

*Yitro* February 18, 2017

וְאַתָּה תִּחְזֶה מִכָּל הָעָם אַנְשֵׁי חַיִל יִרְאַי אֱלֹהִים אַנְשֵׁי אֱמֶת שֹׁנְאֵי כִצֵּעַ וְשֹׂמְתֵי עֲלֵהֶם, שְׂרֵי אֲלָפִים שְׂרֵי מֵאוֹת שְׂרֵי חֲמִשִּׁים, וְשְׂרֵי עֶשְׂרֵת

Exodus 18:21 You shall envision from amongst all the people able men, who are G-d fearing, men of truth, hating unjust gain; and you shall put over the people, chiefs of thousands, chiefs of hundreds, chiefs of fifties, chiefs of tens.

Artist: Victor Brindate



The opening chapter of this week's Torah portion presents Yitro counseling his son-in-law Moses to set up a judicial system—local and national courts comprised of trusted and worthy men. Immediately following, the Torah tells of the preparation by the assembled people for receiving the covenant. The Israelites then receive the Ten Commandments, the original constitution of the Jewish people. Attempts to blend human jurisdiction, as advised by Yitro, and G-d's sacred law have persisted for centuries. Jewish leaders determined what was right and just according to what was considered G-d's law. How has this synergy played out in the modern State of Israel?

In March 1948, the National Committee and the Jewish Agency, institutions governing the [Yishuv](#), founded the 37-member National Council, which included representatives of all segments of communities throughout Palestine. The Council then elected an executive body headed by David Ben-Gurion.

On May 14, 1948, with the termination of the British Mandate for Palestine, the National Council declared independence. The National Council became the Provisional State Council, the executive branch of the new State of Israel. On January 25, 1949, Israel held its first general election during which the Constituent Assembly was elected. That Assembly later renamed itself the Knesset, which simply means "the conveners." During the year that followed, the new legislative branch of the country discussed and debated whether to issue a formal constitution. Ultimately, the first Knesset compromised, deciding that instead of a single constitutional document, they would appoint special committees to compose a series of Basic Laws to be approved by the Knesset. Eventually, all the chapters of these [Basic Laws](#) would, in effect, comprise the constitution of the State of Israel.

The path to approving these Basic Laws has at times been rocky. Ultra-religious factions objected to any Basic Law concerning civil procedure and individual rights, laws commonly outlined in democracies by their constitutions. Worried that certain rights and freedoms, if protected by Basic Laws, would conflict with Jewish laws, these religious leaders continually blocked the passing of a civil liberties law. However, in 1992, the Knesset approved two new Basic Laws, the first on Human Dignity and Freedom and the second on Freedom of Occupation. Secular groups argued that if Israel was to be a modern democratic state, these laws were essential. Observant progressive Jews argued that even Jewish law demanded these constitutional rights for an individual's protection. In 1995 a decision rendered by the Israeli Supreme Court determined these Basic Laws that pertained to civil liberties to be above other Israeli laws.

The portion of Yitro notes that when the Israelites gathered at the base of Mount Sinai they heard and saw the resounding voice of G-d. Witnessing the thunder, flashes of lightning, sound of a trumpets, and the smoking mountain as G-d introduced the Ten Commandments, the people were fearful. They said to Moses, "You speak with us, and we will hear; but do let not God speak with us, in case we die." God and Moses honored the people's request and, from this point on, all the statutes and judgments were delivered to the people from Moses and later through prophets, sages, and leaders of the day.

In Israel today, no person or group can claim to hear the will of G-d directly. Rather, leadership that represents all segments of society governs Israel as they legislate and administer new and existing laws according to national interest along with consideration to Jewish law.

### **Discussion Question:**

As the gap between the interests of secular and religious Jews in Israel widens, what role should government play in legal decisions that affect the entire population?

How and when should Jewish law inform Israeli law?

### **Additional Resources:**

Herman, Tamar. *The Israeli Democracy Index, 2015- Main Findings*, Chapter 3 State and Governance, 41-62, Israel Democracy Institute, Jerusalem, Israel 2016.

[http://en.idi.org.il/media/4256544/democracy\\_index\\_2015\\_eng.pdf](http://en.idi.org.il/media/4256544/democracy_index_2015_eng.pdf)

Israel's Basic Laws, <https://israeled.org/israels-basic-laws/>

Sheleg, Yair. "Religion and State: Is Israel Different than any Other ..." Israel Democracy Institute, Jerusalem, Israel, August 12, 2007 Accessed January 26, 2017.

<http://en.idi.org.il/analysis/articles/religion-and-state-is-israel-different-than-any-ooother-country-on-this-matter/>

"Yishuv." CIE. Accessed January 26, 2017. <https://israeled.org/bibliographies/yishuv/>