

## Jewish Sources in support of Citizenship

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### Introductory note

Judaism's primary sources are the Pentateuch, known in Hebrew as the Torah, and the Oral Tradition that expounds and expands on the written text, known as the Talmud (comprised of the Mishnah and the Gemara which expounds the former.) There are two versions of the Talmud, known as the Babylonian and the Jerusalem (or Palestinian), with the former serving as the main work of study and reference.

Other parts of the Hebrew Bible and homiletical works, generically known as Midrash (and paralleling the Talmud), are used to reinforce the teaching of the above.

In due course, Jewish codes of law/practice were formulated based on the Torah and Talmud. Particularly notable in this regard is the Code of Maimonides (12<sup>th</sup> century.) These sources constitute the major works of reference in these essays.

### Humanity created in the Divine Image

The wider sociological context of the Children of Israel (the descendants of Abraham, Isaac and Jacob; subsequently known as the Jewish People) and the Ethical Monotheism that defined them, was an overwhelmingly idolatrous one presented in the Hebrew Bible as synonymous with moral degradation.

Even though there was a fundamental need to live apart from an idolatrous and corrupt society, the narrative that opens the first book of the Torah – Genesis - telling the Creation story, affirms at the outset that the human person is created in the Divine Image from which flows the sacred right to life, freedom and dignity for all people.

*"This is the book of the generations of Adam (humanity) on the day when God created Adam (humanity); in the Image of God He made him. Male and female He created them and blessed them and called their name Adam on the day He created them."* (Genesis 5: 1-2)

Indeed this principle - the basis for the ethical monotheistic affirmation of universal human rights – is described by the second century sage Ben Azzai as the most important ethical principle of the Torah (Jerusalem Talmud, Nedarim 9:4. Bereshit Rabbah 24:7; Sifre, Kedoshim, 4:12)

A century and a half earlier the great sage Hillel affirmed that the essence of the Torah is  
*"do not do to others what is hateful to you."* (Babylonian Talmud, Shabbat 31a.)

Hillel also taught the concept that taking or saving one human life, is comparable to doing so to the whole world (Jerusalem Talmud, Sanhedrin, 4:1.)

This is reiterated in the Mishnah (Sanhedrin 4:5) which indicates that this is the reason behind the Genesis narrative describing the Divine creation of the first human being as a single creature;

*"in order 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."*

Furthermore, while self-defense and the defense of others threatened by assault is a duty (Leviticus 19:16) ; murder is seen as a denial of the Divine element within the human person (Tosefta, Yevamot 8:4). Thus rather than be party to such, one must be willing to suffer martyrdom and may not claim that

*"one's blood is redder than that of another"* (Talmud, Sanhedrin 74a).

### Equality before the Law

The abovementioned Mishnah (Sanhedrin 4:5) also indicates that another moral message behind the narrative regarding the Divine creation of a single first human is to teach that *"none should say, (my) Father is greater than yours"*, for we are all descendants of the same ancestor.

Accordingly, the vast majority of the commandments in the Torah concern human conduct and responsibility towards one another, summed up in Leviticus 19:18

*"...and you shall love your neighbor as yourself, I am the Lord."*

Or as the prophet Micah 6:8 declares:-

*"It has been told to you O human being, what is good and what the Lord requires of you; but to deal righteously, love acts of kindness, and walk humbly with your God"*

While Biblical instruction is primarily concerned with the way of life of the community of the faithful, it recognizes that there are non-Jews who choose to live as part of the community and who must be addressed accordingly.

*"There shall be one law (judgment) for you; it shall be for the stranger (sojourner) as well as the native, I am the Lord your God."* (Leviticus 24:22. Cf. Exodus 12:49, Numbers 5 :15.16)

And in Leviticus 25:35 it is stated:

*"And if your brother becomes poor and cannot maintain himself with you, you shall support him, (as with) the stranger and sojourner, he shall live with you.."*

Jewish tradition understands this verse to require the Jewish community to guarantee to the stranger who dwells among them, the same privileges and facilities, rights and benefits, that they enjoy.

Thus a concept of human solidarity - reflected in the western concept of citizenship - is already conceived in Jewish Tradition based on the Biblical principle of the inalienable dignity and rights of all persons - all created in the Divine Image - and of our social responsibilities to one another within the society in which we live.

### Monarchy and Community

To be sure, the political system envisaged in the Torah is a monarchic one, although there is debate among mediaeval rabbinic authorities as to whether this was an ideal or a necessity.

