

MAY 3, 2010

Parashat Behar-Bechukotai

Nefarious Negotiation

Al tonu ish et achiv – “you shall not wrong one-another” (Leviticus 25:14)

Many commentators derive a prohibition called *ona'at mammon*—overcharging—from the admonition *al tonu ish et achiv* appearing in the context of monetary transactions. Rambam (Laws of Sales, chapter 13) elaborates on this concept, explaining that the Torah specifically prohibits selling or trading an item for more than one-sixth above its actual value. Why does the Torah prohibit a person from charging above-market prices if a buyer is willing to pay? In the Guide to the Perplexed (Section 3, chapter 42), Rambam explains that the law's goal is “that one side should not increase his portion completely, and each side should benefit.”

The prohibition of *ona'at mammon* reminds us that a transaction cannot be successful if one side tries to take advantage of the other. Today, this concept is most clearly visible in the negotiations over the release of Gilad Shalit.

Nearly four years ago, Hamas terrorists crossed into Israel and attacked a group of Israel Defense Force (IDF) soldiers. During the attack, two IDF soldiers were killed, five others were wounded and then-Corporal Gilad Shalit was kidnapped. Shalit remains in captivity today because Hamas refuses to free him until Israel releases hundreds of terrorists—many of whom were directly involved in carrying out murderous attacks on Israeli civilians. However, because so many terrorists who have been released in past prisoner swaps continued to commit violent acts against Israeli civilians, Israel has been unable to agree to Hamas' terms. Despite the unbearable price which Hamas is demanding for Shalit's release, the Jewish state continues to work through third parties to negotiate a deal. Now, in its latest efforts to prod Israel to bow to its demands, Hamas' Qassam Brigades have broadcast an animated video suggesting that Shalit's father will only be reunited with his son following Shalit's death. As *The New York Times* reports, “At the end of the video, the elder Mr. Shalit is shown witnessing the return of his son's coffin—before waking...to realize that this scene had just been a bad dream and his son is still alive. The video then ends with the words, ‘There is still hope.’”

Israel's determination to bring Gilad Shalit home speaks to the Jewish state's deep commitment to its people. However, in the negotiations for Shalit's release, Hamas has long passed the threshold of the *ona'ah*. ■

Prosperous Peace

Venatati shalom ba'Aretz – “And I shall give peace in the land” (Leviticus 26:6)

The Torah describes the promise of bountiful rain and abundant food as a reward for following God's commandments. Interestingly, along with these necessities for survival, the Torah also states that God “shall give peace in the land.” Why does the text connect peace with subsistence? Rashi explains, “Perhaps you will say—behold we have food and drink [and this is enough to sustain us], but without peace we have nothing! Therefore the verse adds that after all, ‘I shall give peace in the land.’ From this we learn that peace is equal in value to everything.”

The Torah's implication that peace is as critical to physical sustenance as rain or food has been internalized by Israel—a country which continually demonstrates its commitment to peace.

Even before the establishment of the state of Israel, the leaders of the Jewish community in then-British Mandate Palestine sought peace with their Arab neighbors. However, it would take more than 30 years after Israel's establishment for one of its Arab neighbors to sign the first peace treaty with the Jewish state. In 1979, Israel agreed to return the entire Sinai Peninsula to Egypt in return for a peace agreement and normalization of relations. Fifteen years later, Jordan's King Hussein and Israel's Yitzhak Rabin signed a peace treaty—making Jordan the second Arab state to formally come to terms with Israel. In addition to these successful treaties, the Jewish state has taken massive risks for peace in recent history. In 1993, Israel granted the Palestinians unprecedented authority over Gaza and parts of the West Bank. In 2000, Israel agreed to President Clinton's proposals for a final peace between Israel and the Palestinians, yet was rebuffed by then-Palestinian Authority President Yasser Arafat. In 2005, Israel withdrew from all of Gaza—only to be met with unrelenting terror attacks from the coastal strip. More recently, Israel removed approximately 330 West Bank checkpoints and roadblocks since April 2008—improving the freedom of movement for Palestinians. Finally, last year Israel announced and implemented an unprecedented 10 month moratorium on construction in the West Bank. For more on Israel's quest for peace, click [here](#).

Every time that a true partner has presented itself, the Jewish state has seized the opportunity to achieve peace. Israel's additional proactive efforts demonstrate that when those who seek to harm Israel finally recognize that peace is a basic necessity of life, a new era of tranquility will finally be ushered in. ■

Stubborn Denial

V'im telchu imi keru – “And if you walk contrary unto Me...” (Leviticus 26:21)

Commentators struggle with the phrase at the end of verse 26:21: “I will bring seven times more plagues upon you.” What type of action would have prompted such a harsh response? Many scholars explain the term *keru* to mean “as happenstance.” This interpretation implies that should the people see their suffering as mere chance—as opposed to retribution for their sins—God would increase their punishment. Yet, Rashi (on 26:21), quoting Menachem ibn Saruq, suggests that the word implies “unwillingness.” According to this definition, those who received this punishment, “harden their hearts to withstand coming closer to Me [God].” Therefore, this extreme penalty was reserved for those rebellious Israelites who understood the cause of their punishment, yet refused to change their ways.

Nowadays, like these disobedient people in the Torah, Iran understands the cause of the sanctions placed upon them, yet defiantly refuses to modify its actions.

As the United States steps up international pressure to impose a fourth round of United Nations (U.N.) sanctions on the Islamic Republic, Iranian President Mahmoud Ahmadinejad continues to deny the existence of an Iranian nuclear weapons program and rejects the validity of international sanctions. According to a Reuters report, Ahmadinejad said that “The nuclear issue of Iran has turned into a big test for the entire world... [The U.S. and Britain] say they are concerned about the building of a nuclear bomb, but they are lying...The measures that have been taken or are going to be taken by the United States and its allies in the U.N. Security Council lack the legal validity.” Meanwhile, even as the U.N. considers further sanctions, the House of Representatives and the Senate recently launched the conference committee to merge their respective versions of the Iran sanctions legislations. While both chambers have passed bills sanctioning Iran's importation of refined petroleum products, the language of the two bills differs. The conference committee—comprised of 7 senators and 17 representatives—is charged with merging the two versions into one comprehensive bill that can be agreed upon by both the full House and Senate, and then be sent to the president for his signature. For more on Iran, visit www.aipac.org/Iran.

Iran's behavior demonstrates that even today there are those who continue to *holech b'keru*. Hopefully, a new round of U.N. sanctions, and a comprehensive U.S. sanctions bill, will finally convince the Iranian government to abandon their nuclear weapons program once and for all. ■

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