

## The Declaration of the Establishment of the State of Israel: Equality

...We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, liberty, and the Pursuit of Happiness...

(Declaration of Independence of the United States of America - 4 July, 1776)

**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.

**Article 2a:** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 2b:** 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. (*Universal Declaration of Human Rights - 10 November, 1948*)

[When the French-Jewish lawyer Rene Cassin wrote the draft of the Universal

Declaration, he had the Ten Commandments in front of his eyes. He saw the document as a kind of "Ten Commandments for Humanity". It is no surprise that the expectations of the Jewish People were so high from the start." – Prof. Eddie Kauffman, Hebrew University]

### **What is "equality of rights"?**

מדינת ישראל ... תהא מושתתת על יסודות החירות, הצדק והשלום לאור חזונו של נביאו ישראל; תקיים שיוון זכויות חברתי ומדיני גמור לכל אזרחיה בלי הבדל דת, גזע ומין; תבטיח חופש דת, מצפון, לשון, חינוך ותרבות; תשמור על המקומות הקדושים של כל הדתות; ותהיה נאמנה לעקרונותיה של מגילת האומות המאוחדות.

...Therefore Adam was created alone, to teach you (1) that whoever destroys a single life is deemed by Scripture as if they had destroyed the whole world; and whoever saves a single life is deemed by Scripture as if they had saved a whole world; and (2) for the sake of peace among people, so that one person does not say to another "my ancestor was greater than your ancestor!"; and (3) lest heretics say, "There are many powers in heaven."; and (4) to show the greatness of the Holy One. For, a person mints many coins with one stamp, and they are all the same. But the King of kings, the Holy One, mints every person in the mold of the first Adam, and not one is the same as another. Therefore, every person ought to say: The world was created for me.

(Mishnah Sanhedrin 4:5; Tosefta Yevamot 8:7 in reference to a court's warning to witnesses concerning the gravity of their testimony in a capital case.)

**Why is there a need to specify both social and political rights? What is the difference between them? Is there significance to the order in which these appear – first social, then political?**

It is not society that bestows upon every [person] their inalienable rights. Equality of all [people] is not due to [human] innocence or virtue. Equality of all people is due to God's love and commitment to all [humans]...Wherever you see a trace of [humanity], there is the presence of God...The Image of God is either in everyone or in no one...God's covenant is with all [people], and we must never be oblivious to the equality of the divine dignity of all [humans]. The Image of God is in the criminal as well as the saint... (Abraham Joshua Heschel, "Religion and Race", The Insecurity of Freedom: Essays in a Time of Crisis, 1972).

The State of Israel...will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

(*Official Translation of Israel's Declaration of Independence, 5 Iyar, 5708 – 14 May, 1948*)

"The State of Israel ...will grant complete social and political rights to all its citizens irrespective of race or religion." [Proposed wording by Moshe Sharett. In the May 13 discussion on the text. Ben Gurion said: "...Ensure equal rights, not "grant". This is its due."]

### Questions for further consideration:

1. Who is included and who excluded from "all its citizens"? Why?

2. "...irrespective of religion, race or sex" - In your opinion, why were these and only these three criteria cited? Is this a "closed" list or do these criteria serve only as a general example? Which criteria would you add, if any? [Compare to the criteria of the Universal Declaration of Rights on the following page].

3. Do you think it is possible for someone to merit extra rights by virtue of their righteousness or some other worthy deeds or accomplishments? Is it possible for a person to renounce their "human" and rights by the performance of the most wicked deeds?

There is a parable about a king who had a wine cellar and placed guards there. Some of the guards were drunks and some were *naẓirim*, non-drinkers. In the evening, he came to pay them their salary. He paid the drunks twice as much as he paid the *naẓirim*. The guards said to the king: "Your Highness, didn't we all do the same work? Why are you not giving us equal pay?" The king replied: "These ones are drunk and used to drinking wine, but you *naẓirim* do not drink, therefore I give them a higher pay than you."

**Exodus 22: 20-23** You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. You shall not ill-treat any widow or orphan. If you do mistreat them, I will heed their outcry as soon as they cry out to Me, and My anger will blaze forth and I will put you to the sword, and your own wives will become widows and your children orphans."

