‘Created In the image of God’: A Jewish Approach to Human Rights

Rabbi Fred Morgan AM

Abstract

In Jewish thought the Biblical idea that humanity is created in God’s image is the starting point for the notion of human rights. This notion is challenged, though, by the reality of religious pluralism and the diversity of interpretations of the human condition and its relationship to human rights.
This diversity implies that the notion of human rights, while universal, is not absolute; context matters. As an example I recount the remarks of a Buddhist monk in Myanmar about the Rohingya people. The porosity of religious and social boundaries in the contemporary world presents us with challenges that established religious traditions are simply avoiding. One of these challenges involves what Jonathan Sacks calls “the dignity of difference.” As a result, the idea of human rights is itself in danger of being absolutized and used for political ends, rather than as a springboard to pursuing justice. I use the history of Jewish experience to illustrate some of my arguments. Finally, I suggest that an obligation to encounter the other, as we do when we volunteer to work with refugees or offer hospitality to the stranger, may act as a corrective to the current politicisation of human rights thinking.

The notion of human rights is grounded in an understanding that there is intrinsic worth in being human, in experiencing what is commonly called ‘the human condition’. Acknowledging the intrinsic worth of every person, whoever those other persons might be, is equivalent to the French Jewish philosopher Emmanuel Levinas’s idea of standing before ‘the face of the Other’. In Levinas’s conception every person who stands before me is worthy of respect or dignity simply by virtue of the fact that he or she is a subject, just as I am a subject. They do not have to do anything to earn the status of human being in this relational, ethical sense. The other has intrinsic worth by virtue of their humanness alone. A number of ethical behavioural norms follow from this.

In Judaism this insight about the status of the other is derived from a single phrase in Torah, Genesis 1:27: ‘And God created man in His image; in the image of God He created him; male and female He created them’. The voluminous modern Jewish literature on human rights and allied topics such as social justice, interpersonal ethics and ‘mending the world’ (*tikkun olam*) invariably start their explorations from this phrase in Genesis. This may be found in the scholarship of all the major branches of Judaism today.[1]

The idea that humanity (*Adam*, human being, humankind) is created in the divine image is open to a number of interpretations. Many of these are found in midrashic commentaries on the Bible.[2] The midrashic authors take the phrase in a variety of

---

[1] A few examples: *Tikkun Olam: Social Responsibility in Jewish Thought and Law*, David Shatz, Chaim Waxman and Nathan Diament, eds (New York: Jason Aronson, 1997); Elliot Dorff, *The Way Into Tikkun Olam (Repairing the World)* (Woodstock, Vermont: Jewish Lights, 2005); Jill Jacobs, *There Shall Be No Needy: Pursuing Social Justice through Jewish Law and Tradition* (Woodstock, Vermont: Jewish Lights, 2009); Byron L. Sherwin and Seymour J. Cohen, *Creating an Ethical Life* (Woodstock, Vermont: Jewish Lights, 2001).

[2] See the useful collection of midrash on ‘the image of God’ in Richard Schwartz, ‘Jewish Teachings on Human Rights and Obligations’, 16th October 2017, https://blogs.timesofisrael.com/jewish-teachings-on-human-rights-and-obligations/. Schwartz references Mishnah Sanhedrin 4:5, an important source of midrash on ‘the image of God’, as well as Babylonian Talmud Sotah 14a on Deuteronomy 13:5, equally

directions but ultimately they all converge on a single cluster of meanings: insofar as all people are created in the image of God, they are to be treated without discrimination and with discernment. The behaviours that we bring to others must be respectful and caring, just as we would approach God only with respect and care. From this basic understanding arises a plethora of actions that come under the heading of human rights and social justice.

It is not surprising that the notion of all humanity being created in the divine image is found referenced in Judaism's cognate religions, Christianity and Islam. In Christianity the idea of universal fellowship underscores Jesus' quotation of Leviticus 19:18, 'love your neighbour as yourself,' as one-half of the 'great commandment'.[3] It also drives the universalistic attitude of Paul (Galatians 3:28, 'neither Jew nor gentile, neither slave nor free, neither male nor female…').[4] In Islam the Qur'an 5:32 teaches 'He who saves a single soul has, in effect, saved an entire universe,' echoing the rabbinic teaching in the Babylonian Talmud, Sanhedrin 37a.[5]

This is not the case with other religious traditions, where we find different classifications of what it means to be human. In their diagnosis of the human condition, some would include all human beings and other categories of existence as well. For example, Buddhism sees all existent beings as instances of 'suffering' (in Pali, *dukkha*). In this there is no distinction between humans and other levels of existent beings. Hindu systems employ the *varna-ashrama* system to categorise human beings; the *dharma* of any individual being depends on its place in the system. In many indigenous traditions there are distinctions in classification between those in the clan, tribe or nation, and those outside it.

