

SEPTEMBER 1, 2014

Parashat Ki Teitzei

Acting Morally During Times of War

A woman of goodly form (Deuteronomy 21:11)

אשת יפת תואר (דברים כא:יא)

Throughout history, soldiers at war abused females of an enemy, viewing them as spoils of war to be used and discarded. Thus, Rabbi Elazar Aaronson writes that the laws surrounding the *ishet yefat to'ar*—the “woman of goodly form”—“prevented, almost completely, rape during times of war...representing an ethical practice far beyond the accepted practice of the nations of the world...From this we learn that we even today, we must also act morally in the field of battle. This does not mean not to fight...but it does mean that we must try and minimize, as much as possible, civilian casualties, for example.”

Through the laws of the *ishet yefat to'ar*, the Torah pushed the Jewish nation to reject the immoral practices of its neighbors and act morally even during wartime. In its actions during Operation Protective Edge, Israel did just that.

During Operation Protective Edge, Israel was faced with an immoral terrorist organization hoping to achieve maximum civilian casualties—even among its own population. Yet Israel consistently acted to protect the lives of civilians, be they from Israel or Gaza. While Hamas fired from civilian areas using its own citizens as human shields, the IDF used precision airstrikes on weapons caches, tunnels, and other terror targets and frequently [aborted operations](#) when bystanders were near a target. In addition, the IDF used leaflets, phone calls, and non-lethal sound bombs as evacuation warnings to civilians when they were in the vicinity of a target. In a speech on the Senate floor, Senator Charles Schumer [said](#), “Of course they have to eliminate the rockets and rocket launchers, but what other society sends leaflets to the house where they have these rockets launchers and says ‘please vacate.’ What other society tries to call people on cell phones and says ‘leave – we have to get rid of the rocket launchers, we don’t want to kill innocent people.’ That’s what Israel did.”

When asked during the operation what more Israel could do to prevent civilian casualties, Col. Richard Kemp, the former commander of all British forces in Afghanistan [said](#), “No other army in the world has ever done more than Israel is doing now to save the lives of innocent civilians in a combat zone.” According to the Israeli newspaper [Israel Hayom](#), Israel Prize laureate Professor Asa Kasher, who helped formulate the IDF’s Code of Ethics, confirmed that the Israel Defense Forces carried out Operation Protective Edge in compliance with ethical requirements. “Every battalion commander has an officer in charge of locating civilians, and everything is overseen by too many lawyers, who help direct the operation on the ground.”

Judaism teaches us that we must continue to press forward in our ethics, raising moral standards for ourselves and the world. During Operation Protective Edge, Israel once raised the bar of ethics during wartime.■

Realism, Not Optimism

A stubborn and rebellious son (Deuteronomy 21:18)

בן סורר ומורה (דברים כא:יח)

In setting conditions for the execution of the “wayward son”, who we judge “based on his ultimate end [as a murderer]” (Sandhedrin 71a), the Sages established specific criteria required to legally categorize the youth as a

“stubborn rebellious son”. How could the Torah mandate such a severe punishment for a seemingly “minor” criminal? Rabbi Elisha Aviner writes that although there is a small chance that the youth will rehabilitate and not ultimately develop into a dangerous criminal, “it is the job of the criminal justice system to protect [innocent] citizens. For this reason, it is not permitted to endanger those citizens by taking an overly optimistic view of a law breaker.”

When dealing with those who break the law, we cannot allow optimism and hope to cloud our view of reality. As Iran continues to produce nuclear material, the world seems to prefer optimism and hope to the facts.

Iran currently has enough low-enriched (3.5-5 percent U235) uranium that, if it were further enriched to 90 percent (weapons grade), it could make seven nuclear weapons. With its current infrastructure, Iran could produce enough weapons-grade uranium to make a bomb in just two months if it only used the 9,000 centrifuges it is currently operating. Iran could also significantly shorten that time frame by employing 11,000 additional centrifuges that it has installed but is not operating today. Throughout its negotiations with the international community, Iran has insisted that it will not dismantle its nuclear development program. And, while it has [consistently insisted](#) that its nuclear program is for “peaceful purposes”, a wide array of evidence—including Iran’s intransigence, past activities, and its history of duplicity—strongly indicates otherwise. [American policy must prevent Iran](#) from achieving a nuclear weapons capability. Leaving Iran with the ability to construct a nuclear weapon in the hopes that it would choose not to do so represents a reckless optimism that would present an existential threat to Israel and arm the world’s leading sponsor of terrorism with the ultimate weapon.

Just as the Jewish community could not allow hope and optimism to endanger innocent citizens, the world cannot let unrealistic optimism about Iran allow the Islamic regime the time it needs to build a nuclear weapon.■

Bringing Long Life by Building the World

You shall send away the mother (Deuteronomy 22:7)

שלח תשלח את האם (דברים כב:ז)

Only two commandments carry the explicit promise of long life for their fulfillment: honoring one’s parents, and the commandment to send away the mother bird before removing chicks from her nest. The Midrash (Devarim Rabbah 10) wonders why one would not be permitted to take the mother bird as well. Why does she merit such unique treatment? “Said Rabbi Elazar: The Holy One said that because this bird engaged in the honor and the building of the world [by sitting on her nest], she should be saved [and sent free].” Moreover, by respecting her efforts to build the world, we too merit long life.

The Torah promises us long life when we show deference and respect to those whose efforts honor and build the world. Today, an Israeli company hopes to bring long life to patients suffering from ALS.

People from around the world have taken the Ice Bucket Challenge, which has raised awareness and tens of millions of dollars towards research for a cure for the neurodegenerative disease ALS - amyotrophic lateral sclerosis. At the same time, the website Israel21c [reports](#) that a unique stem cell treatment developed in Israel “to ease symptoms and slow the progression of ALS and other incurable neuromuscular diseases is going into Phase 2 clinical trials in three major US medical centers.” Based on a technique developed by Professors Daniel Offen and Eldad Melamed at Tel Aviv University for growing and enhancing stem cells harvested from patients’ own bone marrow, Petah Tikva-based BrainStorm Cell Therapeutics’ created the NurOwn platform. This development protects existing motor neurons, promotes motor neuron growth, and reestablishes nerve-muscle interaction. In fact, four ALS patients in an advanced stage of disease received NurOwn transplants at Hadassah hospital in Jerusalem in 2012 as “compassionate use” cases, and “all four had, at least for three to six months, a response of improvement in respiratory function or muscle power.”

The commandment to send away the mother bird highlights the importance of actions like the Ice Bucket Challenge which promote life and build the world. While we’re getting wet (and cold), Israelis might be closing in on a cure.■

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