

# HUMAN RIGHTS, JEWISH ROOTS



All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### b.Sanhedrin 46bi

...שני אחים תאומים בעיר אחת, אחד מינוהו מלך ואחד יצא לליסטיות. צוה המלך ותלאוהו. כל הרואה אותו אומר: המלך תלוי! צוה המלך והורידוהו. There were two brothers who were twins and lived in the same city. One was appointed king, while the other went out to engage in banditry. The king commanded that his brother be hanged. Everyone who saw the bandit hanging would say: "The king has been hanged!" The king, therefore, commanded that his brother be taken down.

<sup>&</sup>lt;sup>i</sup> Adapted from Steinsaltz translation

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### Numbers Rabbah 8:4

בשעה שאמרו הגבעונים עלה אלינו מהרה והושיעה לנו ועזרנו באותה שעה אמר יהושע וכי בשביל הגרים הללו אנו מטריחים על הצבור א"ל הקב"ה יהושע אם תרחיק את הרחוקי' סופך לרחק את הקרובי' צא ולמד מהיכן הוא מטעך לא מן הגרי' שנא' ויולד ליוסף בארץ מצרים וגו' וכתי' למטה אפרים הושע בן נון. When the Gibeonites said to Joshua: "Come up to us quickly, and save us, and help us!", Joshua thought at first: "Shall we trouble our community for the sake of these aliens?"

However, the Holy One, ever to be blessed, said to him: "Joshua, if you estrange those that are distant you will ultimately estrange also those who are near. Go, look at the roots from which you yourself have sprung! Are you not descended from aliens?" – for we are told that Joshua was descended from Joseph, who married the daughter of an Egyptian priest.

Everyone has the right to life, liberty and the security of person.

**Exodus 20:13a** 

לא תִּרְצָח. Thou shalt not kill.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

# Malbim to Deuteronomy 24:7

...דע שבמקום שאמרנו שהוא פטור הוא רק שאין עונשם מסור לב"ד אבל הלא בודאי ענוש יענש בכל דור לפי משפט הארץ ...יש רמז בכאן למסחר עבדים שסמך לזה פ' שמירת הצרעת, שידוע שמביאים את העבדים מארץ כוש שבחלק אפריקא, ומוליכים אותם מרחק רב בהנהגה אכזריה למאד במזון רע, ובמלבושים רעים ומשימים עליהם ובמלבושים רעים ומשימים עליהם משמר עד שעי"ז ילקו בצרעת ממארת המתדבקת למאד.

Know that, where we say one is permitted to treat another as a slave, this only means that they will not be punished by the beit din. However, is it not certain that they will be severely punished – in every generation – according to the law of the land? There is a hint in Deuteronomy 24:7 of the slave trade which is known to bring slaves from the land of Ethiopia in the continent of Africa: its cruel leaders lead the slaves a very long way, feeding them poor food, clothing them badly and keeping them under guard until eventually they are infected by extremely virulent diseases.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Numbers 35:11-12aii

וְהִקְּרִיתֶם לָכֶם עָרִים עָרֵי מִקְלָט תִּהְיֶינָה לָכֶם וְנָס שָׁמָּה רֹצֵחַ מַכֵּה נֶפֶשׁ בִּשְׁגָנָה: וְהָיוּ לָכֶם הָעָרִים לְמִקְלָט מִגֹּאֵל וְלֹא יָמוּת הַרֹצֵח. You are to select for yourselves certain towns – towns of asylum shall they be for you, a place to which the accidental murderer, one who strikes down a life in error, can flee. The towns shall be for you for asylum from the blood-redeemer, that the murderer not die.

ii Adapted from Fox translation

Everyone has the right to recognition everywhere as a person before the law.

