

# Human Rights on the Mountain of God

## Contra ‘Religious Zionism’

BY SHAIYA ROTHBERG

**F**EW WOULD TAKE ISSUE today with the claim that religious Zionism is the most particularistic and self-centered of contemporary Jewish identities. While many streams of Judaism and Zionism place the well-being of humanity at the center of their world view, mainstream religious Zionism seems only concerned with Jews. This trend is most painfully apparent in Israel’s religious Zionist political party, “The Jewish Home” whose flagship projects consist of Jewish domination of Arabs (including spearheading brutal discrimination on the West Bank), Orthodox domination of Israeli society, and shifting Israeli public school curriculums away from democracy and towards Jewish particularism. For some of its most prominent Knesset members, the “Jewish Home” is also virulently homophobic.

Clearly, something has gone very wrong in the place where Jewish religion and nationality meet. But it cannot be denied that there is tremendous energy and allure in this combination. Judaism, like many religions, is a treasury of what’s most beautiful about the human spirit including powerful techniques for achieving spiritual transcendence. The religious striving for higher spirit, combined with the moral vision of the prophets and the organic vitality of Jewish national identity grounded in the Land of Israel, is potent indeed. Here are all the necessary materials for a spiritual politics of meaning. And since both Judaism and Zionism include universalistic streams, it cannot be that their combination must necessarily result in collective narcissism. Surely, there is also great potential for good. For these reasons, and despite the dangers, I count myself a religious Zionist.

Where did religious Zionism go wrong? Seduced by Jewish supremacism and fundamentalism, undeniably prominent streams of Jewish tradition, we directed our energies to the morally vacuous ideal of conquering the “Greater Land of

Israel.” On that altar we sacrificed the ideal of justice for all. This historic moral failure of Judaism must be understood in light of the trauma of the Holocaust and our ongoing struggle to survive in Israel. But I also believe that the return to the land in which we were forged ignited an underlying tribalism that has overpowered our commitment to humanity. We chose ethnic domination over Judaism’s historical goals of spiritual transcendence and global justice. It is time for religious Zionism to embrace an alternative vision.

Such a vision was offered in 1919 by the deeply learned religious Zionist sage Rabbi Chaim Hirschensohn (1857-1935). Born in Safed, he grew up in Jerusalem of the Old Yishuv while studying in his father’s yeshiva. After being excommunicated by the ultra-Orthodox Ashkenazi establishment for advancing modern Hebrew in schools and openness to modernity, Rabbi Hirschensohn moved to Turkey where he directed some of the modern era’s first Hebrew-speaking schools. Then, from roughly the turn of the century until his death in 1935, Rabbi Hirschensohn lived in Hoboken, New Jersey, where he maintained a passionate love affair with American democracy—a love that was powerfully reflected in the Torah that he taught.

Rabbi Hirschensohn’s literary legacy is of immeasurable value for anyone interested in a deeply rooted and thoroughly humanistic interpretation of Judaism. I hope that readers working to accomplish Tikkun’s mission of grounding progressive politics in profound spirituality will find in his teachings a potent resource. The rabbi wrote thousands of pages of Biblical and Talmudic commentary, halachic responsa and works of philosophy in an early modern Rabbinic Hebrew. While he had no students to speak of, he corresponded with dozens of rabbis, including figures such as Rav Kook and Rav Uziel, and published their deliberations about his works in

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his response. In recent decades, an impressive array of academics has focused on his writings, including Daniel Elazar, Eliezer Schweid, Avi Sagi, David Zohar, Ari Ackerman, Yossi Turner, Amos Israel, myself, and others.

The vision that Rabbi Hirschensohn published in 1919 was of an international court of law on the Temple Mount in Jerusalem. I believe that it captures the essence of an enlightened religious Zionism. The rabbi opens his discussion with the question of what will be done with the Temple Mount in modern Israel (Malki Bakodesh I, pg. 13-16 in David Zohar's Edition; online here; my translation):

Among the issues that stand as a serious obstacle for any religious [Jew is] . . . the question "what will we do in the place of our Holy Temple?" which is exalted from the beginning to establish the glory of God's praise even now, so that the nations will fear the name of God and all of the kings of the earth [will fear] God's glory, and every person shall pour out their soul in prayer and supplication before God, in this place, where God has made God's name to dwell.

