

# Judging the Murderers of Jerusalem

- Basil Herring.

The Secretary of State—having belatedly acknowledged that she is a Jew—may not know it, but this week she, in spirit at least, publicly fulfilled one of the lesser known of the 613 mitzvot of the Torah. I refer of course to Ms. Albright's forthright words in identifying Palestinian terrorism as the first and primary impediment to progress toward future peace in the Middle East, and her clear and unambiguous denunciation of those who tolerate and use terror, and the threat of violence, to intimidate, and prevail over, those whom they are unable to defeat by other means.

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The Sefer ha-Hinukh, based on Maimonides, tells us that there are 2 mitzvot in this parshah, both having to do with the obligations of a Judge. Of these, the second reads as follows:

“A judge is forbidden to withhold true judgment in a dispute between two parties who come before him, out of fear that one of the litigants is a violent or arrogant person who might harm that judge. Rather must he render judgment without regard for the consequences to himself, without recusing himself by thinking ‘this litigant may kill me or one of my family, or destroy my crops or possessions.’ And what is the source of this prohibition? It is Devarim 1:17, that instructs a judge, saying ‘lo taguru mipnei ish, ki ha-mishpat lei-Lokim hu: you shall fear no man, for justice is the Lord's.’”

According to Ramban this mitzvah of the Torah applies equally when it is a Gentile who judges, as this is one of the Noahide Laws requiring the nations of the world to strengthen social justice, and it likewise applies to a Jew who judges Gentile litigants. In all cases, the Torah teaches us, having heard the arguments, and considered the evidence, truth—and not fear, honesty not deception—must prevail, for it is the unvarnished truth and unmitigated justice that are the very bedrock of civilization and any civil society. This being the case, I would submit that our fellow Jew, the first female Secretary of State, Madelaine Albright, whose grandparents perished in the Holocaust, in her role as outside arbiter in adjudicating the bitter conflict between these two warring nations, this week lived up to the spirit, if not the letter of this Torah law.

Consider the evidence. The Secretary stated: “The first principle, the sine qua for progress, is a mutual commitment to security against violence....there is no place in the peace process for violence or terror, and there is no room for using security cooperation as leverage in a negotiation... There must be 100% effort...sharing information, coordinating law enforcement, unrelenting effort to detect and deter potential terrorist acts... identifying and seizing arms caches... arresting and prosecuting those involved in planning, financing, supplying or abetting

terrorism...there can be no winks, no double standards, no double meanings... and with respect to the imprisonment of terrorists, no revolving doors.” To whom might she have been referring? There is little doubt, given her penchant for straight talk, that she was referring to the actions and policies, statements and behavior, of the so-called Palestinian Authority, and above all, its Chairman, Yassir Arafat.

Of this there can be little doubt. As Steven Emerson wrote in the Wall St Journal this week, throughout Gaza de facto terrorist camps are today in operation. Rallies where tens of thousands of Palestinians call for “death to Israel,” and proclaim “we are all suicide bombers” have become virtually routine in both the West Bank and Gaza. Hundreds of known terrorists roam freely through territory controlled by the Palestinian Authority, many of them arrested as a subterfuge only to be released with nary a hesitation. Arafat himself does not hide his support for the terrorists, routinely praising them, both before and after their suicidal exploits, calling them martyrs for the cause, before throngs of cheering supporters. And the most senior among the Palestinian police, Arafat appointees all, are known beyond doubt to have planned and supported acts of terror.

And what does Chairman Arafat say in Arabic to his fellow Moslems? Here are a few samplers. In January of last year, speaking to Arab ambassadors in Stockholm, this is what he had to say: We Palestinians will take over everything including Jerusalem... We of the PLO will now concentrate our efforts on splitting Israel psychologically into 2 camps. Within five years we will have 6-7 million Arabs living on the West Bank and in Jerusalem... we will import all kinds of Arabs... three and a half million Arabs will thus be brought to Palestine. You understand that we plan to eliminate the state of Israel and establish a purely Palestinian state... I have no use for Jews. We now need all the help we can get from you in our battle for a united Palestine under total Arab-Muslim control.