# Deuteronomy 31:12aiii

הַקְהֵל אֶת הָעָם הָאֲנָשִׁים וְהַנָּשִׁים וְהַטַּף וְגֵרְךּ אֲשֶׁר בִּשְׁעָרֶיךּ לְמַעַן יִשְׁמְעוּ וּלְמַעַן יִלְמְדוּ וְיָרְאוּ אֶת יהוה אֱלֹהֵיכֶם. Assemble the people, the men, the women and the littleones, and the stranger who is within your gates, in order that they may hearken, in order that they may learn and have-awe-for the Eternal One your God.

iii Adapted from Fox translation

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

# Sifra, K'doshim perek 4:2-3 (Weiss edition p 89a)

לא תשא פני דל — שלא תאמר עני הוא זה, הואיל ואני והעשיר הזה חייבים לפרנסו אזכנו ... ולא תהדר פני גדול — שלא תאמר עשיר הוא זה בן גדולים הוא זה לא אביישנו. A judge shall not favour the poor (Leviticus 19:15). Do not reason: they are poor, and their rich opponent and I are both obliged to provide them with charity, so I will rule in their favour. Nor shall you favour the rich. Do not reason: they are wealthy, and from a good family, and I could not possibly shame them!

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### b.Sanhedrin 56a

תנו רבנן ... נצטוו בני נח The children of Noah were commanded to establish law-courts.

No one shall be subjected to arbitrary arrest, detention or exile.

# Rema, responsum 108

פשיטא דאי אפשר לדון בדבר בלי שמיעת טענת הנתבע ... ואף כי זה דבר פשוט נוכל ללמדו מדרכי הש"י, כי כל דרכיו משפט ודרכיו דרכי נועם ונתיבותיו שלום. התחיל באדם לשאול מי הגיד לך כי ערום אתה, וכן לקין אמר לו אי הבל אחיך, כדי לשמוע טענותיו ק"ו

It is obviously not possible to judge a matter without hearing the case for the defence. And even if it were not obvious, we could learn it from the ways of the Holy One – all of whose ways are just, pleasant and peaceful.

When judging Adam, God began by asking him: "Who told you that you were naked?" Similarly, with Cain, God asked: "Where is Abel, your brother?"

This was so as to hear Adam and Cain's arguments. And it is all the more important for a human judge to take this step.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### h.Sanhedrin 21:2

שני בעלי דינין שהיה אחד מהם מלובש בגדים יקרים והשני מלובש בגדים בזויין אומר למכובד או הלבישהו כמותך עד שתדון עמו או לבוש כמותו עד שתהיו שוין. There are two litigants, one wearing fine garments and the second wearing degrading garments. We tell the honourable party: "Either clothe your opponent like yourself until the end of the trial, or dress yourself like them. Then you will be equal."

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### Exodus Rabbah 47:9

אמר משה לפני הקב"ה למה אתה כועס עליהם לא שעשו עבודת כוכבים לא צויתם, אמר לו הקב"ה בדיבור שני לא אמרתי לא יהיה לך, אמר לפניו לא צוית אותם לי צוית שמא אמרת להם לא יהיה לכם לי צוית, אם עשיתי עבודת כוכבים מחני נא מספרך.

Moses said to God: "Why are You vexed with the Israelites? Because they made an idol? Well, You never told them otherwise."

To which God replied: "Did I not say in the second commandment: Thou shalt have no other gods before Me?"

Moses, however, retorted: "You did not command them; it was I whom you commanded. You did not say: 'You-plural shall not...' It was, therefore, only me who was commanded; this being the case, should I make an idol, please blot me out of Your book."

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## Cherem Rabbeinu Gershom, item 12iv

...לא לראות בכתב ששולח אדם לחברו כלא ידיטתו ובלא רשותו. Do not read a letter sent between two third parties without the recipient's knowledge and permission.

iv Quoted in Rabbi Louis Finkelstein, Jewish Self-government in the Middle Ages (1924; repr Westport, Connecticut: Greenwood Press, 1972): 178.

Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country.

#### Leviticus 25:10bv

וּקְרָאתֶם דְּרוֹר בָּאָרֶץ לְכָל־ ישָׁבֵיהַ. You are to proclaim freedom throughout the land and to all its inhabitants.

#### b.Rosh Hashanah 9bvi

אין דרור אלא לשון חירות. אמר רבי יהודה מה לשון דרור – כמדייר בי דיירא, ומוביל סחורה בכל מדינה. The Hebrew word *d'ror* is a term meaning only liberty. Rabbi Yehuda said: "What is the meaning of the word *d'ror*? It is like one who dwells [*m'dayyar*] in any dwelling [*dayyara*] and moves merchandise around all countries.