At any rate, even according to the former, the monarch is still explicitly subject to the law, which not only requires him to treat all subjects equally with justice and dignity, but also subjects the King himself to the same moral standards. (Deuteronomy 17 v. 16-20.)

Although Judaism has nothing analogous to the Greek and Roman concept of "state", it does have a very 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 (Babylonian Talmud, Bava Bathra 21a).

It also appears that municipal governance has also been instituted on a national scale by Talmudic times (Babylonian Talmud, 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 (Babylonian Talmud, Bava Bathra, 8b).

Nevertheless, communal responsibility must be balanced against the inalienable rights and freedoms of the individual.

*"The belief in the sacredness of the human personality not only governs the relations of one individual to another: it defines (the individual's) relation to society as a whole.*

*...(While) each individual shares in the responsibilities of the social order, (nevertheless it) is guaranteed that just as no individual can acquire ownership (of another), so the group will never be given unlimited authority over his person" (Samuel Belkin, In His Image, Abelard-Shuman, Congress Library Catalog, 60-72301, p.117).*

### The nation and its constituents

The Hebrew Bible takes the concept of corporate identities seriously and this includes the identities of nations (e.g. Genesis, Chapter 10) Indeed the Messianic vision is not of a denationalized age, but of a truly international one.

*"And many peoples shall go and say let us go up unto the mountain of the Lord to the house of the God of Jacob that He will teach us His Ways and we will walk in His Paths, for from Zion shall go forth Instruction and the Word of the Lord from Jerusalem. And He will judge among nations and decide for many peoples; and they shall beat their swords into ploughshare and their spears into pruning hooks; nation shall not lift up sword against nation, nor shall they learn war anymore." (Isaiah 2:3&4)*

However while a national ethos and history is seen as a manifestation of the glory of God in Creation and history (see Amos 9:7), such interests must always take into account the well-being of the different communities that make up the society and above all the dignity of its individuals.

It is such appreciation of the inalienable Divine image in each person that provides a spiritual foundation for the concept of citizenship and can guarantee the sustained security of a society as a whole.

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### **Jewish teachings in support of principles in UN resolution 16/18.**

#### Freedom of worship, religion conscience thought

The central affirmation of the Hebrew Bible is that God is the Creator and Master of All and that He has revealed his Word and Way to humanity. While this process reaches its climax at Mount Sinai with the giving of the Torah to the Children of Israel via Moses, it is made clear that the knowledge of God existed among various individuals in different places and times since the beginning of human consciousness and not only through the lineage of Abraham.

In effect, there is an implicit recognition that just as we have been created in all our diversity, people and peoples relate to God in diverse ways from diverse cultural perspectives.

In the words of the prophet Malachi (1 v.11)

*"From sunrise to its setting my Name is great among the gentiles",*

At the same time, the holiest place of worship for the children of Israel is seen as having universal appeal for different nations and cultures.

*“and (regarding) the foreigners who join themselves to the Lord to serve Him and to love the name of the Lord, to be His servants. ... and I will bring them to My holy mount, and I will cause them to rejoice in My house of prayer...for My house shall be called a house of prayer for all peoples.” (Isaiah 56: 6,7)*

Indeed this House - Judaism’s only intrinsically holy shrine - the Temple in Jerusalem, was viewed as also a place of worship for humanity at large, at its very dedication by King Solomon:-

*“And also the stranger who is not of your nation Israel, when he shall come from a faraway country, for your Name’s sake; for they shall hear of Your great Name and of your mighty hand and of your outstretched arm – when he shall come and pray toward this house; hear You in Heaven Your dwelling place and do according to all that the stranger calls to You for... (I Kings 8:41,42)*

A pluralistic view of even the revelation of the Torah at Mount Sinai is expressed in the midrash on Exodus 20:15 on the words *“and all the people saw the voices”*. Rabbi Yohanan expounds on the plural word *“voices”*.

*“The voice went out and was divided into seventy nations, into seventy languages, so that all the nations could hear, each nation hearing it in its own language” (Exodus Rabbah 5:9)*

*“Seventy nations and languages”* is the rabbinic description of universal human diversity.

Similarly on the verse *“is not my word like fire says the Lord, and as a hammer shattering a rock” (Jer. 23:29)*

*“Rabbi Yishma’el said: as this hammer (’s impact) is divided into sparks, so was every single commandment that God spoke divided into seventy languages” Babylonian Talmud, Shabbat 88b)*

Commenting on verse 18 in Psalm 145 *“God is good to all; to all who call on him in truth”* the mediaeval commentator Rabbi David Kimhi writes:-

*“From whatever nation he may be, The Lord is close to him, as long as he calls Him in truth, that his mouth and heart be the same.”*

These sources reflect an appreciation of legitimate diverse understandings and approaches to the Divine.