And less than a year ago, in October of 1996, at a refugee camp on the West Bank, he said We know only one word: jihad, jihad, jihad. When we stopped the intifada we did not stop the jihad for the establishment of a Palestinian State whose capital is Jerusalem. He who doesn't like it, let him drink some water from the Dead Sea or the Sea of Gaza... We are now entering the phase of the great jihad prior to the establishment of an independent Palestinian State whose capital is Jerusalem... we are in a conflict with the Zionist movement and the Balfour Declaration and all imperialist activities... We have a long struggle ahead of us. I call upon each and every one of you to bring into this world at least 12 children, and to give me 10 of them in order to continue the struggle.

And many other such speeches and statements could be quoted in equal measure. As George Will has written, “everything about Arafat's repertoire— the violence, the the rhetoric to Arabic speaking audiences about combat and jihad, and capturing all of Jerusalem, the refusal to fulfill the obligation to remove from the Palestinian Charter references to the illegitimacy and destruction of Israel— is consistent with the strategy adopted in 1974, that is the phased strategy of founding a Palestinian State from which will be launched the final attack on a diminished Israel. ...American diplomats who soothingly refer to Arafat as Israel's partner in the peace process visit Arafat's Ramallah office with its wall map of Palestine with Israel's border's erased, and such maps are frequently seen in political and cultural programming on Palestinian Authority tv... The diplomats probably wonder about the “real” meaning of such maps, just as diplomats wondered what's Nazi's really meant when they spoke of “destruction” of European

Jewry.”

Given all of the above, there is good reason to rejoice at this week’s words of Secretary Albright, enthusiastically endorsed as they were by President Clinton. Reason and room for cautious hope and optimism that at last our government in its indispensable arbitrate role in the so-called MidEast peace process, has begun not just to see the truth, but to do something about it. Or to paraphrase the Torah’s warning to the judge, not to fear the consequences of confronting the violent bullying party to the conflict, but rather with courage and candor, to uncover the truth, demand compliance, punish malfeasance, and implement the appropriate sanctions, as available under the law of nations.

Yes it is true that Madam Albright also had words pointedly critical of Israel for its so-called settlement and building activity on the West Bank and environs of Jerusalem. But she was remarkably clear that as far as the US is concerned, in responding to the two parties to the dispute, there can and ought to be no moral or diplomat equivalency between bulldozers and bombs, building and bloodshed. Given the sorry history of State Department pronouncements regarding Israel, such freshness and distinction, is surely a welcome breath of fresh air.

As Jews, as Zionists, as supporters of the freedom of Jerusalem, it is imperative that each of us make a point of congratulating the Secretary and the President, by writing, calling, and communicating our approval and support for this new policy and attitude at State.

Why is this so significant particularly at this time? Because, I would submit, if there is a lesson to be learned from the history of the destruction of Jewish Jerusalem, as commemorated this week, it is precisely that the inescapable consequences of the moral, political, and judicial failures of a nation’s leadership, and the proclivity of the masses to tolerate them, are death and diaspora, destruction and dissolution. Consider the following verse from this morning’s haftorah, describing as it does the causative factors that lead to the destructive:

...Isaiah 1:21

Why is the holy city considered a faithless harlot? No. Was Jerusalem destroyed because the people worship idols? Nada. Was it because the Jews turned against God and covenant of Sinai? No again. It was rather the failure by both leaders and people to ensure justice and righteousness; the readiness to practice, tolerate or excuse murders and their accomplices in their midst; the hypocritical turning of a blind eye when faced with thinly veiled bribery and dishonesty in high places. It is such moral decrepitude in high places which brings down God’s wrath upon a nation, subjecting it to churban and galus, destruction and exile, most especially when it comes to the fate of God’s footstool Jerusalem. That, I dare say, is the abiding lesson of Tisha Be’Av, a day that lives in infamy in the annals of our people’s history, a city that has had in the past, and again this past week, its fill of what the haftorah calls meratzchim, murderers.