First, let us notice the ambiance of the question. Clearly, for Rabbi Hirschensohn, the Temple Mount evokes the awe and radical amazement characteristic of the religious impulse. The Temple Mount is an ultimate liminal space, where one feels the smallness of oneself as a creature, like when standing on the edge of a great body of water or when peering into the sky. It is the place of God's glory.

There is also something unsettling about his talk of nations fearing the name of God. Are we again witnessing the dangers of religion? And yet, in our world of cynical demagogic and exploitative political leaders, I'd love to put the fear of God into them, properly understood. I think the rabbi has the right idea in mind. To further unfold his vision, we need to revisit the prophet Isaiah's much more ancient vision of global justice centered on the Temple Mount:

1) The word that Isaiah the son of Amoz saw concerning Judah and Jerusalem. 2) 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. 3) 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. 4) 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 2:1-4)

This vision is the root of Rabbi Hirschensohn's alternative ideal. The goal is not to Judaize and dispossess but to achieve justice for humanity. Isaiah's vision exemplifies for me the

positive potential of the connection between Judaism and the Land. I imagine that the prophet was a sort of Israelite Gandalf who sprang from the bedrock of Jerusalem to give voice to Israelite religious consciousness. Something cosmic had awoken in Jerusalem that sought to change the global order and protect all human beings. The prophet reached into the ocean of religious symbols that animated him and clothed what had awoken with words. Those words went on to imprint the religious imagination of billions with a divine ideal of justice for all Homo sapiens. The rabbi finds in Isaiah's vision the core of the Jewish religious-national ideal.

But in the context of religious-national ideals, we must pay close attention to the shadow of domination in Isaiah's vision. The prophet imagines a world in which all people are ruled from Jerusalem by a God called YHVH. It is probably enough for most readers to replace Jerusalem with Tehran, and YHVH with Allah, to see the potential for an ideology of domination. I myself stay closer to home and imagine Israel's Chief Rabbinate on steroids. Either way, read like this, the prophet could today find work as a Member of Knesset for the Jewish Home.

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However, we can emphasize different elements of the vision than those. Isaiah makes clear that the global order will be based on consent (“Come you, and let us go up to the mountain . . .”) and achieve global peace (“Nation shall not lift up sword . . .”) resulting in a shift of resources from the military to human security (“and they shall beat their swords into plowshares . . .”). No matter how attractive, a Jewish crusade for world domination seems unlikely to achieve those results. So we might interpret “the rule of God” as identical to the consent-based global order of peace described in the vision, rather than as Jewish triumphalism. Read this way, the prophet would feel more at home at the International Criminal Court in The Hague than among the members of Israel's Knesset. Adopting any ancient religious text as a contemporary ideal requires that we take full moral responsibility for how we interpret it.



Let's explore Rabbi Hirschensohn's interpretation. We'll start with a point he found perplexing. Traditional Jewish liturgy includes praying three times a day for the reinstatement of the sacrifices. And yet in his vision of the End of Days, which we might think of as the very last date that something can happen, the prophet sees no sacrifices. Rabbi Hirschensohn remarks, "it is exceedingly strange that Isaiah did not mention the sacrifices . . ." And he explains:

And we can only explain this by saying that Isaiah prophesized about a time like the present one when we are not yet obligated to build the Temple for sacrificial worship . . . [but] already then "the mountain of the LORD's house shall be established in the top of the mountains . . . 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." And the simple meaning of this passage is that "He shall judge among the nations" refers to the "Mount of the Lord's house": That "the Mount of the Lord's house" shall judge between the nations . . .

To explain the lack of sacrifices in Isaiah's vision, Rabbi Hirschensohn invokes the idea that there are two stages of redemption and we are presently in the first stage. During this stage, humans are meant to accomplish two goals through

their own action without miracles: The resurrection of the Jewish body politic in Eretz Yisrael and the global rule of justice. Only in the second stage of redemption will there be sacrifices, alongside prophecy and miracles. Since the prophet's vision is of the first naturalistic stage, they aren't included.

