

Human Rights in Jewish Tradition

Texts compiled from Rabbi David Rosen's Article by Rabbi Mark Goldsmith

1) Rabbi David Rosen - Judaism and Human Rights

The very concept of obligations in the Torah presumes the rights of those who are the object of these obligations. Indeed one can only make sense for example of a prohibition against theft, if the owner has a recognized right to possession, which is violated by the thief. Above all, all obligations towards our fellow human beings (and indeed towards ourselves) are rooted in the Biblical teaching that the human person is created in the Divine Image and thus with the sacred right to life, freedom and dignity.

2) Mishnah Sanhedrin 4:5 - The value of human life is not finite

. “Know you” the judges would say to the witnesses “that capital cases are not like civil cases... for in civil cases (if false testimony is given intentionally or unintentionally and the defendant is unjustly convicted) he may make financial restitution and thus atone (for his sin or error). While in capital cases, his blood and that of his descendants through all eternity are upon him. For that reason the human being was (originally) created singly; to teach you that he who destroys one person's life, it is considered as if he destroyed a whole world, and he who preserves one person's life, it is as if he has preserved a whole world... And to declare the greatness of the Holy One Blessed be He, for when a human person mints coins from the one mold they all appear identical, but the Holy One Blessed be He “minted” every person from the mold of the first human being, but not one is identical to another, therefore a person should say, the world was created for me.”

הוּוּ יוֹדְעִין שֶׁלֹא כְּדֵינֵי מְמוֹנוֹת
דֵּינֵי נְפֻשׁוֹת. דֵּינֵי מְמוֹנוֹת, אָדָם
נוֹתֵן מָמוֹן וּמִתְכַפֵּר לוֹ. דֵּינֵי
נְפֻשׁוֹת, דָּמוֹ וְדָם זָרְעֵינָם תִּלְוִינָם
בּוֹ עַד סוֹף הָעוֹלָם, ...לְפִיכָךְ
נִבְרָא אָדָם יְחִידִי, לְלִמְדָה, שֶׁכָּל
הַמְּאַבֵּד נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל,
מֵעֵלָה עָלָיו הַכֶּתוּב כָּאֵלוֹ אֶבֶד
עוֹלָם מְלֵא. וְכָל הַמְּקִיִּים נֶפֶשׁ
אַחַת מִיִּשְׂרָאֵל, מֵעֵלָה עָלָיו
הַכֶּתוּב כָּאֵלוֹ קַיִם עוֹלָם מְלֵא.
וּמִפְּנֵי שְׁלוֹם הַבְּרִיּוֹת, שֶׁלֹא יֵאמַר
אָדָם לְחֵבְרוֹ אָבָא גְדוֹל מֵאַבְיָד. ..
וּמְלָךְ מַלְכֵי הַמְּלָכִים הַקְּדוֹשׁ
בְּרוּךְ הוּא טָבַע כָּל אָדָם בְּחוֹתָמוֹ
שֶׁל אָדָם הָרֵאשׁוֹן וְאֵין אֶחָד מֵהֶן
דּוֹמֶה לְחֵבְרוֹ. לְפִיכָךְ כָּל אֶחָד
וְאֶחָד חַיֵּב לוֹמַר, בְּשִׁבְלִי נִבְרָא
הָעוֹלָם.

3) Talmud Sanhedrin 74a - Absolute equality of the right to life.

A man came before Raba and said to him, 'The governor of my town has ordered me, "Go and kill so and so; if not, I will slay you"'. He answered him, 'Let him rather slay you than that you should commit murder; who knows that your blood is redder? Perhaps his blood is redder.'

דהווא דאתא לקמיה דרבה, ואמר ליה: אמר לי מרי דוראי זיל קטליה לפלניא, ואי לא - קטלינא לך. - אמר ליה: לקטלוד ולא תיקטול. מי יימר דדמא דידך סומק טפי דילמא דמא דהוא גברא סומק טפי.

4) Mishnah Bava Kama 2:6 - The extent of rights to dignity and compensation for harm of any sort

A human being is always seen as accountable whether he causes damage inadvertently or deliberately, or whether he is awake or asleep. If he blinded the eye of his fellow or broke his possessions, he must pay full damages.

אדם מועד לעולם, בין שוגג, בין מזיד, בין ער, בין ישן. סמא את עין חבירו ושבר את הכלים, ממשלים נזק שלם:

5) Mishnah Bava Kama 8:6 - Equality of rights to possessions

Rabbi Akiva said, even the poorest in Israel are considered as freemen who had lost their estates, for they are the sons of Abraham, Isaac and Jacob.