<sup>v Fox translation</sup> 

vi Adapted from Steinsaltz translation

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

## D'rashot ha-Ran 1vii

כאשר חזר להם האומה באיזה מלכות וישוטטו אל ארץ אחרת יוכלו שם לעבוד הש"י כרצונם, כאשר קרה לנו בגלותנו היום כי כאשר נתחדש שמד בארץ ישמעאל ינוסו פליטיהם אל ארץ אחרת, ומשם לישמעאל, וזה אצלנו מחיה מעט בעבדותנו. When the people of a certain kingdom turned on them, they would move on to a different land, where they could serve the Eternal One as they desired, as in our present situation. For when enforced conversion began in the Arab lands, the Jews fled to a different land, and, thence, back to the Arab lands. And this gave us a lease on life in the midst of our afflictions and our toils.

vii Adapted from Silverstein translation

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

# Exodus 3:4b, 6aviii

וַיִּקְרָא אֵלָיו אֱלֹהִים מִתּוֹךְּ הַסְּנֶה וַיֹּאמֶר מֹשֶׁה מֹשֶׁה וַיֹּאמֶר הִנֵּנִי ... וַיֹּאמֶר אָנֹכִי אֱלֹהֵי אָבִיךְּ אֱלֹהֵי אַבְרָהָם אֱלֹהֵי יִצְחָק וֵאלֹהֵי יַעֲקֹב. God called to Moses out of the midst of the bush and said: "Moshe! Moshe!" Moses said: "Here I am." And God said: "I am the God of your father, the God of Avraham, the God of Yitzhak, and the God of Ya'akov."

viii Quite a loose translation

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Genesis Rabbah 68:4ix

מטרונה ... נטלה אלף עבדים ואלף שפחות והעמידה אותן שורות שורות אמרה פלן יסב לפלונית ופלונית תיסב לפלוני, וזיווגה אותן בלילה אחת, למחר אתון לגבה דין מוחיה פציעא, דין עינו שמיטא, דין רגליה תבירא, אמרה להון מה לכון, דא אמרה לית אנא בעי לדין, ודין אמר לית אנא בעי לדא. A Roman noblewoman took a thousand of her manservants and a thousand of her maidservants, and stood them in two rows, and ordered: "This one shall marry this one, and this one shall marry this one." She paired them all up that very evening.

In the morning, they reported for duty. One had a cracked skull, one had a black eye, one had a broken leg... The noblewoman exclaimed: "What happened?!" The servants all replied: "I don't want him!" – or: "I don't want her!"

ix Ouite a loose translation

Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

**Exodus 20:13c** 

לא תְגְנֹב. Thou shalt not steal.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

# 2 Kings 12:3-4x

וַיַּעַשׂ יְהוֹאָשׁ הַיָּשָׁר בְּעֵינֵי יְהֹוָה כָּל־יָמָיו אֲשֶׁר הוֹרָהוּ יְהוֹיָדָע הַכֹּהֵן: רַק הַבָּמוֹת לֹא־סָרוּ עוֹד הַעם מִזַבְּחִים וּמִקְטָרִים בַּבּמוֹת. Joash did what was right in the eyes of the Eternal One all his days, as Jehoiada the priest had taught him. But the altars were not removed: the people were still sacrificing and burning incense on the altars.

