

René Cassin Trustee, Alexander Goldberg remarks at Memorial Seminar in honour of Clemens N.Nathan. 4th May 2016.

I would like to thank the Nathan family for asking me to speak here today. I am delighted to be here.

Clemens Nathan was a mentor and friend. He was the quiet man of the Jewish community: he got things done without a fanfare and in my opinion deserved more public recognition for his role in fighting for the rights of Holocaust survivors, of promoting human rights and for engaging in real diplomacy. His own history as a refugee from Nazi Germany helped shape his philosophy: a passion for both human rights and for the Jewish community. Clemens liked to engage in philosophical ideas and was interested in multi-disciplinary approaches to issues but most of all he liked to engage with people. My time with Clemens was always an adventure into the world of statesmen and women, of quiet diplomacy and of missions to right a wrong. He was always supportive of young people whether that was in his support of Shenker College or being our first patron and our mentoring when we established CCJO. Rene Cassin. In death, he has had many deserved tributes. As I said, in my view he deserved more plaudits in life too.

I have been asked to speak about the importance of the Universal Declaration of Human Rights is important to the Jewish community. That it is important without doubt. Borne out of the ashes of the Shoah, Clemens and I both believed that the Declaration was a global attempt to proclaim the imperative 'never again'. Never again would there be such inhumanity. Never again would a sovereign state be able to claim that it could deprive a minority of life, liberty and fundamental freedoms on the basis of their religion, ethnicity and other characteristics or be able to claim it had done this under law of the land. Other states, through both the UN and regional instruments such as the ECHR, would hold genocidal human rights abusers to account and for that matter any state who violated the fundamental human rights of an individual. The two UN Covenants enshrined those norms. Along with the Genocide Convention, the upholding of these universal norms can be seen as the ultimate memorial to the victims of Nazi atrocities: a new world order with human rights at the centre was at the heart of the endeavours of its authors and proponents: Lauterpacht, Lemkin, Cassin, Humphrys and Roosevelt.

This was a revolution in legal theory. The sovereign state was subject to international laws and norms that could be imposed on it by other states.

Sadly, there are other tragedies that have beset humanity since the Holocaust: Cambodia, Rwanda, Srebrenica and Darfur to name but a few. However, the world

turns to the Declaration as a modern universal canon to condemn, convict and bring the perpetrators of these heinous crimes to justice. It is the memory of past atrocities: learning the lessons of history again and again that will ultimately result in us not repeating our mistakes.

Perhaps, it is self-evident as to why so many of the originators of international human rights come from the Jewish community: Professor Hirsch Lauterpacht had proposed an International Bill of Rights, René Cassin has co-authored the Universal Declaration of Human Rights and Raphael Lemkin was the architect of the Genocide Convention. These individuals had experienced at first hand the excesses of state power when directed with malign purposes towards minorities and individuals. The Shoah was a culmination of hundreds of years of persecution aimed towards the Jewish community. Perhaps it was this direct historical experience that motivated them.

Memory is important to us all and we as Jews remember our own history. Clemens would often talk about the expulsion of the Jews from Spain and his pride in his Sephardi background and culture.

For me, as a Jew of Guildford I am reminded of the story of Josce, the last Jew of Guildford. The Jews of Guildford were expelled in 1275 from Guildford by the Queen Mother. Josce was an internal refugee. This unfortunate man met his end when he was murdered in 1283 in the woods in Plumsted in Kent. Whilst the Calendar Rolls claims that he was robbed, the enormous sum of £5 was found on his person. Modern policing might describe this as a suspected racially motivated attack but that is not why he is recorded in official state papers. Plumsted at the time fell within the lands of the Archbishop of Canterbury who decided to claim the £5 from the deceased. He claimed: his land, his fiver. The King was having none of this. At the time, the King claimed to own all the Jews of England as his personal property. It was his Jew, his fiver. The Calendar Rolls records a victory for the crown. There is no mention of the recourse to justice or any form of redress for the poor victim or his family here. Thankfully things have changed.

The role of memory is often debated. Indeed, when we at CCJO. René Cassin developed a Declaration on Judaism and Human Rights we approached many leading scholars, rabbis and human rights activists and lawyers for their advice and ultimately their signature.