This idea is developed in the writings of the twelfth/thirteenth century Jewish philosopher Netanel Al Fayyumi :-

*Nothing prevents God for sending to the world whoever He wishes whenever He wishes, since the world of holiness sends forth emanations unceasingly from the word of light to the coarse world, to liberate souls from the sea of matter in the natural world. Even before the revelation of the Torah, He sent prophets to the nations as our sages of blessed memory indicate (in keeping with the Biblical references)..... and even after its revelation, nothing prevents Him from sending to them whom He wishes that the world may not remain without religion. (Bustan al-Ukul , translated by David Levine, published by Columbia University Press, 1908. Chapter 6)*

Such an enlightened understanding of legitimate religious diversity was central to the world outlook of Moses Mendelssohn who may be described as the father of modern Jewish thought

*“To belong to this Omnipresent Shepherd, it is not necessary for the entire flock to graze on one pasture or to enter and leave the Master’s house through just one door. It would neither be in accord with the Shepherd’s wishes, nor conducive to the development of His flock.... Diversity is obviously the plan and goal of Providence.”*

(Jerusalem and Other Jewish Writings by Moses Mendelssohn. translated by Alfred Jospe. New York, Schocken publishers, 1969. page 107)

*“Since all men must have been destined by the Creator to attain eternal bliss, no particular religion can have an exclusive claim to truth “*

(Letter to Prince Karl Wilhelm (1770) , pages 116-117 in Moses Mendelssohn, Selections From His Writings. Eva Jospe, Viking Press, New York, 1975)

### Peace between peoples

Peace is a supreme goal in the Hebrew Bible and is the vision of an ideal world for which we must aspire (e.g. Isaiah 32:17,18 and 60:17,18. Micah 4:2-4; )

In fact on the words in Psalm 34:15 *“search for peace and pursue it”*, our sages point out that the obligation to seek peace is of a much higher order than other Biblical injunctions.

For whereas many of the Torah's commandments are phrased in conditional terms such as "if you see", "if you meet", "if you come across", which indicate that they are only operative in specific situations; the imperative of peace requires us to go out of our way, to seek it and pursue it everywhere to the best of our ability. (Jerusalem Talmud, Peah 1a; Yalkut Shimoni 711)

Furthermore we are told that the very purpose of the Divine creation of the world was

*“so that there would be (a society in which there would be ) peace between all beings”*  
(Bamidbar Rabbah 13:1)

Similarly the midrashic work Seder Eliahu Rabbah teaches that Divine peace is generated

*“in seventy languages for all persons whom He created and brought into the world”*

i.e. peace is the goal for all people and peoples and thus requires of us to behave towards all accordingly .

Indeed because every human person is created in the Divine Image, Rabbi Tanhuma teaches that any act of disrespect to another – let alone violence – is an act of disrespect towards

God Himself (Bereshit Rabbah 24:7; Sifre, Kedoshim, 4:12)

A dramatic appeal that religion must be the antithesis to violence and not an excuse for such is expressed powerfully by the prophet Malachi (2:10)

*“Have we not all one Father? Has not one God created us? Why should we deal treacherously with one another profaning the covenant of our fathers? “*

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### Freedom of choice

Because Judaism affirms the principle that God Himself is a God of Justice and Righteousness who guides His world accordingly with positive consequences for good actions and negative consequences for evil; central to the religious world view of the Torah and thus Jewish tradition, is the principle of freedom of choice, thought and action.

This is articulated powerfully in the book of Deuteronomy 30:19,20.

*"I call upon Heaven and Earth to witness that I have given you Life and Death, Blessing and Curse; and **choose** life in order that you may live, you and your descendants. To love the Lord your God to hearken unto His voice and to cleave unto Him, for He is your life and the length of your days to dwell on the land which he promised your fathers, Abraham, Isaac, and Jacob, to give to them."*

(see also Deuteronomy 11:26-28)

This idea is expressed in the Mishnah by Rabbi Akiva with the words

*"Everything is seen (by God), but free choice is given (to humanity)."*

(Ethics of the Fathers, 3:15)

### Interreligious dialogue

*"Then those who revered God spoke with one another and God listened and heard and a book of remembrance was written down before Him of those who revere the Lord and respect His Name." (Malachi 3 v.16)*

This remarkable verse from the prophet Malachi might be prescribed as the Biblical text of advocacy for interreligious dialogue. If we note the earlier statement by the prophet Malachi (1 v.11) *"From sunrise to its setting my Name is great among the gentiles"*, then we may affirm that the dialogue that Malachi refers to is the dialogue of diverse believers from among all nations.

