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Friday, February 10

Terror in the Shadow of the Holocaust

By Sohrab Ahmari

For most people, "Mykonos" evokes sunny holidays on the Greek coast. But for the Iranian diaspora, the word is a warning that the murderous arm of the Islamic Republic can reach Iranian immigrants even when they find new homes in the democratic West. Mykonos was the name of a nondescript, now defunct, Greek eatery in Berlin where, on September 17, 1992, a team of Islamic Republic agents murdered four Iranian dissidents in an act of terror. Mykonos shattered the German illusion that Iran was a moderate regime amenable to reason and negotiation.

Assassins of the Turquoise Palace (Grove/Atlantic), Iranian-American journalist Roya Hakakian's book on the Mykonos killing, was published this fall just as news emerged of an Iran-backed plot to kill the Saudi Ambassador to the United States and bomb the Saudi and Israeli embassies in Washington. Some skeptics dismissed U.S. claims about Iran's role; but Hakakian's meticulously documented account of the Mykonos incident is a powerful rejoinder, as well as a lesson in ruthlessness and conscience.

After the first Gulf War, the United States and its allies imposed a no-fly zone over northern Iraq and gave Iraqi Kurds a respite from decades of Ba'athist terror. Tehran, fearing that the sight of this freedom might embolden Iranian Kurds in their own centuries-long quest for autonomy, stepped up its efforts to silence Iranian Kurdish dissidents abroad. Having previously disposed of a charismatic Iranian Kurdish leader in Vienna in 1989, Tehran placed his successor, Sadegh Sharafkandi, in its crosshairs. Upon learning of his plans to visit Berlin to address German social democrats, the regime activated one of its many European cells to liquidate Sharafkandi, two of his aides, and a fourth advocate of the Kurdish cause.

The assassination team was composed of an Iranian intelligence officer, three Hezbollah jihadists, an Iranian-German businessman tasked with coordinating the killers' efforts, and a young Lebanese named Yousef Amin, who was assigned the role of watchman. German federal police, following physical evidence, arrested Amin. He made a confession, then tried to take it back. But thanks to the information he supplied, plus brilliant investigating by a German prosecutor, the Iranian-German agent and one of the jihadists were apprehended and put on trial.

Yet, despite evidence that the Mykonos killings were directed by the highest Iranian echelons, Germany's political leadership looked the other way and even attempted to derail the investigation and trial. At the time, Hakakian explains, Germany took pride in its role as a "global broker among Iran, Israel, and the United States. German officials had initiated a continental effort to recast the image of Iran as an authentic, albeit imperfect, democracy." Mykonos threatened to throw a wrench into this rebranding effort. So, German politicians tried to frame Mykonos as a product of intra-Kurdish rivalry rather than an act of the Iranian state.

Their effort was part of a broader phenomenon. Throughout the 1990s, European officialdom failed to respond firmly to Islamist terror originating from Iran. This failure set the stage for far greater catastrophes in the next decade. "The fact that the international community didn't pay attention," Hakakian told me, "enabled and empowered copycats who later came on the scene and hatched bigger plans." Islamist terror, she says, finds its first victims among immigrants from Muslim lands but never stops there: "You can't be dismissive of what's happening to those who are powerless in your community—immigrants and exiles—because the crimes that victimize them will inevitably come to you if not handled with due justice."

Mykonos and the European opportunism it represented added to the suffering of an already traumatized diaspora. In capturing the pain of these exiles, many of whom had helped bring the ayatollahs to power, Hakakian's narrative shines. The dissidents, finding themselves on the losing end of a "historic failure of infinite proportions," as one of them put it, feared that unscrupulous Western governments would abandon them in favor of "dialogue" with the mullahs—and investment opportunities in Iran.

But in this case the exiles' pessimism was misplaced. Thanks to the heroism of a handful of German professionals—ministers, judges, prosecutors, and journalists—the Mykonos investigation and trial, spanning half a decade, ended in a remarkable victory for the diaspora. The Iranian regime stood indicted for murder in a court of law and the court of European public opinion.

The heroes of Mykonos included Alexander von Stahl, Germany's chief prosecutor, who jeopardized his career to ensure that "the streets of his country would not be turned into rogues' gaming grounds, be the victims German or not." At personal risk, Bruno Jost, the tireless prosecutor on the case, sought an arrest warrant for the Iranian minister of intelligence, an unprecedented move. The trial judge, Frithjof Kubsch, despite threats on his life, patiently persevered through the defendants' every dilatory tactic and meritless motion.

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What inspired these and other German profiles in courage? Sympathy for the victims was of course a factor. But after hundreds of hours of interviews, Hakakian concludes there may have been another force behind their remarkable conduct. When she asked them why they acted against their professional advantage, Hakakian told me, "they all mentioned knowing the price of a guilty conscience. It was very clear that everybody was alluding to the crimes of Nazi Germany. They felt that no matter what the price they would do the right thing." For the older lawyers in the case, the Mykonos case unfolded in the shadow of the Holocaust. Men like von Stahl, Jost, and Kubsch "wanted to make sure that their corrupt politicians wouldn't influence the trial—that Germany would not end up on the side of political evil again."