One of those who said no wrote me a long letter. He was one of the leading human rights activists of the day and was Jewish. I respect him so will keep this anonymous. He wrote to tell me that he did not think that there was any connection between his Jewish background and human rights and could not sign. For some reason, he went on... On page two he described how perhaps the memory of the Shoah had influenced him in becoming a leading advocate of

human rights. By page 4 he thought it might just be possible that some of those values he had been brought up with influenced him.

I would suggest our connectivity to human rights: the respect and dignity of all men goes further back than recent history or the years of persecution.

Indeed, our commitment to human rights can be traced back to the memory that is at the heart of the Jewish faith: Passover. Last week we celebrated the Festival of Passover (Pesach) where we remembered the Exodus from Egypt.

David Ben-Gurion, once summed up this powerful memory when giving evidence at the UN. He said

"Three hundred years ago a ship called the Mayflower set sail to the New World. This was a great event in the history of England. Yet I wonder if there is one Englishman who knows at what time the ship set sail? Do the English know how many people embarked on this voyage? What quality of bread did they eat? Yet more than three thousand three hundred years ago, before the Mayflower set sail, the Jews left Egypt. Every Jew in the world, even in America or Soviet Russia knows on exactly what date they left – the fifteenth of the month of Nisan; everyone knows what kind of bread the Jews ate. Even today the Jews worldwide eat matza on the 15th of Nisan. They retell the story of the Exodus"

From this memory stems a Jewish imperative: to pursue justice for all (as it says tzedek, tzedek tirdof: justice, justice, you will pursue) not only for his or her fellow Israelite but all humanity:

To quote Devarim 24:17-16:

You shalt not pervert the justice due to the stranger, or to the fatherless; nor take the widow's raiment to pledge. But you shall remember that you were a bondsman in Egypt, and the LORD thy God redeemed you; therefore I command you to do this thing.

We must ensure justice to the weakest in society for we ourselves needed the helping hand of justice in Egypt.

Indeed, our story has become one of hope for hundreds of millions around the world whether it be the social justice movements in South America, the liberation theologians in the Catholic world, the anti-slavery movement, the civil rights in America or the anti-apartheid movement: that a slave people can be free and be brought out of slavery by a just and merciful G-d has given succour to those seeking freedom from oppression and hope for a better tomorrow.

As Jews we are told to relive the Exodus at our seder tables as though we were there, as though we came out of slavery: it is our foundation story. With our liberation comes an obligation to except the morality of the Torah: a moral code as to how we treat our neighbour and our fellow man. We can compare this to the foundation myths of other Ancient cultures: they are not a slave people but tend to be cities founded by sons of gods or semi-mythical creatures that then go on to conquer all. The Jews gift is a moral code that sets out their relationship to G-d, each other and the rest of humanity. For if we err from that path we are told it leads us into destruction and exile. Exile can be a physical one as Jews well know but also it can be moral and spiritual.

The Torah reminds us that we do not have only an obligation to our community and our people but to all humanity. Our scriptures do not start with G-d's relationship with the Jewish people. The Hebrew Bible does not start at Exodus where we find the first commandment given to Israel. It starts with the Genesis and the creation narrative: from this we learn that all humankind was created in the Image of G-d B'Tzelem Elohim. This is Judaism's universalism.

For to destroy, hurt, starve or to commit an injustice to another human being is a desecration of that image: a desecration of the divine. The Mishnah says "Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world".

- Mishnah Sanhedrin 4:5; Yerushalmi Talmud 4:9

This is quoted verbatim in the Quran too.

Each and everyone of us is minted from the same mould and yet is different: and yet if two humans were the sole people left on this earth then they could create a world entire: hence to destroy a human is destroy that world of possibility.

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We must ensure justice and are commanded to save lives:

The Torah states

Do not stand idly by while your neighbor's blood is shed (Lev 19:16). Rashi tells us we must act to save that neighbour's life. The Talmud states "*if a man sees his fellow drowning, mauled by beasts, or attacked by robbers, he is bound to save him*"...

However we are obligated too to do positive acts (Deuteronomy 13:5) "*You shall walk after the Lord your God*" by emulating G-d:

G-d made clothing for the first humans, visited Abraham when he was ill, comforted Isaac after his father's death, and buried Moses: so we must cloth the

poor, visit the sick, comfort mourners, and bury the dead. Maimonides says this obligation is extended to all humanity within the principle of Darkhei Shalom (the ways of peace) and we must do this for our neighbour whether or not they be a co-religionist.