When seen from this religiously pluralistic point of view, the notion of human rights is paradoxical from the start in that it allows for people to believe in classifications of humanity that would not allow all humans common rights. In my opinion this is one of the crucial problems with the notion of human rights: that it hangs on specific systemic assumptions that do not always, or even most often, fit the realities of different religious or cultural traditions. I recall viewing an episode of the Australian series *Go Back to Where You Came From* which delivered a particularly rude shock.[6] A Theravada Buddhist priest, head of a monastery in Myanmar, was speaking of the need for love among peoples, when he was asked whether this love extended to the Rohingya people in the State of Rakhine in Western Myanmar. His reply came without a hesitation: of course not, the Rohingya are not deserving of the rights of others, they're not human like the rest of us. With this single depiction, then, the abbot denied the application of human rights legislation to a whole community of people numbering in the millions.

The Jewish community is fully cognizant of this discriminatory attitude. The Nazis managed to strip Jews, Gypsies, gays and lesbians, Slavs and others of their status as

---

important on the Jewish notion that being created in the image of God obliges us to imitate God's behaviour.

[3] Matthew 22:35-40; Mark 12:28-31; Luke 10:25-28. The other half of the 'great commandment' is from Deuteronomy 6:5, 'you shall love God with all your heart, with all your soul, with all your might…'.

[4] See the helpful commentary by Karin Neutel, 'Biblical Views: Neither Jew nor Greek, Slave nor Free, Male and Female', *Biblical Archaeology Review* 44, no. 1, January/February 2018, https://www.baslibrary.org/biblical-archaeology-review/44/1/16.

[5] On this famous teaching, see for example 'The Origins of the Precept "Whoever Saves a Life Saves the World". And what they tell us about particularism and universalism in Jewish tradition', Mosaic Magazine, 31st October 2016, https://mosaicmagazine.com/observation/history-ideas/2016/10/the-origins-of-the-precept-whoever-saves-a-life-saves-the-world/.

[6] Produced by Cordell Jigsaw Productions and screened on SBS, 2015.

human beings by referring to these groups in varying degrees of less-than-human (Untermenschen, sub-humans). It is, of course, the then-fresh memory of the Holocaust that contributed to the genesis of the UN Universal Declaration of Human Rights in the first place.

The example of the Buddhist abbot in Myanmar alerts us that, whatever religions teach according to the textbook, their followers are free to interpret the tradition in radically different ways. This is true within Judaism as well as every other faith. It is no matter that the teaching about mankind being created 'in the image of God' is reinforced elaborately throughout Torah, in a multitude of ways—for example, 36 times does it teach us to 'respect the stranger, for you were strangers in the land of Egypt [in slavery],'[7] thus calling upon us to rely on our common humanity to act with empathy. Nonetheless, there are members of the Jewish community who would focus all their attention on their fellow-Jews and disclaim any responsibility[8] towards the wider non-Jewish society or towards the needy who dwell within it (indigenous peoples, those with physical or mental disabilities, refugees, homeless, and so forth). This particularistic (counter-universalist) view arises in part for historical reasons, due to the Jewish people's 2000-year communal experience of anti-Semitism in its mutating forms; and in part from certain reactionary ways of reading Jewish tradition which we might call pre-globalist, a form of hermeneutic that does not recognise the massive impact of globalisation on religious cultures in the post-WWII period.

Due to almost unimaginable technological transformation, heightened mobility, instantaneous communications and other similar globalising changes over the past 60 years or so, our contemporary reality would be virtually unrecognisable to past generations. The geographic, economic, educational, social, medical and political boundaries that once separated peoples have become so porous that we simply cannot avoid engagement with the other. I would argue that this process of globalisation is not merely coincidental or contingent to our lives as human beings and as people of religious traditions. It is at the heart of our experience of reality in the post-modern world. To deny this fact of our existence would be not only to deny any route into a commitment regarding the world in which we live, but also to deny the direction that God's creation is taking. Religious and cultural 'inter-diversity' is the new 'human condition'. As such, I would contend, it is the condition which God is willing us to address today.

