

Human Rights and Obligations

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By Richard Schwartz One person (Adam) was created as the common ancestor of all people, for the sake of the peace of the human race, so that one should not be able to say to a neighbor, "My ancestor was better than yours."

One person was created to teach us the sanctity and importance of every life, for one who destroys a single life is considered by scripture to have destroyed an entire world, and one who saves a single life is considered by scripture to have saved an entire World.

One person was created to teach us the importance of the actions of every individual, for we should treat the world as half good and half bad, so that if we do one good deed, it will tip the whole world to the side of goodness.

-Mishna Sanhedrin 4:5

A fundamental Jewish principle is the equality and unity of humanity. We all have one Creator; one God is the Divine Parent of every person. Judaism is a universal religion that condemns discrimination based on race, color, or nationality. God endows each person with basic human dignity.

The following teaching of the sages reinforces the lesson of universality inherent in the creation of one common ancestor: "God formed Adam out of dust from all over the world: yellow clay, white sand, black loam, and red soil. Therefore, no one can declare to any people that they do not belong here since this soil is not their home." Hence Adam, our common ancestor, represents every person.

Ben Azzai, a disciple of Rabbi Akiva, also reinforces this concept in the Talmud. He states that a fundamental teaching of the Torah is the verse "This is the book of the generations of humanity (Adam)" (Genesis 5:1). The statement does not talk about black or white, or Jew or Gentile, but humanity. Since all human beings share a common ancestor, they must necessarily be brothers and sisters. Hence these words proclaim the essential message that there is a unity to the human race.

IMITATION OF GOD'S WAYS

One of the most important ideas about the creation of humanity is that "God created people in God's own image; in the image of God He created him; male and female He created them." (Genesis 1:27). According to Rabbi Akiva, a Talmudic sage, "Beloved are human beings who were created in the image of God, and it is an even greater act of love [by God] that it was made known to people that they were created in the Divine image."

Because human beings are created in God's image, we are to imitate God's attributes of holiness, kindness, and compassion: "And the Lord spoke unto Moses, saying: 'Speak unto all the congregation of the children of Israel, and say unto them: You shall be holy, as I, the Lord Your God, am holy'"; (Leviticus 19:1, 2). The fact that the above mandate was delivered to the entire congregation means that it applies to every Jew, not just to a small elite group of spiritual or moral specialists.

In the following verses, the Torah mandates that we walk in God's ways:

And now, Israel, what does the Lord your God ask of you, but to revere the lord your God, to walk in all his ways and to love Him, and to serve the Lord your God with all your heart and with all your soul (Deuteronomy 10:12).

For if you shall diligently keep this entire commandment which I command you to do it, to love the Lord your God, to walk in all His ways, and to cleave to Him, ... (Deuteronomy 11:22)

The Midrash interprets the expression "walking in God's ways" to mean "Just as God is called 'merciful,' you should be merciful, just as God is called 'compassionate,' you should be compassionate." The third-century sage Hama ben Hanina expands on the duty of imitating God:

What is the meaning of the verse "You shall walk after the Lord your God" (Deuteronomy 13:5)? Is it possible for a human being to walk after the Shechinah (God's presence), for has it not been said, "For the Lord your God is a devouring fire" (Deuteronomy 4:24)? But the verse means to walk after the attributes of the Holy One, Blessed is He. As God clothes the naked, for it is written, "And the Lord God made for Adam and his wife coats of skin and clothed them" (Genesis 3:21), so should you clothe the naked. The Holy One, Blessed is He, visits the sick, for it is written, "And the Lord appeared to him (Abraham, while he was recovering from circumcision), by the oaks of Mamre" (Genesis 18:1), so should you also visit the sick. The Holy One, Blessed is He, comforts mourners, for it is written, "And it came to pass after the death of Abraham, that God blessed Isaac, his son" (Genesis 25:11), so should you comfort mourners. The Holy One, Blessed is He, buries the dead, for it is written, "And He buried Moses in the valley" (Deuteronomy 34:6), so should

you also bury the dead.

Maimonides finds a powerful statement about the importance of imitating God in these words from the prophet Jeremiah:

Thus says the Lord: Let not the wise person take pride in his wisdom; Neither let the mighty person take pride in his might; Let not the rich person take pride in his riches; But let him that takes pride, take pride in this: That he understands and knows Me, That I am the Lord who exercises mercy, justice, and righteousness, on the earth; For in these things I delight, says the Lord. Jeremiah 9:22-23

Maimonides interprets this statement to mean that a person should find fulfillment in the imitation of God, in being "like God in one's actions." According to Heschel, Maimonides originally considered the highest human goal to be contemplation of God's essence, but later came to believe that one's ultimate purpose is to emulate God's traits of kindness, justice, and righteousness. He renounced his former practice of seclusion and ministered to the sick throughout each day (as a physician).