Malachi presents such dialogue as something of note and great satisfaction to the Almighty as an act of devotion to Him! However Malachi appears to suggest that beyond these reasons for dialogue is a value of Divine service itself. The dialogue among believers is viewed by God as a manifestation of devotion to Him.

The value of interreligious dialogue is articulated beautifully by one of the most important Jewish theologians of modern times, Rabbi Avraham Yitzhak Hacohen Kuk, who was the first Ashkenazi Chief Rabbi in the Land of Israel during the earlier part of the twentieth century.

*"Despite the differences of understanding between the Religions and Faiths and despite the distinctions of races and environments, the right thing is to (try) to fully understand the different peoples and groups, in order to know how to base universal human love on practical foundations. For only within the soul that is replete with love of humanity and all creatures, is the love of (one's own) nation able to reach its full nobility and spiritual and practical greatness. Disparagement that leads one to see anything outside the parameters of one's own particular people as only (consisting) of ugliness and impurity, is one of the most terrible forces of darkness that leads to general destruction of all the positive spiritual development for whose light every refined soul aspires"*

(Mussar Avicha, in The Words of Rabbi A.I. Kuk, ed. Zvi Yaron, p.306-7)

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## **The Need to protect vulnerable communities**

The Hebrew Bible is replete with commandments to care for the vulnerable, the poor, the needy, the orphan and the widow and - most relevant to this essay - the stranger, the “other”, i.e. those who are not part of the dominant community.

The Children of Israel are continually reminded (thirty six times, according to the Talmud) of their historical experience of vulnerability and marginalization, as providing moral responsibility for special regard to the “other”.

*“And if a stranger sojourns with you in your land, you shall not do him wrong. The stranger that sojourns with you shall be unto you as the home-born among you, and you shall love him as yourself...”* (Leviticus 19:33-34)

*“And you shall not oppress a stranger, for you know the feelings of the stranger, since you were strangers in the land of Egypt.”* (Exodus 23:9; and 22:20)

Above all, those who are not part of the majority community must be protected by law.

*“There shall be one law (judgment) for you; it shall be for the stranger as well as the native, for I am the Lord your God.”* Leviticus 24:22

(see also Exodus 12:49 and Numbers 15:15.16; and in particular Leviticus 25:35 )

*“...and you shall judge righteously between a man and his brother and between the stranger that is with him* (Deuteronomy 1:16)

God Himself is presented in the Torah as having special care for those who are vulnerable and in particular the stranger:-

*“for He loves the stranger, to give him bread and clothing.”* (Deuteronomy 10:18-19)

Accordingly the community is commanded to make special provision for those amongst us who do not have the same family/communal support network.

*“And when you reap the harvest of your land, you shall not reap the corners of your field, nor shall you gather the gleaning of your harvest. And you shall not glean your vineyard, neither shall you gather the fallen fruit of your vineyard; you shall leave them for the poor and for the stranger.”* (Leviticus 19:9-10)

*“And if your brother becomes poor and cannot maintain himself with you, you shall support him, (as with) the stranger and sojourner, he shall live with you.”* (Leviticus 25:35)

Jewish tradition understands this verse to require full civil and social rights to the stranger in our midst.

Accordingly, the stranger is to be treated equally justly in matters of employment.

*“You shall not exploit a hired laborer who is poor and needy, whether from among your brethren or from the stranger within your land in your gates. On the same day you shall give him his wage...”* (Deuteronomy 24:14,15)

Although beyond the obvious civil realm, the privileges of the Sabbath are also applied to those non-Jews in their midst of the Jewish community:

*“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 beast, nor your stranger who is in your cities.”* (Exodus 20:10)

The term Jewish tradition uses in relation to the stranger is “*ger toshav*” (perhaps better translated as “resident sojourner”, reflecting the fact that those other than the members of one’s own community generally came from other places.) Within Jewish Tradition this term is understood as referring to either any non-Jew who is not an idolater, or one who observes the Seven Laws of Noah (see Genesis 9:16 and Genesis Rabbah 34:8) of basic universal morality. (Maimonides, Yad Hazakah, Issurei Biah, 14:7; Maachlot Assurim 11:7; Rabbi Shlomo Yitzhaki (Rashi) on Babylonian Talmud, Gittin 57b; Yevamot 48b); Rabbi Menachem Hameiri, Bet Habehirah, Avodah Zarah 64b; Bava Kama 37b)

