

JUDAISM AND HUMAN RIGHTS

SHAIYA ROTHBERG finds a strong imperative for Jewish support of the Universal Declaration of Human Rights in biblical and talmudic sources

The modern era has witnessed the ingathering of the exiles of Israel. The Jews returned once more to the Promised Land and established a modern Jewish state where biblical Israel had stood thousands of years before. The first chief rabbi of Ireland and later chief rabbi of Israel, Yitzhak Halevi Herzog (1888-1959), powerfully expressed the religious significance of these events when he described them as “the first flowering of our redemption” in his Prayer for the State of Israel that is now recited in synagogues throughout the Jewish world.

Our Father in heaven,
rock and redeemer of Israel,
bless the State of Israel,
the first flowering of our redemption.

Lurking in Rabbi Herzog’s formulation is an intriguing question: if the establishment of Israel is the first flowering of our redemption, what would the full flowering of our redemption look like? In other words, if Zionism is the first part of the Jewish idea of redemption, what is the second part?

The last stanza of the prayer as it appears in standard prayer books hints at an answer to this question: “Manifest yourself in the majesty of Your strength before all the inhabitants of Your world, and may all that live affirm that the Lord, God of Israel, is king and His dominion absolute. Amen forevermore!”

The Prayer for the State of Israel is a modern composition but its words hearken back to more ancient Jewish sources. The two lines quoted above appear almost verbatim in a section of the Rosh Hashanah liturgy which proclaims that the God of justice is the only true sovereign over humanity. The roots of this idea run deep into older sacred texts: those of the biblical prophets who lived long before the liturgy was written. Key terms in these lines are drawn, for example, from the book of Isaiah. Its second chapter opens with the prophet’s vision of the End of Days and from that vision we can learn more than a hint about the second part of “our redemption”:

The word that Isaiah the son of Amoz saw concerning Judah and Jerusalem. And it shall come to pass in the last days, that the mountain of the Lord’s house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow to it. And many people shall go and say, Come you, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more.

Isaiah envisions a world order to which humanity will freely consent (“Come you, and let us go up to the mountain”) and that includes the global rule of law (“for out of Zion shall go forth the law”) resulting in the end of war (“nation shall not lift up sword against nation”) and the directing of global resources towards human security and prosperity (“they shall beat their swords into plowshares”). If the first flowering of our redemption is primarily a story about the Jews, its full flowering is clearly about the whole of humanity.

The rabbis inherited this prophetic vision and went about laying the foundation for a just world order in their own talmudic literary-legal way. Using a creative interpretative method called *midrash*, they deduced from the holy writ that God seeks to protect and nurture all human beings in all places through the just rule of law. They find that God’s will is codified in two commandments, one to Jews and one to Gentiles. Jews are commanded to establish the just rule of law in *mitsvat shoftim*, the commandment of the judges (Deut. 16.18). Gentiles are commanded to establish the just rule of law in *mitsvat dinim*, the commandment of laws (BT Sanhedrin 56a).

What is the ‘rule of law’ in this context? Perhaps its essence is captured by the Hebrew term *mishpatim* (from the same root as ‘to judge’), which often carries the connotation of self-evidently justified laws. Rashi, based on more ancient sources, says that *mishpatim* are those laws that, if they had not been revealed by God, we would have legislated anyway, such as the prohibitions against murder and theft. Nachmanides explains that *mishpatim* are those laws “‘which if a man do, he shall live in them’ (Lev. 18.5) – because the laws are intended to facilitate human life through civilized government and peace for humanity, so that one man should not damage his fellow or kill him.” Nachmanides explicitly points out that both Jews and Gentiles are commanded by God to establish such just systems of law.

Perhaps there’s something surprising about the idea that Jewish self-determination in Zion is only the first part of redemption, and its second part focuses on the whole human race. Might we not expect that the Lord God of the Bible would be more



I AM THE LORD
YOUR GOD,
MASTER OF THE
UNIVERSAL
DECLARATION
OF HUMAN
RIGHTS)

interested in His chosen people than in how legions of people not faithful to Him organise their collective lives? Getting at the question from another angle: why is a just world order for humanity the second part of a specifically Jewish vision of redemption? Isn't Judaism really mostly a story about Jews?

