worn with care and

toil. In the worker, no matter how lowly the position he occupied, the sages of Israel always saw the man, the image of his Maker.

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