While Judaism has many beautiful symbols, such as the mezuzah, menorah, and sukkah, there is only one symbol that represents God, and that is each person. As Rabbi Abraham Joshua Heschel taught, more important than to have a symbol is to be a symbol. And every person can consider himself or herself a symbol of God. This is our challenge: to live in a way compatible with being a symbol of God, to walk in God's ways, to remember who we are and Whom we represent, and to remember our role as partners of God in working to redeem the world.

LOVE OF NEIGHBOR

A central commandment in Judaism is "You shall love your neighbor as yourself" (Leviticus 19:18). According to Rabbi Akiva, this is a [or perhaps the] great principle of the Torah. Rabbi Levi Yitzhak of Berditchev taught: "Whether a person really loves God can be determined by the love he or she bears toward other human beings."

Many Torah authorities write that this should be applied not only to Jews but to all humanity. Rabbi J. H. Hertz, former Chief Rabbi of England, states that the translation of the Hebrew word *rea* (neighbor) does not mean "fellow Israelite." He cites several examples in the Torah where that word means "neighbor of whatever race or creed." His view reflects that of Rabbi Pinchas Eliyahu of Vilna, author of the classic *Sefer HaBrit*, who states, "Love of one's neighbor means that we should love all people, no matter to which nation they belong or what language they speak... For all [people] are created in the Divine image, and all engage in improving civilization..." Rabbi Pinchas states that "all of the commandments between man and man are included in this precept of loving one's neighbor," and he also provides a scriptural proof text in which a non-Jew is also called "neighbor."

The commandment "Love your neighbor as yourself" logically follows from the Jewish principle that each person has been created in God's image. Hence, since my neighbor is like myself, I should love him as myself. In fact, the proper translation of the commandment may be "Love your neighbor; he is like yourself."

In the same chapter of Leviticus in which "Love your neighbor as yourself" appears, the Torah outlines some specific ways that this mandate can be put into practice:

You shall not steal; nor shall you deal falsely nor lie to one another... You shall not oppress your neighbor, nor rob him... You shall not curse the deaf, and you shall not put a stumbling block before the blind... You shall do no injustice in judgment; be not partial to the poor, and favor not the mighty; in righteousness shall you judge your neighbor. You shall not go up and down as a talebearer among your people; neither shall you stand idly by the blood of your neighbor: I am the Lord. (Leviticus 19: 11, 14 & 16)

The Talmudic sages spell out how one should practice love for human beings:

One should practice loving-kindness (*gemilut chasadim*), not only by giving of one's possessions, but by personal effort on behalf of one's fellowman, such as extending a free loan, visiting the sick, offering comfort to mourners and attending weddings. For alms giving (*tzedakah*) there is the minimum of the tithe (one-tenth) and the maximum of one-fifth of one's income. But there is no fixed measure of personal service.

Rabbi Moshe Leib of Sassov tells how to love our neighbor as ourselves by relating an experience in his life:

How to love people is something I learned from a peasant. He was sitting * in an inn along with the other peasants, drinking... he asked one of the men seated beside him: "Tell me, do you love me or don't you love me?" The other replied, "I love you very much." The first peasant nodded his head, was silent for a while, then remarked: "You say that you love me, but you do not know what I need. If you really loved me, you should know." The other had not a word to say

to this, and the peasant who put the question fell again silent. But I understood. To know the needs of men and to bear the burden of their sorrow -- that is the true love of man.

Aaron, the brother of Moses, also teaches how we can love our neighbors. When two people were quarreling, he would go to each separately and tell him how the other deeply regretted their argument and wished reconciliation. When the two would next meet, they would often embrace and reestablish friendly relations. Because of such acts of love and kindness by Aaron, the great Talmudic master Hillel exhorts people to "Be of the disciples of Aaron, loving peace and pursuing peace, loving humanity, and drawing them closer to the Torah."

When a pagan confronted Hillel and demanded that the sage explain all of the Torah while he, the potential convert, stood on one leg, Hillel's response was: "What is hateful to you, do not do unto others, -- that is the entire Torah; everything else is commentary. Go and learn."