I base this understanding on a parallel in Torah, the story of the Tower of Babel. Rabbi Jonathan Sacks presented his important book *The Dignity of Difference* as an elaborate midrash on this story, the Tower of Babel.[9] Sacks's book deals with precisely the problem of ethical interrelationship with the alien or stranger. Many people read the story of Babel as a condemnation of humanity for its hubris and ambition in challenging the sovereignty of God in the heavens with a gigantic tower built on earth. Sacks adopts a different line of interpretation. In doing this, he follows a minority of earlier Jewish commentators but he spins the interpretation out in a broader, more politically astute manner. According to this interpretation, the scattering of the

---

[7] This is according to the count of Rabbi Eliezer the Great in the Babylonian Talmud, Bava Metzi'ah 59b. He says that the Torah teaches '36 times, or perhaps 46 times' not to oppress the stranger, suggesting that the actual number is less important than the injunction to love [respect] the stranger, for you [the Israelites] were strangers oppressed by slavery.

[8] Responsibility for others who are not part of our immediate family or community is the theme of Rabbi Jonathan Sacks's book *To Heal a Fractured World: The Ethics of Responsibility* (London: Continuum, 2005). The title is an English play on the Hebrew phrase *tikkun olam*, 'mending the world', used among many Jewish communities nowadays as a synonym for 'social justice'.

[9] Jonathan Sacks, *The Dignity of Difference* (London: Continuum, 2002), 51-56, on the Tower of Babel, which he says 'deserves to become a parable of our time'.

peoples around the earth and the confusing of their languages (modes of communication) were not a form of punishment. Rather, it was done in order to complete God's purpose. The earth needed to house people of diverse nations and languages because, without the diversity, all peoples would be the same; and so there would be no need to learn how to live with those who are different from oneself. To live with the same is easy; to live with difference is the true challenge of human existence.

Sacks calls this 'the dignity of difference', and he argues that an awareness of this obligation to show dignity to those who are different is the abiding contribution of the Jewish people to civilisation. Other dominant philosophies and theologies, whether Christianity or Islam, Fascism or Marxism, have sought 'sameness', the homogenisation of humanity in accordance with some perceived 'truth'. Sacks calls this a longing for 'Plato's ghost', the desire to unify humankind under a single overarching belief system and absolutist understanding of the world.[10] But such a view requires the kind of political control that denies human freedoms and human individuality. Sacks sees this impulse for sameness as the source of totalitarian regimes and authoritarian practices, the kind of political activities that stand at the opposite pole to human rights thinking — but to which human rights thinking can itself be prone, if it self-righteously sets itself up as 'the truth'.

In his prolific writings Sacks has often referred to the Jewish people, though demographically tiny and despised for much of our history by powers far greater than we, as the 'canary in the mine' of society. As Jews are treated, so other minorities will be treated.[11] The recent upsurge in anti-Semitism globally is therefore a dangerous sign, not only for the Jewish people but for all humanity. I speak here of so-called liberal or left-wing anti-Semitism. It reveals the dark side of the human rights impulse, that is, an unspoken and so unaddressed desire by some to reduce everyone to the same kind of 'human'.

A significant instance is the use of human rights themes in the sphere of Palestinian-Jewish relations. In the interest of defending the human rights of Palestinian Arabs, this group would deny human rights to the Jews because Jews who are Zionists are not seen as being human in a proper or acceptable way. In the eyes of such a group, Jews appear as the 'Zionist colonial aggressor,' a phrase used in a manner reminiscent of the way in which medieval Christians often employed the anti-Semitic trope of the 'satanic killer of Christ' to cover all evil.[12] As an example, here is a comment made by the distinguished American journalist Daniel Finkelstein a year ago on a motif that has emerged in the British Labour Party:

> *Israel is a tiny country. It's the size of Wales. At one point you can cross the country on foot in less than two hours. But to Mr Corbyn and his allies it is a symbol of the one thing that they battle against more than any other: the evil*

---

[10] The search for the answer to the question of the universe in *The Hitch-hikers Guide to the Galaxy* is a parody on this theme, as is the answer found: '42'!

[11] Pastor Martin Niemoller's famous comment comes to mind: 'First they came for the Socialists, and I didn't speak out because I wasn't a Socialist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me, and there was no-one left to speak for me'. Spoken at Dachau Concentration Camp, 1944.

