

AUGUST 24, 2009

Parashat Ki Tetzei

Concern for the Captive

Eishet yefat to'ar – “A woman of goodly form” (Deuteronomy 21:11)

According to the Torah, if an Israelite soldier saw a woman in the heat of battle and desired her, the soldier was obligated to first bring her to his home, shave her head, cut her nails and allow her a month of mourning for the loss of her home and family. Rambam (Guide to the Perplexed, 3:41) interprets these laws not as protection for the spirituality of the soldier (see Rashi on verse 12 and Ramban on verses 12-13), but for the rights of the helpless captive. “The law had pity on her and gave her the possibility to [mourn] until she is weary of grieving...If he does not succeed afterwards to convert her to the statutes of the law, she may not be sold or treated as a slave...This commandment contains encouragement to a noble moral quality.”

Rambam's interpretation of the laws of the captive woman outlines the moral imperative to safeguard the rights of the imprisoned. While Israel faithfully upholds this universally accepted tenet, Hamas stubbornly refuses by denying Gilad Shalit even the most basic human rights.

International law requires captives to be treated humanely by allowing them visitation both from their lawyers and the Red Cross. Israel, however, goes far beyond the letter of the law. Until this past March, when the policy was modified in hopes of improving the conditions of Israelis in captivity, Israel gave Hamas detainees “access to television, radio, newspapers, telephones and online education, and jail canteen allowances,” Reuters reported. Even with the change of policy Israel continues to exceed the requirements of international law by guaranteeing these prisoners visits with their families. In contrast, Hamas, which has held Israeli soldier Gilad Shalit since June of 2006, has allowed no family visitation or inspection of Shalit's living conditions by the Red Cross. During the more than three years of Shalit's captivity, Hamas has passed on only three letters he has written and one voice recording. “Hamas's prolonged incommunicado detention of Shalit is cruel and inhumane and may amount to torture,” according to a Human Rights Watch communiqué. As Middle East and North Africa Director of Human Rights Watch Sarah Leah Whitson said, “Hamas authorities have no excuse for cutting off Shalit from his family and the outside world for three years. Punishing Shalit for grievances against Israel is unjust and unlawful.”

Hamas could learn from the Israelites treatment of the *eishet yefat to'ar*. Ultimately, the terrorist group's treatment of captives says as much about their own humanity as it does about their ideology. ■

Upholding Obligations

B'motza sfatecha tishmor - “That which emerges from your lips you shall...carry out” (Deuteronomy 23:24)

At the conclusion of the section on the taking of vows, the Torah commands us to adhere to our commitments. The Talmud interprets the language of the text to include three separate *mitzvot*: “‘That which comes out of your lips’ – this is a positive commandment [to keep one's verbal pledges]; ‘You shall observe’ – this is a negative commandment [prohibiting one from violating those promises]; ‘And you shall do’ – this is a warning to the courts to compel you.”

(Rosh Hashanah 6b) While these verses refer specifically to vows to offer sacrifices in the Temple, they also convey the public requirement to ensure that individuals lived up to their personal and communal commitments.

Just as the ancient Jewish courts ensured that individuals honored their commitments, the international community must now ensure that the International Atomic Energy Agency (IAEA) honors its mandate and fully reports on Iran's nuclear activity.

According to the IAEA website, "the IAEA is the world's nuclear inspectorate. Inspectors work to verify that safeguarded nuclear material and activities are not used for military purposes." Yet, according to senior Western diplomats and Israeli officials, the U.N.'s nuclear watchdog is hiding compelling evidence of Iran's drive for a nuclear weapons capability, the Israeli newspaper Ha'aretz reported. The officials accuse the IAEA, led by Mohamed ElBaradei, of withholding evidence obtained by its inspectors over the past few months indicating that Iran was developing a military nuclear program and studying nuclear weaponization. American, French, British and German senior officials have reportedly pressured ElBaradei to publish the information next month in a report due to be released at the organization's general conference. Despite the alleged censorship, recent IAEA reports have noted alarming advances in Iran's uranium enrichment activity – the key element of a nuclear weapons program. For more on Iran's nuclear program, please visit www.aipac.org/Iran.

The failure of the IAEA to fully report on its findings in Iran demonstrates that the organization has not lived up to its commitment to serve as an impartial nuclear inspectorate. Like the *beit din* of old, the world must now intervene to ensure that the IAEA "observes and does" its job by fully reporting on Iran's nuclear program. ■

Louder than Words

Vezacharta ki eved hayita – "Remember that you were a slave" (24:22)

While the Torah commands us to remember what Amalek did to the Jewish nation (25:17), we do not find a similar commandment to remember the Exodus. Rather, the Torah instructs us in numerous ways to perform actions that remind us of the Exodus and inculcate its lessons into our daily lives. These activities include rituals like celebrating Shabbat and Passover. Other commandments, like the *mitzvah* to leave produce in the field for the poor, remind us of our own humble beginnings in Egypt, as verse 24:22 states, "You shall remember that you were a slave in the land of Egypt, therefore I command you to do this thing." In repeatedly using active commandments to help us remember the Exodus, the Torah transmits the critical message that deeds resonate more strongly than words, and as such it is only our behavior that can transform our intentions, be it remembering the Exodus or otherwise, into reality.

The performance of actions in order to remember the Exodus teaches the power of activity over words. The Arab states and the Palestinian Authority must now harness this power and translate their expressed desires into concrete actions in order to resolve the conflict.

While Palestinian Authority President Mahmoud Abbas recently urged his Fattah party to give peace talks with Israel a chance, Abbas and several Arab leaders have also explicitly stated that they have nothing to do to advance the cause of peace until the U.S. forces Israel into further concessions. Seated with Egyptian President Hosni Mubarak, President Barack Obama rejected this view and called on Israel's neighbors to demonstrate their commitment to peace with the Jewish state. "My hope is that we are going to see not just movement from the Israelis, but also from the Palestinians around issues of incitement and security, from Arab states that show their willingness to engage Israel," Obama said. The President's call for action by the Arab states echoes similar calls from overwhelming bipartisan majorities in both the House and Senate pressing Arab leaders for "dramatic gestures" toward Israel.

Israel continues to remove roadblocks and find ways to bolster the Palestinian economy in the hopes of creating a climate for peace. The time has come for Israel's neighbors to reciprocate, and like the commandments which help us remember *yetziat mitzrayim*, harness the power of actions. ■