The Jewish imperative does not allow us to turn our back on the stranger, the orphan or the widow. I would extend that to the child refugee who has made a journey of thousands of miles from a war he or she did not create; and certainly once they or their parents that have made that journey should not be incarcerated indefinitely or be deprived of an education and we should certainly not turn our backs on unaccompanied minors; indeed the imperative extends to the homeless person who has found themselves on the street following recent redundancy; the sick person who has found that their treatment is no longer fundable in the public health system...

I would say today this extends into a more complex world of environmental rights and global economic duties that we don't have time to go into detail here. Needless to say the greatest challenges to universal rights in the future will come from environmental issues that threaten the lives, homes, welfare and food supplies of some of the most populated places on the planet.

Indeed these category of obligations in Judaism belong to the realm of *Kvod habriot* or human dignity which is another central tenet of our belief system. It is finding the Divine spark within each and everyone of us. The Talmud (Jerusalem Talmud, Chagigah 2:1; Midrash Genesis Rabbah 1:5) states: "One who gains honour through the degradation of his fellow human has no share in the World to Come. All the more so if one gains honour at the expense of the honour of the Eternal One."

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What of those who argue that we have responsibilities and obligations in Judaism rather than rights. I think here there is a confusion in terminology: it is true that Judaism is based on a series of mutual obligations between individuals. We have duties and obligations as set out in the framework of Halakhah or Jewish law and these can be transferred to a series of values. we as individuals have obligations towards the state and the state has obligations towards us. Those who have criticised 'rights' seem to lose grasp of the concept: States have never been so powerful in terms of their power of coercion and their firepower and their control over life and death. Therefore the states obligation to the individual is not to use that power to deprive him or her of life, liberty, food and water, not to torture him or her. These are basic fundamental rights and not as some detractors of human rights would have us believe the right to everything: to demand from the state anything and everything. To have a life free from starvation and torture must not be regarded as privilege. It is the states obligation to us.

As I tell audiences have yet to find the right to have an ice-cream every Sunday afternoon in the Declaration. The declaration is about fundamental rights.

And yes we do have obligations to each other and as Article 29 of the Declaration states "Everyone has duties to the community"...

True we need to deal with difficult parts of Jewish law too.

And perhaps sometimes we have had to get there ourselves. The Torah allows for both slavery and capital punishment. However, in both cases, complex rules are put down about how we must treat the slave, how we should free slaves on the Jubilee, how we are enslaved ourselves when we take on slaves... We reach the conclusion that slavery is not a good, moral or Jewish activity... All roads lead us away from it.

Similarly In terms of the evidentiary burden to use the death penalty: two witnesses are needed, it is extended only to a limited number of crimes tame this leads the Talmud to declare that court that hands down a death sentence once every 70 years is considered a bloody Sanhedrin. Judaism outlawed the death penalty thousands of years ago.

Indeed in modern times, again Jewish activists have been in the forefront of campaigning against the death penalty.

It was again with Clemens Nathan, that I had the pleasure of meeting Senator Robert Badinter, who defended the last man to be executed by the guillotine in France in the 1970s and as Justice Minister passed legislation outlawing the death penalty. In giving a speech at the Foundation of the Memorial of the Shoah Badinter made two points that stood out for me:

HE said of crimes against humanity that we cannot be indifferent: "Between the Jewish child whose life was thrown away in the gas chamber by the SS or the Rwandan child cut in two by a machete by ethnic cleansing and there is no difference of suffering here in the sight of G-d or man. For a Jew after the Shoah we must all seek justice and solidarity with all victims of human barbarity".

Turning to his own faith in the same speech he then said:

"To stay Jewish after the Shoah is the ultimate victory... And Judaism is the bearer of life , not of death."

For me the two concepts are compatible and one at the same. Indeed, I would beg to suggest that Clemens embodied this: he demonstrated that at the core of our Jewish values is an imperative to respect human dignity, love humanity and life: in this he was an example to us all relating to the other authentically and humanly in all circumstance; and also he showed us that our experiences, his experiences, are a lesson in history for us all: only through protecting human rights can we ensure that the atrocities of the past do not befall others.

This was the legacy he passed onto us all.

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