In addition to the full respect for property and civil rights of such persons who are not of the majority, Maimonides adds (Yad, Melachim 10:12)

*“We are to behave towards the ger toshav with acts of lovingkindness, just as we are meant to do towards Israelites, for we are commanded to sustain their wellbeing...”*

Nachmanides (13<sup>th</sup> century) summarizes Jewish society’s responsibilities towards non-Jewish residents as follows:-

*“We are commanded to advance the wellbeing of a ger toshav and to deliver him from that which is deleterious to him, so that if he was drowning in the river or rubble fell on him, that we must trouble ourselves to make every effort to save him; and if he is sick, to engage ourselves in his healing.”* (Commentary on the Book of the Commandments, positive no.16.)

The twentieth century scholar Rabbi Dr. Samuel Belkin states:-

*“among the foundations of Torah morality is the principle that in the eyes of the law all people are equal and that all persons can demand their rights and that justice must be extended to all alike”* (S. Belkin, *In His Image*, Abelard-Shuman, Congress Library Catalog, 60-72301, p.87).

These principles and precepts in the Torah and Talmud essentially address the responsibilities towards individuals.

It was only in the Middle Ages that recognition appears in Jewish legal sources of responsibilities towards communities as such, as reflected in the language of Rabbi Menachem HaMeiri, 13<sup>th</sup> century, specifically applying these rights and obligations in relation to Muslims and Christians, described as “*peoples bound by the ways of religions*”.

Accordingly in modern times, Jewish luminaries such as Chief Rabbi Avraham Yitzhak HaCohen Kuk and his successor Chief Rabbi Yitzhak Isaac Halevy Herzog have affirmed the full franchise, civil liberties and protection of such religious minorities within a Jewish polity.



However beyond the abovementioned full rights of communities whose ethical ethos is in keeping with universal Jewish values, The Talmud (Babylonian, Hullin 94a) actually exhorts the community to respect the life and property of even idolaters; and prohibits any form of deception towards them, which Maimonides codifies as the law (Yad , Gneiva,7:8 )

Furthermore on the basis of the Talmud which declares (Babylonian, Gittin 59b) *“that the whole of Judaism is for the sake of Peace”*, Maimonides (Yad, Melachim 10:12.) affirms that even those who do not accept a basic moral code, are still to be treated respectfully and with compassion.

*“We are obliged to maintain even 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 the Ways of Peace. Behold it is said: ‘Her ways are pleasant ways and all her paths are Peace’ (Proverbs 3:17); and it is written, ‘God is good to all and His mercy extends to all His creatures’ (Psalm 145:9).”*

While this demand goes beyond the minimal letter of the law; it reflects the view of the Torah as aspiring for an ethic - the ways of Peace – to advance the wellbeing of all people. Moreover in adding the reference from Psalm 145 regarding Divine compassion for all, Maimonides is referring to the ideal of Imitatio Dei - emulating the Divine Attributes - in accordance with the ancient sage Abba Shaul who declares (Babylonian Talmud, Shabbat 133b)

*“just as our Heavenly Father is merciful and compassionate, so you be merciful and compassionate “*  
(see also Babylonian Talmud, Sotah 14a.)

*On what basis do we people of different religious commitments meet one another?  
First and foremost we meet as human beings who have so much in common...  
To meet a human being is an opportunity to sense the Image of God, the presence of God  
According to a rabbinical interpretation the Lord said to Moses “wherever you see the trace of a human being, there I stand before you ...*

*What then is the purpose of interreligious cooperation?  
It is neither to flatter nor to refute one another, but to help one another; to share insight and learning, to cooperate in academic venture on the highest scholarly level, and what is even more important, to search in the wilderness for well-springs of devotion, for treasures of stillness, for the power of love and care for man. What is urgently needed are ways of helping one another in the terrible predicament of here and now by the courage to believe that the world of the Lord endures for ever as well as here and now; to cooperate in trying to bring about a resurrection of sensitivity, a revival of conscience; to keep alive the Divine sparks in our souls, to nurture openness to the spirit of the psalms, reverence for the words of the prophets, and faithfulness to the Living God.*

(Abraham Joshua Heschel, “No Religion is an Island”, The Study of Judaism, Bibliographical Essays, New York, ADL, 1972)