x Adapted from Alter translation

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### Numbers 11:26-29xi

וּשִּׁאֲרוּ שְׁנֵי־אֲנָשִׁים בַּמַּחֲנֶה שֵׁם הָאֶחֶד אֶלְדָּד וְשֵׁם הַשִּׁנִי מֵידָד וַתְּנַח עֲלֵהֶם הָרוּחַ ... וַיִּתְנַבְּאוּ בַּמַּחֲנֶה: וַיָּרָץ הַנַּעַר וַיַּגֵּד לְמֹשֶׁה וַיֹּאמֵר אֶלְדָד וּמֵידָד מִתְנַבְּאִים בַּמַּחֲנֶה: וַיַּעַן יְהוֹשָׁעַ בִּן־נוּן מְשָׁבת מֹשֶׁה מִבְּחֻרָיו וַיֹּאמֵר אֲדֹנִי מֹשֶׁה כְּלָאֵם: וַיֹּאמֶר לוֹ מִשֶׁה הַמְקַנֵּא אַתָּה לִי וּמִי יִתֵּן כָּל־עַם יְהֹוָה נְבִיאִים כִּי־יִתֵּן יָהֹוָה אָת־רוּחוֹ עַלִיהֵם. Now two men remained in the camp: the name of the one was Eldad, the name of the second, Meidad, and the spirit rested upon them, and they ranted-like-prophets in the camp. A certain lad ran and told Moses, saying: "Eldad and Meidad are ranting-like-prophets in the camp!" Then Joshua bin-Nun, Moses's attendant from his youth, spoke up; he said: "My lord Moshe, restrain them!" But Moses said to him: "Are you zealous for me? If only all the people of the Eternal One were prophets, that God would put the rush of Divine spirit upon them!"

xi Adapted from Fox translation

Everyone has the right to freedom of peaceful assembly and association.

# 1 Samuel 8:1, 3-5xii

וַיְהִי כַּאֲשֶׁר זָקֵן שְׁמוּאֵל וַיָּשֶׂם אֶת־ בָּנָיו שֹׁפְטִים לְיִשְׂרָאֵל: וְלֹא־הָלְכוּ בָנָיו בִּדְרָכָו וַיִּטוּ אַחֲרֵי הַבָּצַע וַיִּקְחוּ־שֹׁחַד וַיַּטוּ מִשְׁפָּט: וַיִּתְקַבְּצוּ כֹּל זִקְנֵי יִשְׂרָאֵל וַיָּבֹאוּ אֶל־שְׁמוּאֵל הָרָמָתָה: וַיֹּאמְרוּ אֵלָיו הִנֵּה אַתָּה זָקַנְתָּ וּבָנֶיךְ לֹא הָלְכוּ בִּדְרָכֶיךְּ עַתָּה שִׂימָה־לָנוּ מֶלֶךְ לְשָׁפְטֵנוּ כְּכָל־ הגוֹים. And it happened when Samuel grew old that he set his sons up as judges for Israel. But his sons did not go in his ways and they were bent on gain and took bribes and twisted justice. And all the elders of Israel assembled and came to Samuel at Ramah. And they said to him: "Look, you yourself have grown old and your sons have not gone in your ways. So now, set over us a king to rule us, like all the nations."

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

# Rema, Choshen Mishpat 163:1xiii

כל צרכי צבור שאינן יכולין להשוות עצמן, יש להושיב כל בעלי בתים ... ויקבלו עליהם שכל אחד יאמר דעתו לשם שמים, וילכו אחר הרוב. ואם המעוט ימאנו, הרוב יכולין לכוף אותן ... והמסרב מלומר דעתו ... בטלה דעתו ואזלינן בתר רוב הנשארים האומרים דעתן. Any issue on which the community cannot be unanimous, all of the householders must be sat down, and they must agree to cast their vote with a pure heart. And they follow the majority. Should the minority refuse to co-operate, the majority have the right to compel them. And if anybody declines to vote, their opinion is not taken into account, and the decision is taken by the majority of those who do vote.

xiii Quite a loose translation

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### Rashi to Exodus 22:21

כל אלמנה ויתום לא תענון – הוא הדין לכל אדם, אלא שדבר הכתוב בהווה, לפי שהם תשושי כח ודבר מצוי לענותם. You shall not mistreat any widow or orphan — This is actually the law regarding any person at all, but the Torah speaks of what actually happens, and it highlights widows and orphans because they are vulnerable and commonly oppressed.

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.

#### Leviticus 19:13bxiv

לֹא־תָלִין פְּעֻלַת שָׂכִיר אִתְּךְּ עַד־

בֹקר.