Opportunism is one prominent element of postwar Europe, but the Mykonos victims were indirect beneficiaries of another post-Holocaust phenomenon: guilt for the greatest mass murder in human history, transformed into personal and collective responsibility toward victims of political evil. Today, with the Iranian regime's drive toward nuclearization threatening the entire Mideast, that sense of responsibility is more vital than ever.

Monday, February 13

Jewish Ethics, from Ancient Bible to Modern Bus

By Lawrence Grossman

The next time someone tells you that ethical behavior doesn't need a foundation in religious teaching, step onto an Israeli bus (it doesn't have to be the gender-segregated variety) or open a mass-circulation Israeli newspaper and see how religion puts Jewish ethics on steroids.

On the bus you will find a sign saying, "*Mipnei Sevah Takum.*" In the newspaper, you will see that the gossip column bears the heading "*Rekhilut.*" Both phrases have their origins in chapter 19 of Leviticus, which teaches us how to live a holy life. The sign on the bus confronts the bus rider with the command, "Stand up for the elderly!" The title of the gossip column—which is the Hebrew word for gossip—derives from the prohibition, "*Lo telekh rakhil be'amekha*": Do not go around being a tale-bearer. For the Jew (religiously observant or not) who knows the origins of these terms, giving up a seat for an old person is not just a nice thing to do but an absolute imperative; and turning to that gossip column should generate at least a fleeting sense of guilt at one's participation in sin.

Why do these ancient texts and others like them still resonate so strongly, not only in Israeli culture—which is, after all, predominantly secular—but for knowledgeable Jews elsewhere as well?

We all know that the Jewish people, uniquely, can trace itself back some 3,000 years. Less appreciated is the fact that over that long stretch of time, Jews developed a rich, varied, and unbroken tradition of ethical thought. Until about two centuries ago, it was inextricably entwined with the Jewish religion. But it now comes in secular varieties as well; and these, too, like the bus sign and the title of the gossip column, are built on old religious foundations.

Alan L. Mittleman's *A Short History of Jewish Ethics: Conduct and Character in the Context of Covenant* (Wiley) admirably recounts the Jewish tradition of ethical inquiry from its biblical beginnings until today. Mittleman, Professor of Jewish Thought at the Jewish Theological Seminary, is thoroughly at home in the primary sources and secondary literature. He is also an expert on contemporary moral philosophy, which enables him to contextualize Jewish thought within a wider framework of ethical theory. The subject matter is sometimes technical and almost always complex, but Mittleman is surely right that a culture should be evaluated "in light of its complexity rather than through reductions and abstraction." He covers a vast amount of information in 200 pages, and the reader who perseveres will learn much about the broad sweep of Jewish ethical thinking.

The book makes clear that while there is a coherent Jewish ethical tradition, it is composed of widely disparate strands. The Hebrew Bible, itself the product of at least a millennium of writing, presents an amalgam: ritual and ethical laws; stories that impart ethical norms—even, as evident in Abraham's pleas for the people of Sodom, the notion that God is bound by humanly comprehensible ideas of justice; prophetic exhortations to ethical conduct; and advice from the Wisdom Literature, based on experience rather than revelation, about living morally even in the face of evidence that such action may not receive its just reward.

Mittleman then jumps boldly into the sea of the Talmud to demonstrate how rabbinic discussions, both legal and non-legal, often reinterpreted biblical sources to serve ethical ends—virtually eliminating the death penalty, for example, or interpreting "an eye for an eye" as requiring monetary compensation rather than physical retribution, or enhancing the status of women. Two chapters cover the medieval period: One deals with the ethical teachings of philosophers such as Saadiah and Maimonides, while the other is concerned with popular sermonic and kabbalistic writings. The latter give ethical behavior a new urgency, Mittleman notes, by mythically connecting it to the reintegration of the divine and the speeding-up of messianic end-time.

Mittleman next shows how the triumph of secularism in the early modern West divested ethical theory of its spiritual underpinnings. He discusses the Jewish thinkers who sought new justifications for the ethical life—Spinoza, the Jewish Kantians, Rosenzweig and Buber. He also describes varieties of neo-traditionalism such as the Hasidic and Musar movements, which, for all their reassertion of certain classical Jewish norms, were clearly affected by the forces of modernity.

From this plethora of material Mittleman succeeds in distilling the key ideas that have characterized Jewish ethical thought: There is one God, who entered into a covenant with the Jewish people. In turn, the Jewish people accepted this covenant of their own free choice. The covenant requires them to adhere to a strict code of conduct that they, as creatures possessed of free will, have the ability to fulfill. While the code comes from God, its demands are, to a great extent, compatible with human rationality.