The great, oft-repeated in the Torah, basic law is laid down, that it is not race, not descent, not birth or country or property, altogether nothing external or due to chance, but simply and purely the inner spiritual and moral worth of a human being, which gives him all the rights of a man and of a citizen. This basic principle is further ensured against neglect by the additional motive כִּי גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם...your whole misfortune in Egypt was that you were גֵרִים "foreigners", "aliens", there, as such, according to the views of other nations, you had no *right* to be there, had no claim to rights of settlement, home, or property. Accordingly, you had no equal rights in appeal against unfair or unjust treatment. As aliens you were without any rights in Egypt, out of what grew all your עֲבֹדוֹת and עֲנִי, your slavery and wretchedness. Therefore beware, so runs the warning, from making rights in

your own State conditional on anything other than on that simple humanity which every human being as such bears within him. With any limitation of these human rights the gate is opened to the whole horror of Egyptian mishandling of human beings... **Do not "wrong", Do not "oppress"**...means to be illegally deprived of material or spiritual possessions...[thus, the full implication is] - Neither by words nor by deeds shall you hurt an alien...[and] here the admonition against differentiating against strangers is directed primarily to the State as such. It - the Jewish State - is not to practice any discrimination and injustice against foreigners because they are aliens, it is not to impose heavier taxes or grant lesser rights than it does to the native-born; and in no ways is it to restrict them in the free exercise of any means of gaining their livelihood... **Samson Rafael Hirsch, Commentary to the Torah, Exodus 22**

The relativity of equality does not always lead to a just outcome, and sometimes we must behave with inequality in order to achieve justice, all according to the goal which we aspire to achieve. When the average starting point for one person is disadvantaged compared to another, there is a need to provide the person with more in order to bring them both to a state of equality...the resulting justice is the decisive consideration and not the sanctity of the principle of equality, which only serves the goal of justice.

**Israel High Court ruling 720/82 Elitzur Association of Religious Sports Nahariya v. The City of Nahariya and others, 4:37 (3) p. 21**

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### Human Family

by Maya Angelou

*I note the obvious differences in the human family.*

*Some of us are serious, some thrive on comedy.*

*Some declare their lives are lived as true profundity, and others claim they really live the real reality.*

*The variety of our skin tones can confuse, bemuse, delight, brown and pink and beige and purple, tan and blue and white.*

*I've sailed upon the seven seas and stopped in every land.*

*I've seen the wonders of the world, not yet one common man.*

*I know ten thousand women called Jane and Mary Jane,*

**Genesis 1:27** ...So God created the *Adam* in his own image, in the Image of God he created him, male and female he created them...

**Numbers 15:16** ...The same law and the same rule shall apply to you and to the stranger who resides among you.

**Leviticus 24:22** ...You shall have one standard for stranger and citizen alike, for I am the Lord your God.

**Deuteronomy 29:9-10** You stand this day, all of you, before the Lord your God – your tribal heads, your elders and your officials, everyone of Israel; your children, your wives, even the stranger within your camp, from woodchopper to water drawer – to enter into the covenant of the Lord your God...

*Mirror twins are different although their features jibe, and lovers think quite different thoughts while lying side by side.*

*We love and lose in China, we weep on England's moors, and laugh and moan in Guinea, and thrive on Spanish shores.*

*We seek success in Finland, are born and die in Maine, in minor ways we differ, in major we're the same.*

*I note the obvious differences between each sort and type, but we are more alike, my friends than we are unlike.*

*We are more alike, my friends, than we are unlike.*

**[Read at the dedication of the Disney Millennium Village]**

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Founded in 1988, **Rabbis for Human Rights (RHR)** is the only organization of rabbis in Israel from all the denominations of Judaism that gives voice to the Jewish religious tradition of human rights. Dedicated to the physical security and moral vision of the State of Israel as reflected in Israel's Declaration of Independence, RHR develops educational resources on Judaism and human rights and teaches them in Israeli schools and pre-army programs; lobbies for economic justice in Israel; provides support for Palestinian families facing home demolition for administrative reasons; and protects Palestinian farmers' access to their agricultural land. RHR has received the Knesset's Award for Quality of Life and the 2006 Niwano Peace Prize. The work of RHR has been endorsed by the North American Rabbinic Associations of the Conservative, Reform, Reconstructionist, and Renewal movements.

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