[12] We should keep in mind that the claim that 'the Jews past, present and future are responsible for the killing of Christ' has until very recent times been considered completely reasonable among large segments of Christian society. It derives from passages in the Gospels and the Pauline epistles as interpreted by the early Church Fathers. In the doctrines of the Roman Catholic Church it was modified only in 1965 in the Second Vatican Council document *Nostra Aetate*. It remains alive even today among some Christian groups.

of Western imperialism. Zionism has, for them, ceased to be a description of the desire for a homeless refugee people to make a small state for themselves in their ancient homeland. Instead, it stands for an ideology of occupation and world domination. This translation of the practical project of Jews seeking security into a world conspiracy to spread imperialism is, by its nature, anti-Semitic.[13]

There is no 'dignity of difference' in such a usage, no room for dialogue or discussion, no real humanity, only an all-consuming rage.

This leads me to another comment about human rights, another side to the Jewish story which, I feel, has not received proper attention. The Torah is the source not only of an understanding of our 'common humanity'[14] but also of our notion of justice (in Hebrew, *tzedek u-mishpat*). Justice, in the Jewish sphere, consists of rules by which we act out the values that are expressed under the rubric of human rights, though justice applies on a social scale, restoring balance or equilibrium to a society that has gone awry. Indeed, many of the 30 articles that make up the Universal Declaration on Human Rights are pre-empted in Torah, though indirectly as obligations rather than directly as rights.[15]

The prohibition of slavery is a good example. Slavery is described in Torah as a living institution, since in that age of human history it would have been inconceivable for a kingdom to see itself as existing without it. Enslavement came about as the result of financial debt or warfare. We might ask, if there is an awareness that all humanity is created in God's image, then how can slavery be justified? The Torah response is not to abolish slavery, since that would have been incomprehensible in such an environment. Rather, the Torah lays down rules, unique in that age, to ameliorate the effects of slavery; in effect, to restore dignity to the slave so that he or she is seen more as a servant than a slave, with the right to certain protections for them and their family. The actual abolition of slavery required humankind to catch up with Torah and its understanding of justice, something not accomplished until the late 18th century in Britain and the mid-19th century in the United States (and in some places, not even today). Human dignity in relation to slavery, then, is seen as a universal aspirational value, but the route to its embodiment is not absolute but contextual.

The key to this process of contextualisation is the idea of mitzvah, the obligations governing human interactions. As has often been noticed, this is the language of justice in Torah: the language of obligations, not rights. Many of the obligations legislated by Torah assume the rights of recipients to receive just treatment, and this is based on the notion that they are 'created in God's image'. But in reality the onus is on the actor to treat the other with dignity, to ameliorate conditions of need etc.

I believe that the string of mitzvot or obligations that lead to dignity being preserved in the other is itself based on a prior commitment or 'meta-mitzvah' as yet unarticulated in Jewish legal sources but found in the writings of philosophers such as Martin Buber and Emmanuel Levinas, who are so significant today. This is a new obligation to *encounter the other* in all their humanity, their subjectivity and physicality. I call this mitzvah to encounter the other, *dialogue*. To enter into dialogue means to come to know the other, in the same way that God 'knew' the Israelites

---

[13] In *The New York Times*, 25th July 2018, 21; quoted in Tony Bayfield, *Being Jewish Today: Confronting the Real Issues* (London: Bloomsbury, 2019), Kindle edition location 2402.

[14] Raimond Gaita uses this expression as the title of his philosophical defence of human rights, *A Common Humanity: Thinking about Love & Truth & Justice* (Melbourne: Text Publishing, 1999).

[15] See Herbert Chanan Brichto's article 'The Hebrew Bible on Human Rights' in the seminal collection edited by David Sidorsky, *Essays on Human Rights: Contemporary Issues and Jewish Perspectives* (Philadelphia: The Jewish Publication Society of America, 1979).

when they cried out from the depths of their slavery in Egypt.[16] It is to know what they mean when they speak of their joys and sorrows, their achievements and losses, their sufferings and celebrations. It occurs through face-to-face encounter, during volunteering, for example, or in offering hospitality to those of a different religious culture. It is my view that pursuing human rights without engaging in dialogue cannot result in lasting change in the world. It can only pretend to bring peace, delaying conflict and resistance to a later day. Alas, the rocky reception of the Universal Declaration of Human Rights over the past 70 years lends credence to the accuracy of my view.

Rabbi Fred Morgan *is Emeritus Rabbi, Temple Beth Israel, Melbourne, and formerly Professorial Fellow, Australian Catholic University.*

[16] Exodus 2:25 (in the narrative); 3:9 (God's speech to Moses). The Hebrew for 'to know' in the Torah indicates a deep emotional-spiritual connection, like Martin Buber's 'I-Thou' connection, or Levinas's 'standing before the face of the other'.