

Human Rights Concepts in the Jewish Tradition

A Collection of Jewish Sources

in the Framework of the

Universal Declaration of Human Rights

Article 1.

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.

Bereishit 1:26-7 And God said, "Let us make man in our image, after our likeness..."And God created man in His image; in the image of God He created him; male and female He created them.

Rashi on Bereishit 1:26 To be created after God's likeness means to be created with the capacity for understanding and enlightenment.

Mishna Avot 3:14 Beloved is the Human who is created in the Image of God.

Mishna Sanhedrin 4:5

For this reason, Adam was created singularly: for the sake of peace among people, that one may not say to his fellow, 'My father was greater than yours.' ... Again, to proclaim the greatness of the Holy One, blessed be He: for a human being may stamp a hundred coins with one stamp, and all of them will be alike; but the King of the kings of kings, the Holy One, blessed be He, has stamped every human being with the stamp of the first human being, and nevertheless not one of them is like the other. Therefore each person is obliged to say: 'The world was created for my sake.'

Article 2.

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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Vayikra 19:33-34 When a stranger sojourns with you in your land, you shall not taunt him. The stranger who sojourns with you shall be as a native from among you, and you shall love him as yourself; for you were strangers in the land of Egypt.

Sifra Kedoshim 4:12 *You shall love your neighbour as yourself (Vayikra 19:18).* Rabbi Akiva says, "This is the greatest principle of the Torah. Ben Azzai says, *This is the book of the generations of Adam (Bereishit 5:1)* is a still more encompassing principle.

Article 3.

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

Shemot 20:13 You shall not murder.

Vayikra 19:16 You shall not stand idly by the shedding of your fellow's blood.

Talmud Sanhedrin 86a Our Rabbis taught: *You shall not steal*. Scripture is referring to the trafficking of humans (*gonev nefashot*)..

Article 4.

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

Shemot 21:20 And should a man strike his manservant or his maidservant with a rod, and [that one] die under his hand, he shall surely be avenged.

Rambam, Hilchot Avadim 9:8 It is appropriate for a person who is merciful and pursues justice, to not make their slaves carry a heavy yoke, nor cause them distress. He should allow them to partake of all food and drink he serves... Similarly it is forbidden to embarrass a slave with one's deeds or with words, for the Torah prescribed that they perform a service (Bereishit 9:25) and not that they be humiliated. Nor should one shout or vent anger upon them. Instead, one should speak to them gently and listen to their claims.

Article 5.

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

Talmud Brachot 19b Great is human dignity, since it overrides a negative precept of the Torah.

Rambam, Hilchot Chovel u-Mazik 5:1 It is forbidden for a person to injure anyone, neither his own self nor another person. It is even forbidden to raise up one hand against another person. Whoever raises his hand against another person, even though he does not hit them, is considered a wicked person.

Article 6.

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

Devarim 16:19-20 You shall not pervert justice; you shall not show favouritism, and you shall not take a bribe, for bribery blinds the eyes of the wise and perverts just words. Justice, justice shall you pursue, that you may live.

Article 7.

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.

Vayikra 24:22 There shall be one law for you, for the foreigner and native alike.

Vayikra 19:15. You shall commit no injustice in judgment; you shall not favor a poor person or respect a great man; you shall judge your fellow with righteousness.

Rambam, Hilchot Sanhedrin 21:1-2 It is a positive commandment for a judge to adjudicate righteously, as it says, *Judge your fellow with righteousness (Vayikra 19:15)*. What is meant by a righteous judgment? Equating the litigants with regard to all manners... When there are two litigants, one wearing precious garments and the other degrading garments, we tell the litigant who carries himself honourably: "Either clothe him as you are clothed for the duration of your trial or dress like him, so that you will be equal".

Devarim 1:16-17 Hear disputes between your brothers and judge justly between any person and a fellow Israelite or stranger. You shall not favor persons in judgment; rather you shall hear the small just as the great; you shall not fear any man, for the judgment is upon the Lord.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Devarim 16:18 You shall set up judges and law enforcement officials for yourself in all your cities that the Lord, your God, is giving you, for your tribes, and they shall judge the people with righteous judgment.