KINDNESS TO STRANGERS

To further emphasize that "love of neighbor" applies to every human being, the Torah frequently commands that we show love and consideration for the stranger, "for you know the heart of the stranger, seeing that you were strangers in the land of Egypt" (Exodus 23:9).

The stranger was one who came from distant parts of the land of Israel or, like the immigrants of our own day, from a foreign country. The Torah stresses the importance of treating them with respect and empathy.

The importance placed on the commandment not to mistreat the stranger in our midst is indicated by its appearance thirty-six times in the Torah, far more than any other mitzvah. It is placed on the same level as the duty of kindness to and protection of the widow and the orphan. [According to rabbinic tradition, most of these references to the 'stranger' refer to one who converts to Judaism (ger tzedek) or to non-Jews living in the land of Israel who accept Jewish sovereignty, observe basic laws of morality, and repudiate idolatry (ger toshav). But since we were neither converts nor formally accepted fellow-travelers in Egypt, there must be additional meaning in our obligation to the "stranger;"]

The German Jewish philosopher Hermann Cohen (1842 – 1918) states that true religion involves shielding the alien from all wrong. He comments:

The alien was to be protected, although he was not a member of one's family, clan, religious community, or people; simply because he was a human being. In the alien, therefore, man discovered the idea of humanity.

In our world, with its great clannishness and nationalism, with its often harsh treatment of people who don't share the local religion, nationality, or culture, the Torah's teachings about the stranger are remarkable:

And a stranger shall you not wrong, neither shall you oppress him; for you were strangers in the land of Egypt. (Exodus 22:20; Leviticus 19:33)

Love you therefore the stranger; for you were strangers in the land of Egypt. (Deuteronomy 10:19; Leviticus 19:34)

And you shall rejoice in all the good which the Lord, your God has given you... along with the stranger that is in the midst of you. (Deuteronomy 26:11)

The stranger is guaranteed the same protection in the law court and in payment of wages as the native:

Judge righteously between a man and his brother and the stranger that is with him. (Deuteronomy 1:16)

You shall not oppress a hired servant who is poor and needy, whether he be of your brethren, or of the strangers that are in your land within your gates. In the same day you shall pay him. (Deuteronomy 24:14,15)

When it comes to Divine forgiveness, the stranger stands on an equal footing with the native:

And all the congregation of the children of Israel shall be forgiven, and the stranger that sojourns among them. (Numbers 15:26)

Like any other needy person, the stranger had free access to the grain that was to be left unharvested in the corners of the field and to the gleanings of the harvest, as well as to fallen grapes or odd clusters of grapes remaining on the vine after picking (Leviticus 19:9,10; 23:22; Deuteronomy 24:21). The stranger, like the widow and the fatherless, was

welcome to the forgotten sheaves in the fields (Deuteronomy 24:19) and to the olives clinging to the beaten trees (Deuteronomy 24:20). He also partook of the tithe (the tenth part of the produce) every third year of the Sabbatical cycle (Deuteronomy 14:28, 29; 26:12).

TREATMENT OF NON-JEWS

Since God is the Creator and Divine Parent of every person, each human being is entitled to proper treatment. A person's actions, and not his or her faith or creed, are most important, as indicated in the following Talmudic teachings:

I bring heaven and earth to witness that the Holy Spirit dwells upon a non-Jew as well as upon a Jew, upon a woman as well as upon a man, upon maidservant as well as manservant. All depends on the deeds of the particular individual!

In all nations, there are righteous individuals who will have a share in the world to come.

The Talmud contains many statutes that require us to assist and care for non-Jews along with Jews.

We support the poor of the non-Jew along with the poor of Israel and visit the sick of the non-Jew along with the sick of Israel and bury the dead of the non-Jew along with the dead of Israel, for the sake of peace (mipnei darchei shalom)....

In a city where there are both Jews and Gentiles, the collectors of alms collect from both; they feed the poor of both, visit the sick of both, bury both, comfort the mourners whether they be Jews or Gentiles, and restore the lost goods of both, mipnei darchei shalom: to promote peace and cooperation.

The essential spirit of Judaism toward other people was expressed by Maimonides in his Mishneh Torah (18:1):

Jew and non-Jew are to be treated alike. If a (Jewish) vendor knows that his merchandise is defective, he must inform the purchaser (whatever his or her religion).