אמר רבי עקיבא, אפילו עניים שבִּישְׂרָאֵל, רואין אותם כאלו הם בני חורין שִׁירְדוּ מִנְכֶּסֶיהֶם, שהם בני אברהם יצחק ויעקב.

6) Leviticus 19:15 - Equality of Rights before the law

You shall do no unrighteousness in judgment; you shall not respect the person of the poor, nor honour the person of the mighty; but in righteousness shall you judge your neighbour.

לֹא־תַעֲשׂוּ עוֹל בַּמִּשְׁפָּט לֹא־תִשָּׂא פְּנֵי־דָל וְלֹא תִהְדָּר פְּנֵי גָדוֹל בְּצַדִּיק תִּשְׁפֹּט עִמִּיתְךָ:

7) Kiddushin 22b - How to work with the existence of slavery in our texts

Rabban Johanan b. Zakkai used to expound this verse (Exodus 21:6) as precious stone.⁶ Why was the ear singled out⁷ from all the other limbs of the body? The Holy One, blessed be He, said: This ear, which heard my Voice on Mount Sinai when I proclaimed, For to me the children of Israel are servants, they are my servants, and not servants of servants, and yet this [man] went and acquired a master for himself – let it be bored!

רבן יוחנן בן זכאי היה דורש את המקרא הזה כמין חומר: מה נשתנה און מכל אברים שבגוף? אמר הקב"ה: און ששמעה קולי על הר סיני בשעה שאמרתי (ויקרא כה) כי לי בני ישראל עבדים - ולא עבדים לעבדים, והלך זה וקנה אדון לעצמו - ירצע.

8) Shmuel Warhaftig, Dinei Avodah ba Mishpat Halvri 1969 - The right to withdraw labour

An employee always has the right to retract his labour even in the middle of the day - based on Bava Metzia 77

9) Other rights in the Talmud (Mostly in Bava Batra)

Protection of property, against injurious objects, against obstacles (pits!) and pollution. Rights to light, privacy and space and against unfair competition.

10) Shulchan Aruch Choshen Mishpat 156:5

The dwellers in a courtyard [regarded as a communal entity with specific rights and obligations] can prevent each other from operating as a tailor, or a tanner, or any other artisan.

ה כופין בני מבוי זה את זה שלא להושיב ביניהם לא חייט ולא בורסי ולא אחד מבעלי אומניות

11) Mishnah Bava Batra 2:3

A man may not open a bakery or a dye shop beneath the storehouse of his neighbour, nor a cattle shed. It is true that where wine is concerned the Sages permitted all of these, except for the cattle shed.

לא יפתח אדם חנות של נחתומין ושל צבעין תחת אוצרו של חבירו. ולא רפת בקר. באמת, ביין התירו, אבל לא רפת בקר.

12) Leviticus 19:34 - Rights are to be applied equally to the resident alien

The stranger who lives amongst you shall be treated like the homeborn. You shall love him as yourself for you were strangers in the land of Israel. I am your Eternal God.

באזרח מכם יהיה לכם הגר הגר אתכם ואהבת לו כמוך כי-גרים הייתם בארץ מצרים אני יהוה אלהיכם:

13) Rabbi David Rosen op.cit. Other Rights

Although Judaism has nothing analogous to the Greek and Roman concepts of “state” or “society”, it does have a strong legal sense of community. Thus it was the duty of the Sanhedrin in ancient Israel to appoint qualified courts (see Sifre, Deuteronomy, 144) and the Rabbis further instituted the establishment of schools throughout the land to guarantee full educational opportunity (Bava Bathra 21a). It also appears that municipal governance has also been instituted on a national scale by Talmudic times (Megillah, 26a). The Talmud clarifies the rights of the residents of a city to establish by mutual consent standards of measurement, market prices, wages, etc. as well as the right to apply sanctions against those who violate these (Bava Bathra, 8b).

14) Maimonides, Mishneh Torah, Hilchot Melachim 10:12 - Rights Bring Peace

On the basis of the Talmud (Jerusalem Talmud Gittin 5:9, Babylonian Talmud, Gittin 59b). “We are obliged to maintain the poor of idolaters, attend to their sick and bury their dead, as we do with those of our own community, for the sake of peace. (For the whole of Judaism is for the sake of Peace - Gittin 59b). Behold it is said “Her ways are pleasant ways and all her paths are Peace” (Proverbs Ch. 3). And it is written, “God is good to all and His mercy extends to all His creatures” (Psalms 145 v.9).”