Rambam, Hilchot Sanhedrin 1:1 It is a positive commandment of the Torah to appoint judges and enforcement officers in every city and in every region, as it says, *Appoint judges and enforcement officers in all your gates (Devarim 16:18).*

Article 9.

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

Rambam, Hilchot Edut 1:5 The questioning and the investigation [of the witnesses] is the essence of testimony. On their basis, the person will either be held liable or released.

Article 10.

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.

Devarim 16:20. Justice, justice shall you pursue.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) 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.

Devarim 19:15 One witness shall not rise up against any person for any iniquity or for any sin, regarding any sin that he will sin. By the mouth of two witnesses, or by the mouth of three witnesses, shall the matter be confirmed.

Article 12.

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.

Talmud Brachot 43b Rabbi Yohanan said it in the name of Rabbi Simeon bar Yohai: It is better for a man that he should cast himself into a fiery furnace rather than that he should put his fellow to shame in public. Whence do we know this? From Tamar, of whom it says, *When she was brought forth (Bereishit 37:25)*.

Talmud Baba Batra 3a Damage caused by an invasion of privacy is considered to be damage.

Enactments, Rabbeinu Gershom, (Responsa, Maharam of Rothenburg, ed. Prague p. 160a) A person who looks at the correspondence of his fellow that he sends to another without his knowledge, is liable for excommunication.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Bereishit 28:14. And your seed shall be as the dust of the earth, and you shall spread westward and eastward and northward and southward.

Article 14.

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

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Bamidbar 35:11-15 You shall designate cities for yourselves; they shall be cities of refuge for you, and a murderer who killed a person unintentionally shall flee there. These cities shall serve you as a refuge from an avenger, so that the murderer shall not die until he stands in judgment before the congregation... These six cities shall be a refuge for the children of Israel and for the foreigner and resident among them, so that anyone who unintentionally kills a person can flee there.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Bereishit 23:4 [Abraham said,] I am a foreigner and a resident with you.

Shemot 20-22 And you shall not mistreat a stranger, nor shall you oppress him, for you were strangers in the land of Egypt. You shall not oppress any widow or orphan. If you oppress him, beware, for if he cries out to Me, I will surely hear his cry.

Vayikra 19:33-34 When a stranger sojourns with you in your land, you shall not taunt him. The stranger who sojourns with you shall be as a native from among you, and you shall love him as yourself; for you were strangers in the land of Egypt. I am the Lord, your God.

Article 16.

(1) 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.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Talmud Kiddushin 2b Our Rabbis taught: A woman is betrothed, this implies only with her consent and not without her consent.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Vayikra 19:11 You shall not steal.

Vayikra 19:13 You shall not rob.

Devarim 27:17 Accursed is one who moves the boundary of their fellow.

Article 18.

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.

Maharal of Prague, Derech Chayim 148 The human being, who is created in the image of God, has the special trait of having dominion over itself, like God, who acts freely, the human being has the ability to act freely and it is in possession of free will.

Article 19.

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.

Maharal of Prague, Be'er Hagola 1 Even if his words are directed against faith and religion, do not tell a man not to speak and suppress his words. Otherwise, there will be no clarification in religious matters... There are those who believe that when it is forbidden to speak against religion, religion is strengthened; but it is not so. The elimination of the opinions of those who are opposed to religion undermines religion and weakens it.

Article 20.

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

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) 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.

Shemot 23:2 Follow the majority opinion.

Rambam, Hilchot Sanhedrin 2:8 Our Sages relate: From the supreme Sanhedrin, they would send out emissaries throughout the entire land of Israel to seek out judges.

Article 22.

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

Talmud Bavli, Gittin 61a Our Rabbis have taught: We support the non-Israelite poor along with the poor of Israel, and visit the non-Israelites who are unwell along with the unwell of Israel, and bury the non-Israelite dead with the dead of Israel because of the ways of peace.

Rambam, Hilchot Matnot Aniyim 9:1 In every city where Jews live is obliged to appoint faithful representatives as trustees of a charitable fund. They should circulate from Friday to Friday and take from each person what is appropriate for him to give and the assessment made upon him. They then allocate the money from Friday to Friday, giving each poor person sufficient food for seven days.