Influenced by this statement by Maimonides, Rabbi Menahem Meiri of Provence ruled in the fourteenth century that a Jew should desecrate the Sabbath if it might help to save the life of a Gentile. Meiri states that any previous ruling to the contrary had been intended only for ancient times for those non-Jews who were pagans and morally deficient. The late Israeli Chief Rabbi Chaim Unterman in a responsum in which he vigorously denied a charge raised by a Dr. Israel Shahak that Jewish law forbids violating the Sabbath to save a Gentile's life quotes this decision.

Rabbi Ezekiel Landau, eighteenth century author of Noda B'shevat, ruled:

I emphatically declare that in all laws contained in the Jewish writings concerning theft, fraud, etc., no distinction is made between Jew and Gentile; that the (Talmudic) legal categories goy, akum (idolater), etc., in no way apply to the people among whom we live.

The following Midrash dramatically shows that Jews are to treat every Person, not just fellow Jews, justly:

Shimon ben Shetach worked hard preparing flax. His disciples said to him, "Rabbi, desist. We will buy you an ass, and you will not have to work so hard." They went and bought an ass from an Arab, and a pearl was found on it (hidden in the saddle), whereupon they came to Rabbi Shimon and said, "From now on you need not work any more." "Why?" he asked. They said, "We bought you an ass from an Arab, and a pearl was found on it." He said to them, "Does its owner know of that?" They answered, "No." He said to them, "Go and give the pearl back to him." To their argument that he need not return the pearl because the Arab was a heathen, he responded, "Do you think that Shimon ben Shetach is a barbarian? He would prefer to hear the Arab say, 'Blessed be the God of the Jews,' than to possess all the riches of the world.... It is written, 'You shall not oppress your neighbor. Now your neighbor is as your brother, and your brother is as your neighbor. Hence you learn that to rob a Gentile is robbery.'"

According to Rabbi Ahron Soloveichik, the rabbinic leader, scholar, and Professor of Talmud at Yeshiva University, Shimon Ben Shetach in the above story gives a remarkable definition of a barbarian: "Anyone who fails to apply a uniform standard of mishpat (justice) and tzedek (righteousness) to all human beings, regardless of origin, color, or creed, is deemed barbaric."

SLAVERY IN THE BIBLICAL PERIOD

From today's perspective, the widespread and legalized practice of slavery in biblical times seems to contradict Jewish values with regard to treatment of human beings. However, we must look at slavery as an evolving process; it was a common practice in ancient times and was thought to be an economic necessity. Therefore, the Torah does not outlaw it immediately but, through its teachings and laws, the Torah paved the way toward the eventual elimination of slavery.

Slavery in Israel's early history had many humane features in comparison with practices in other countries. Slaves' rights were guarded and regulated with humanitarian legislation. They were recognized as having certain inalienable rights based on their humanity. For example, slaves had to be allowed to rest on the Sabbath Day, just like their masters.

The Talmud proclaimed legislation in order to mitigate slavery's harshness, especially with regard to a Hebrew slave:

He [the slave] should be with you in food and with you in drink, lest you eat clean bread and he moldy bread, or lest you drink old wine and he new wine, or lest you sleep on soft feathers and he on straw. So it was said, "Whoever buys a Hebrew slave, it is as if he purchased a master for himself."

It is significant that, unlike the law of the U.S. before the Civil War, the Biblical fugitive-slave law protected the runaway slave:

You shall not deliver to his master a bondsman that is escaped from his master unto you. He shall dwell with you in the midst of you, in the place which he shall choose within one of your gates, where he likes it best; you shall not wrong him. (Deuteronomy 23:16,17)

VIOLATIONS OF HUMAN RIGHTS

One test of the decency of a community is in its attitude toward strangers. A just society teaches its members to welcome outsiders and to be kind to those who are disadvantaged.

Unfortunately, the history of the world is largely a history of exploitation and the violation of human rights. Today in many countries there is widespread discrimination against and oppression of people of different races, religions, nationalities, and economic status. As will be discussed in Chapter Eight, often due to injustice and repression, half the world's people lack adequate food, shelter, employment, education, health care, clean water, and other basic human needs.

Perhaps no people has historically suffered more from prejudice than the Jews. The Crusades, the Inquisition, and the Holocaust are just three of the most horrible examples in Jewish and human history. Many times Jews have been killed, expelled from countries where they had lived and contributed to for many generations, subjected to pogroms, or converted at swordpoint (or died resisting), solely because they were Jewish. Whenever conditions were bad, the economy suffered, or there was a plague, Jews provided a convenient scapegoat.