The rabbi's interpretation is Zionist midrash: God's traditional roles as the ingatherer of exiles and establisher of global justice are replaced by human activism (with divine inspiration). We're not meant to just pray to return to the Land but also to buy a ticket. That's why the rabbi emphasizes that the House of God, rather than God, does the actual judging. His reading is based on the Hebrew "hu" which can mean either "he" (will judge the nations) or "it" (will judge the nations). If we need God to judge, we need a miracle. But we are meant to accomplish Isaiah's vision by ourselves. So the House will judge, without miracles, in the form of an international court of law:

. . . "The mount of the Lord's house" shall judge between the nations. And this is because in this House will be the Palace of Peace. But not like the Palace of Peace in The Hague, where the peace representatives prostrate themselves before the glory of those whose power casts its shadow over the world, and even the hint that a powerful country has done

wrong is not tolerated. And it will be more than the League of Nations . . . which has more good will than legal power.

Rather it will be the “Court of the Nations,” which will judge the peoples in justice and the nations with righteousness . . . And the corrupt idea that nationalism justifies evil and iniquity will be obliterated. And justice for every nation will be like justice for every individual, for each has the right to develop in their unique way but without damaging their fellow; and there will be no more tyranny: not by one person on another, nor by one nation on another nation, nor by a person on a nation, nor by a nation on a person; nation shall not take up sword against nation, neither will they learn war anymore.

The Court of Nations is the rabbi’s interpretation of the prophet’s vision. For both, God’s mountain in Jerusalem symbolizes the global reign of justice. Rabbi Hirschensohn understands global justice in light of a critique of the international law and government in his time. The Peace Palace in The Hague was established in 1913 and was involved in the implementation of the early Hague conventions (1899 and 1907) setting out limitations on warfare, protection for non-combatants, and the like. The League of Nations was established in 1920 and its goals included global peace and health, protecting minorities, and labor standards.

The rabbi’s critique of these institutions is that they lack the will and power to accomplish their mission. It is not their goals, but their failure to accomplish them, which is the problem. This positive evaluation of the goals of international law in his time dovetails with Rabbi Hirschensohn’s halachic analysis, appearing in other places, according to which international law is a branch of Torah law. He argues that in halachic terms, the treaties upon which international law is based constitute “the covenants of the peoples”, and that such covenants are absolutely binding in Torah tradition (think of the covenant at Sinai, for example). He cites the Talmudic ruling (Gittin 46a) that violating a covenant with a foreign nation is a desecration of God’s name and forbidden even if compliance with the covenant contradicts an explicit commandment. His conclusion is that obeying international law is an absolute Torah obligation for modern Israel even when Jewish law contradicts international law.

But the rabbi’s vision extends beyond the conception of international law prevalent in his day. He envisions a law that protects not only vulnerable populations like national minorities but the rights of every individual in every country. This profound limitation on state sovereignty, intervening even in how states treat their own citizens, anticipates the human rights revolution which began with the Universal Declaration of Human Rights in 1948. By including the most important innovation of human rights in his 1919 vision, the rabbi substantially offers a vision of global human rights three decades before the Universal Declaration.

However, just as in regard to Isaiah’s religious-political vision, here too we must watch vigilantly for the shadow of domination. For instance, as far as I know, Rabbi Hirschensohn never states his plans for the Dome of the Rock or the Al Aqsa Mosque in modern Israel. Given his commitment to international law, citizen equality, and religious freedom, I cannot believe he envisioned destroying Muslim holy sites. Even so, in light of religious Zionism’s weakness for Jewish supremacism, the rabbi’s silence is irresponsible. Taking moral responsibility for Judaism requires that we leave no door open for the politics of domination: No text and no thinker are above criticism.

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In the rabbi’s vision, the Court of Nations stands on the mountain in Jerusalem. But must it be there in his view to fulfill its purpose? We saw that the rabbi’s problem with the Peace Palace was that it failed to achieve compliance, not that it was in Europe. Furthermore, in spite of that failure, the rabbi recognized the international law of his day, centered in The Hague and Geneva, as authoritative Torah law. Clearly, if a “Court of Nations” arose in Europe and achieved global compliance with the international law that he ruled was binding from the Torah, Rabbi Hirschensohn would be the first to proclaim its sacred authority. The rabbi’s halachic logic is clear: The Court of Nations need not be in Jerusalem. And thus he clearly rejects the “Jewish domination” interpretation of Isaiah discussed above. But if so, what’s the point of his vision of the court on the Temple Mount?