You are not to keep-overnight the working-wages of a hired-hand with you until morning.

xiv Fox translation

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Exodus 20:9-10xv

שׁשֶׁת יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל־ מְלַאכְתֶּךְ: וְיוֹם הַשְּׁבִיעִי שַׁבָּת לַיהֹוָה אֱלֹהֶיךְ לֹא־תַעֲשֶׂה כָל־ מְלָאכָה אַתָּה וּבִנְךְּיֵּ־וּבִתֶּךְ עַבְדְּךְ וַאֲמָתְךְּ וּבְהֶמְתֶּךְ וְגִרְךְּ אֲשֶׁר בַּשִׁעַרִיךָּ. For six days, you are to serve, and are to make all your work, but the seventh day is a Sabbath for the Eternal One your God: you are not to make any work – you, and your son, and your daughter, your servant, and your maid, and your beast, and your sojourner who is within your gates.

xv Adapted from Fox translation

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

# Shulchan Aruch, Yoreh De'ah 336:1, 3

נתנה התורה רשות לרופא
לרפאות. ומצוה היא ובכלל
פיקוח נפש הוא. ואם מונע
עצמו, הרי זה שופך דמים
ואפילו יש לו מי שירפאנו ...
מי שיש לו סמנים, וחבירו
חולה וצריך להם, אסור לו
להעלות בדמיהם יותר מן
הראוי ולא עוד, אלא אפילו
פסקו לו בדמיהם הרבה,
מפני צורך השעה שלא מצאו
סמנין אלא בידו, אין לו אלא

The Torah gives the doctor permission to heal. Indeed, it is a mitzvah, included in the commandment to save life. A doctor who refuses to heal, behold, they are like one who sheds blood – even if they reason that there is somebody else present able to step in.

One who has medicine which their sick neighbour requires, it is forbidden for them to exploit the situation as a profiteer. Moreover, even if the patient agrees to pay an extortionate price (perhaps if their situation is desperate and the seller has a monopoly), they are not bound by such an agreement, and only need pay an appropriate amount.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

#### t.Kiddushin 1:11

ר' יהודה או' כל שאין מלמד את בנו אומנות מלמדו ליסטות. Rabbi Yehudah says: anyone who does not teach their child a trade, teaches them banditry.

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

#### Rabbi Ruth Adarxvi

You don't need to know Hebrew, but if your children see you trying to learn Hebrew, they'll be fascinated (especially if it threatens to become the language for adult discussion at home). They will be thrilled when they find out that their sponge-like child brains will outstrip you in language learning.

Jewish culture is not magic. Unless you are living in Israel or certain Jewish neighbourhoods elsewhere, your children will not catch it by osmosis. The dominant culture is a secularised Christianity, with holidays at Christmas and Easter and parking meters that are free on Sunday. The culture will teach them about pop stars and TV and sports and Christmas shopping, but if you want them to be Jewish, they will need to get that at home.

xvi Rabbi Ruth Adar, "if you want to raise Jewish children, start here", Reform Judaism (29 June 2015): <https://perma.cc/AA94-2VEV>

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

# Rabbi John D Raynerxvii

Like other ethical codes, Judaism's is primarily concerned with relations between individuals rather than collectivities. But there is nevertheless an implication that the same principles should govern relations between social units, from families up to nations.

Unfortunately, a nation is commonly regarded as entitled to pursue its own self-interest, with little or no regard for other nations.

Yet it is clear that the same moral principles which apply to personal relations should also govern international relations. But it has to be admitted that the full implications of that principle have not been worked out in Judaism as thoroughly as those relating to personal ethics. To that extent its teachings need to be supplemented by the more recently created instruments of international law such as the various United Nations declarations and conventions, themselves largely influenced by Hebraic values.

xvii Rabbi John D Rayner, Signposts to the Messianic Age: sermons and lectures (London: Valentine Mitchell, 2006): 248-249.

Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

# Rashba, responsum 2:279

...אע"פ שעשאוה האנשים שרוב צרכי הצבור נעשין על ידיהם תקנות הקהל נעשין על ידיהם ולא פרוצותיהן. ואינן רשאין לפרוץ גדרי התורה. Even though this so-called regulation was enacted by those who legitimately administer the community, they may only make rules that improve things, not rules that promote make things worse. They have no power to breach the fences of the Torah.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

#### b.Eruvin 6b

הרוצה לעשות ... מקולי בית שמאי ומקולי בית הלל – רשע. One who wishes to adopt both the leniencies of Beit Shammai and also the leniencies of Beit Hillel, they are a wicked person.