Anti-Semitism continues today. Nazi-type groups and the Ku Klux Klan use the Internet and other means to spread their hateful messages. There are several groups that preach that the Holocaust never occurred. Jewish organizations, such as the Anti-Defamation League, are working to reduce anti-Semitism, but much more needs to be done to eliminate this ancient, but still ever-present and virulent disease.

It is essential to educate all people to the evils of anti-Semitism and other forms of discrimination. In addition to openly confronting and opposing anti-Semitism and racism, it is also necessary to work to reduce or eliminate injustice, poverty, slums, hunger, illiteracy, unemployment, homelessness, and other social ills. Just, democratic societies will be far safer for everyone, including Jews.

JEWISH VIEWS ON RACISM

Rabbi Ahron Soloveichik, a contemporary educator and author, indicates how strong Jewish views against racism are:

From the standpoint of the Torah there can be no distinction between one human being and another on the basis of race or color. Any discrimination shown to another human being on account of his color or her skin constitutes loathsome barbarity.

He points out that Judaism does recognize distinctions between Jews and non-Jews, but this is not based on any concept of inferiority, but "is based on the unique and special burdens that are placed upon the Jews."

The prophet Amos challenges the state of mind that looks down on darker-skinned people, in a ringing declaration on the equality of all races and nations. He compares the Jewish people to Blacks and indicates that God is even concerned with Israel's enemies, such as the Philistines and Syrians.

Are you not as the children of the Ethiopians unto me,
o children of Israel? says the Lord.
Have I not brought up Israel out of the land of Egypt?
And the Philistines from Caphtor,
And the Syrians from Kir? (Amos 9:7)

Judaism teaches the sacredness of every person, but this is not what has always been practiced in our society. And, as with many other moral issues, religion has too seldom spoken out in protest.

Rabbi Abraham Joshua Heschel points out the tremendous threat that racism poses to humanity:

Racism is worse than idolatry; Racism is Satanism, unmitigated evil.
Few of us seem to realize how insidious, how radical, how universal an evil racism is. Few of us realize that racism is man's gravest threat to man, the maximum of hatred for a minimum of reason, the maximum of cruelty for a minimum of thinking.

He points out that bigotry is inconsistent with a proper relationship with God:

Prayer and prejudice cannot dwell in the same heart. Worship without compassion is worse than self-deception; it is an abomination.

Rabbi Heschel asserts that "what is lacking is a sense of the monstrosity of inequality." Consistent with the Jewish view that every person is created in God's image, he boldly states: "God is every man's pedigree. He is either the Father of all men or of no men. The image of God is either in every man or in no man."

It is an embarrassing fact that most of America's religious institutions did not originally take the lead in proclaiming the evil of segregation; they had to be prodded into action by the decision of the Supreme Court of the United States in the case of *Brown v. the Board of Education* in 1954.

Based on Jewish values of compassion and justice, many Jews were active in the struggle for Civil Rights. Two Jewish college students, Andrew Goodman and Michael Schwerner, along with a black student James Chaney were brutally murdered while working for Civil Rights in Mississippi in 1964. After the Six-day war, the Black Power movement, and the rise of ethnic pride in the late 1960's, some fissures developed in the decades-long alliance of Jews and Blacks for progress in America. But while some on both sides would emphasize points of disharmony, Jews and Blacks have many common interests and goals and have much to gain by working together for a more just, compassionate, peaceful, and harmonious society, as is modeled by the continuing close cooperation between the congressional Black caucus and Jewish members of Congress on many issues.

Jewish identification with disadvantaged people is rooted in Jewish historical experience: we were slaves in Egypt and have often lived as oppressed second-class citizens (or worse) in ghettos, deprived of freedom and rights. Hence, we should understand the frustrations of other minorities, here and elsewhere, and their impatient yearning for equality and human dignity.

It is significant that the government of Israel has for some time had a policy of preferential treatment for immigrants who need help adjusting to their new home. Special programs have been devised for the children of Mizrahi (Middle Eastern) and Ethiopian Jews who come from homes where there is low literacy. Compensatory measures include free nurseries, longer school days and school years, special tutoring and curricula, additional funds for equipment and supplies, extra counseling services, and preferential acceptance to academic secondary schools, although there is unfortunately also some discriminatory treatment and segregation: Israel is not yet ideal in its treatment of some newcomers and minorities.

In summary, Jewish values stress the equality of every person, love of neighbor, proper treatment of strangers, and the imitation of God's attributes of justice, compassion, and kindness. Hence, it is essential that Jews work for the establishment of societies that will protect the rights of every person, each of whom is entitled, as a child of God, to a life of equitable opportunities for education, employment, and human dignity.