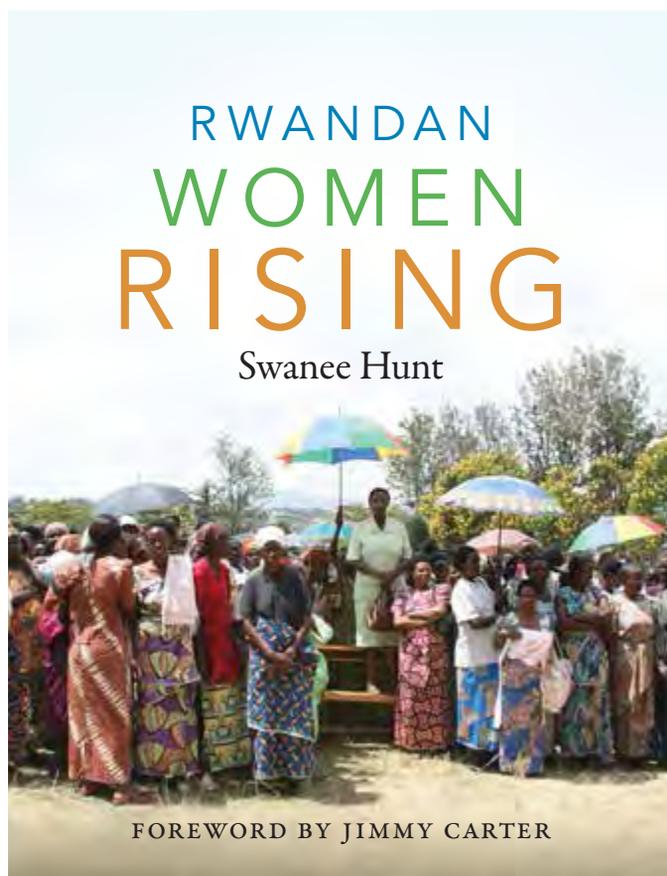
Rabbi Hirschensohn watched the international community labor at the task of protecting humanity through the global rule of law. They sought to prohibit the cruelest war tactics, to protect non-combatants, to defend national minorities, to establish labor standards, and to prevent war. The rabbi yearned to express the colossal religious significance he saw in these efforts. He envisioned the Court of Nations on the mountain of God not because he expected it would be erected there but to express the sacred importance of its task. And he framed global compliance with international law (expanded to include the human rights ideal of protecting every individual in every country) as the realization of the prophet’s

vision of global justice in keeping with the naturalism of the first stage of redemption. Rabbi Hirschensohn's vision seeks to express the Jewish religious and national significance of global human rights. I don't think that greater significance could be expressed using Jewish symbolism.

Here is the rabbi's alternative religious-national ideal in a nutshell: Thousands of years ago, in the place where Jewish religion and nationality meet, the divine ideal to protect all humans through a just world order was awoken. The prophet Isaiah bequeathed it to the world in his vision of global justice. Following the this-worldly logic of Zionist midrash, we must accomplish that vision through our own human efforts. And thus the two-fold mission of our era becomes clear: rebuild Jewish national life; and achieve global human rights. Global justice is the flip side of self-determination. In this Jewish Home, ethnic domination is not welcome:

A Jewish nationalism which turns its back on human rights desecrates God's name.

We'll conclude with one practical implication of this vision: There can be no greater act of loyalty to Israel than critiquing her policies in light of human rights. Your investment in the struggle for human rights in Israel is the ultimate expression of love and commitment. Before you read a report on human rights in Judea and Samaria, you should recite, "who has sanctified us through the commandments and commanded us to protect human rights" because Halacha teaches that one should bless before performing a commandment. The energy unlocked by Judaism's return to the Land was not meant for collective self-aggrandizement. That energy is *kodesh*—consecrated—for accomplishing Israel's mission to protect and nurture all human beings in the light of the divine ideal. ■



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