These questions reflect the all too common perception that the more serious about religious Judaism you get, the less non-Jews matter; as if the other 99.8% of human beings are of little importance. And there are, in fact, powerful currents in Jewish self-understanding, in our day as in the past, which are as ethnocentric and narrow-minded as that. But the idea that the Jewish vision of redemption is about protecting and nurturing the entire human race was foundational to no less a pillar of traditional Judaism than Moses Maimonides. Here is his vision of the End of Days.

In that era, there will be neither famine nor war, neither jealousy nor strife. Blessings will be abundant, comforts within the reach of all. The one preoccupation of the whole world will be to know God. Thus they will become greatly wise, and will know hidden and deep matters; grasping the knowledge of their creator to the utmost capacity of the human mind, as it is written, [Isaiah 11.9], "[They will not hurt nor destroy in all My holy mountain] for the earth shall be full of the knowledge of the Lord as the waters cover the sea."

The Laws of Kings 12.5

Maimonides envisions a world order in which we as a species invest everything we have in nurturing humanity until she is physically and spiritually whole. That's the pinnacle of his religious vision because he believes that God's will is that humanity embodies the wisdom, justice, loving-kindness and charity of God to the greatest possible extent. The rule of law for all people is the necessary condition for realising the divine purpose of human existence.

Let's pause here for a reality check. Isn't world-wide justice just an unrealistic fantasy? If we follow the story of human evolution as told, for example, by Yuval Harari in his *A Brief History of Humankind*, the answer to that question is 'no'. Before the advent of language, some 70,000 years ago, human beings were able to coordinate their behaviour with a maximum of 150 people that they knew personally. Anybody outside the clan was an enemy and competitor.

Today, 3.5 billion people, roughly half the human race, live in highly developed and interconnected systems of law (as documented, for instance, by the Economist's Democracy Index). What made that change possible? According to Harari – and many others – the answer is: language. Language enables us to share stories about who we are, and these stories enable people who don't know each other to coordinate their norms of behaviour in (relative) peace.

It took 65,000 years to get from the advent of language to the advent of

writing, but only 1000 years to get from writing to a law with universal aspirations (Hammurabi's code). Today, 4000 years after Hammurabi, the vast majority of human beings live in states that have committed themselves in all or in part to the International Bill of Rights, consisting of the Universal Declaration of Human Rights and the two covenants (on Civil and Political Rights, and on Economic, Social and Cultural Rights). That formal commitment has not protected the hundreds of millions who have been starved, murdered or oppressed. But if you consider the distance humanity has crossed to get from 150 hunter-gatherers to the global reach of the rule of law today, it's clear that there is no 'human nature' that precludes global justice. Such an idea might ease our conscience in the face of mass suffering, but it is no more than a comfortable prejudice.

Realistic or not, if you are a Jew, you already stand commanded by God to respect human rights. That, at least, is the conclusion of the great religious-Zionist Torah scholar, Rabbi Hayyim Hirschensohn (1857-1935) and of other important rabbis. When the Jewish State committed itself to international law (which today includes human rights), that commitment was binding with the authority of God. In Rabbi Hirschensohn's words, "it is... forbidden to violate international law that was covenanted upon in the covenants of peoples." And to violate that prohibition, further argues the rabbi, is an unthinkable desecration of God's holy name.

In conclusion, we have seen that protecting every human being in every place through the global rule of law is "the flowering of our redemption" and the heart of a Jewish religious vision both ancient and modern. And we have seen that God's word, as revealed by Torah law, binds us to international human rights. And so the next time you want to learn about the Torah obligations of religious Jews, be sure to spend some time not just on the Tanakh and the Talmud, but also on the Universal Declaration of Human Rights.

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