Rambam, Hilchot Matnot Aniyim 9:4 On fast days we distribute food to the poor. Whenever there is a fast day on which the people eat and went to bed without distributing charity to the poor, they are considered as murderers.

Article 23.

(1) *Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*

(2) *Everyone, without discrimination, has the right to equal pay for equal work.*

(3) *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.*

(4) *Everyone has the right to form and to join trade unions for the protection of his interests.*

Vayikra 19:13 The hired worker's wage shall not remain with you overnight until morning.

Devarim 24:15 You shall give him his wage on his day and not let the sun set over it, for he is poor, and he risks his life for it, so that he should not cry out to the Lord against you, so that there should be sin upon you.

Rambam, Hilchot Sechirut 11.2 When a person withholds the payment from a worker's wage, it is as if he takes his soul from him, as it says: *Because of it, he puts his life in his hand (Devarim 24:16).*

Ketubot 67b Rav said: A labourer is entitled to refrain from working, even in the middle of the day... As it is written: For unto Me the Children of Israel are servants; they are My servants, but not servants to servants.

Rambam, Hilchot Sechirut 9.1 A person cannot compel hired workers to get up early and work late, if that is not custom of the place. In a place where it is customary for an employer to provide meals for his workers, the employer must provide their meals.

Rambam, Hilchot Sechirut 9.2 When a person hires a worker and tells him: "I will pay you like any other worker in the city," we check the lowest wage paid and the highest wage paid and arrive at an average.

Article 24.

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

Devarim 12-15 Keep the Sabbath day to sanctify it, as the Lord your God commanded you. Six days may you work, and perform all your labor, but the seventh day is a Sabbath to the Lord your God; you shall perform no labor, neither you, your son, your daughter, your manservant, your maidservant, your ox, your donkey, any of your livestock, nor the stranger who is within your cities, in order that your manservant and your maidservant may rest like you. And you shall remember that you were a slave in the land of Egypt, and that the Lord your God took you out from there with a strong hand and with an outstretched arm; therefore, the Lord, your God, commanded you to observe the Sabbath day.

Article 25.

(1) 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.

(2) 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.

Vayikra 23:22 When you reap the harvest of your Land, you shall not completely remove the corner of your field during your harvesting, and you shall not gather up the gleanings of your harvest. Rather, you shall leave these for the poor person and for the stranger.

Vayikra 25:35 If your brother becomes destitute and his hand falters beside you, you shall support him whether a convert or a resident, so that he can live with you.

Devarim 15:7-8 If there will be among you a needy person, from one of your brothers in one of your cities, in your land the Lord, your God, is giving you, you shall not harden your heart, and you shall not close your hand from your needy brother. Rather, you shall open your hand to him, and you shall lend him sufficient for his needs, which he is lacking.

Talmud Ketubot 67b *Sufficient for his needs, which he is lacking (Devarim 15:8)* [This includes] even a horse to ride upon and a slave to run before him. It was related about Hillel the Elder that he bought for a certain poor man who was of a good family a horse to ride upon and a slave to run before him. On one occasion he could not find a slave to run before him, so he himself ran before him for three miles.

Devarim 24:19-22 When you reap your harvest in your field and forget a sheaf in the field, you shall not go back to take it; it shall be left for the stranger, the orphan, and the widow... You shall remember that you were a slave in the land of Egypt: therefore, I command you to do this thing.

Article 26.

(1) 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.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Devarim 11:19 And you shall teach them to your children.

Talmud Baba Batra 21a Verily the name of Yehoshua ben Gamla is to be blessed for but for him the Torah would have been forgotten from Israel. For at first if a child had a father, his father taught him, and if he had no father he did not learn at all. By what verse of Scripture did they guide themselves? — By the verse, *And you shall teach them to your children (Devarim 11:19)*, placing the emphasis on the word “you”... Yehoshua ben Gamla came and ordained that teachers of young children should be appointed in each district and each town, and that children should enter school at the age of six or seven.

Mishlei 22:6 Train a child according to their way.

Article 27.

(1) 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.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Shemot 15:2 This is my God and I will beautify Him.

Talmud Megila 16a Rabbi Yochanan taught: Whoever, among the nations of the world, says a wise thing, is called wise.

Article 28.

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

Sanhedrin 56a Set up law courts in every district and town.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) 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.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

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.
