

INTERNATIONAL LAW AND TORAH

LAW

A commentary on *Parashat Yitro*

By Dr Shaiya Rothberg

Parashat Yitro is a fascinating window onto the politics of Torah. It tells of Moshe's first attempt to establish the Israelite polity. It looks like he wants to erase all trace of Egyptian hierarchy through a theocratic-anarchy in which each person is judged directly by G-d, through Moshe as a prophetic window, with no human authorities in between. Yitro thinks that's unrealistic: "*Stand you between the people and G-d*", he says to Moshe (following Rashi's interpretation of Shmot 18:19), "*otherwise the whole thing will fall apart!*" (ibid. 18:18). Yitro instructs Moshe to find judges "*who fear G-d, people of truth, who hate corruption*" and appoint them over the people (ibid. 18:21).

Establishing justice is no small part of what G-d wants from Israel. This is clear from the Torah's many laws. And the only hint G-d gives as to why G-d chose Avraham was "*that he will command his children...to keep the way of the Lord by doing righteousness and justice*" (*Bereshit* 18:19). Many interpreters believe that Israel's essence as a "*holy nation*" involves this "*righteousness and justice*" (see for example Rashar Hirsch on Shmot 19:6). But if establishing justice is core to Israel's religious mission, why did we learn it from a non-Jew? Is it not strange to learn a core meaning of Torah from 'outside'?

I believe that this story conveys a message critical to understanding the mission of the People Israel in our generation. Let me explain. The Rabbis teach (Bavli Sanhedrin 56b) that G-d commanded all humanity to protect every person through just law. They call this commandment "*Mitsvat Dinim*". Some sages teach (see Sforno's introduction to the Bible for an eloquent example) that G-d's purpose in choosing Avraham and establishing

Israel was that we accomplish G-d's goals for humanity, such as fulfilling *Mitsvat Dinim*. In fact, the Rabbis (there in Bavli Sanhedrin) point to the verse about the righteousness of Avraham (*Bereshit* 18:19) to explain the meaning of *Mitsvat Dinim*. This is because G-d chose Avraham not just to establish justice in Israel but for all humanity.

How can we, as Avraham's children, move forward on that mission? One path was laid out by the visionary religious Zionist leader Rabbi Chaim Hirschensohn, who wrote about international law between the two World Wars. Rabbi Hirschensohn argued that the international law of his time, such as the protection of non-combatants during war, was binding Torah law. The Torah obligates us to respect international law because of *Mitsvat Dinim* and because international treaties, which the Rabbi called "covenants of the peoples of the earth", are legally binding according to Jewish law. But the Rabbi envisioned a more robust international law than that of his time; one that would protect every person in every place and even from their own countries.

Today's international Human Rights law constitutes an attempt to accomplish the Rabbi's vision. Following that vision, I believe that Human Rights law is binding Torah law and that Human Rights activism, the global

civil society effort to guarantee Human Rights to all people, is core to our

mission in history. *Parashat*

Yitro lays out the paradigm

for this combination of

Jewish particularism and

humanism. Non-Jewish

Yitro taught Moshe how to

establish legal and political

justice because while Israel's

religious path is unique, the just

global order that it is her mission

to help establish is universally human.

The paradigm of *Yitro* helps us understand that by struggling for Human Rights with all our hearts, souls and resources, we demonstrate faithfulness to our mission as the children of Avraham, "to keep the way of the Lord by doing righteousness and justice".

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