Most important, we learn, Jewish ethics aims not just to ensure that people treat each other decently—a function that every ethical system is supposed to perform—but also to inculcate character traits that make people virtuous, a task that secular ethical systems gave up on long ago. Mittleman calls this a "perfectionist ethic," and he concedes that it is "austere, demanding, and uncompromising." Nonetheless, he believes that such an ethic "may open up new possibilities for what a flourishing, well-lived life entails."

In other words, it's not enough to give up the seat on the bus; you also have to avoid that gossip column.

Tuesday, February 14

Mensch in the Moon

By Josh Gelernter

Right now there are two Americans aboard the International Space Station, and their only way home is to hitch a ride in the Russians' Soyuz capsule, a ramshackle remnant of the 1960s. There's no space shuttle to bring them home because the shuttle's been retired; also retired are plans for an American return to the moon. The country seems to have lost its space ambition.

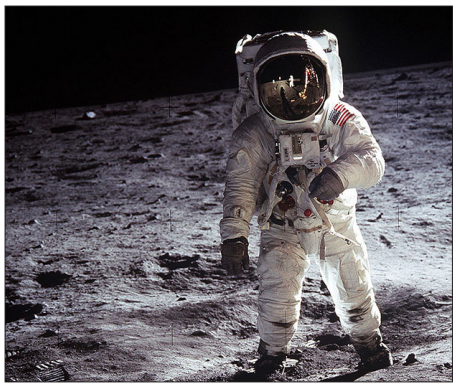
But the future wasn't always so bleak.

In 1961, President Kennedy asked the nation to "commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the earth." The speech remains one of history's great throwings-down of the gauntlet; to humanity's enduring and pleasant surprise, the nation made it: on July 20, 1969 Neil Armstrong hopped from a lunar lander into soft, grey moon dust and announced that he had taken one small step. The nation was justifiably proud of itself. But it didn't realize what a big part of its pride in the moon landing was owed to an engineer named Abe Silverstein.

Abe Silverstein was one of the nation's foremost aerodynamics experts, and designed its first supersonic wind tunnel. The grandson of a rabbi, he founded a synagogue in Cleveland and organized a group to help Soviet Jews. He turned down a reward-promotion to head the Johnson Space Center in Houston; when asked what he wanted instead, he asked NASA to name its new Maryland space center for his deceased colleague Robert Goddard. He was one of the most respected men in the upper echelons of NASA, where he was renowned for being brilliant and a nice guy, and for making the moon landing possible. But today he's completely forgotten.

Not forgotten is Wernher Von Braun. If you haven't heard of Von Braun, you've probably heard about ex-Nazis working for NASA: Von Braun was their leader and these days many think of him as the man who put America in space.

During the war, Von Braun led the Nazis' rocket program from the Baltic seaside town of Peenemünde; in Germany he and his science cadre were known affectionately as the "Peenenümders." In Britain they were known (less affectionately) as the men blitzing London with V-2 rockets. The Peenemünders were good at their job and for eight months starting in late 1944, they killed several thousand Londoners and maimed several thousand more. As the Russian front approached Von Braun's compound, he took his team and surrendered to the U.S. rather than risk capture and torture by the Soviets. German scientists were the Second World



War's party favor and Von Braun's boys were brought home to the U.S. and put to work bolstering America's own, fledgling rocket program.

Working for the army and bomb makers at heart, the Peenemünders' specialty was blowing things up. They made missiles for the Army, which the Army used to blow things up. They made rockets for NASA, and the rockets often blew up. They produced the Redstone, which was used by NASA to put its Mercury astronauts in space—in 1960, NASA launched its first Mercury-Redstone. The rocket lifted four inches off the pad before it fell abruptly back down, on its end, and remained upright. To the great surprise of everyone watching, it didn't blow up. And that signaled progress.

But not enough progress. By 1961 the Redstone was refined enough to put Alan Shepard in space, but still too weak to put a anyone in orbit; a month before Shepard's flight the Russians had orbited Yuri Gagarin. The nation was getting antsy. Twenty days after Shepard's flight, Kennedy made his "end of the decade" speech, and focus began to shift toward a rocket that would be powerful enough to carry men to the moon.

Kennedy said, in his speech, that he and NASA proposed to "develop alternate liquid and solid fuel boosters, much larger than any now being developed, until certain which is superior."

Von Braun thought liquid was too risky. Abe Silverstein thought he was wrong. To the ex-Nazi's chagrin, the soft-spoken Jew took the position that since an engine fueled by liquids oxygen and hydrogen would be more powerful and efficient than an engine fueled by the liquid oxygen-kerosene formula Von Braun was pushing, it was worth inventing one. Von Braun dismissed Silverstein and his team as a "colony of artists," but Silverstein won and Von Braun was tasked with building the new engine into a rocket.

There followed 18 months of failure and a recommendation from Von Braun that the new engine be abandoned. Silverstein interceded; he and his team at NASA's Lewis Research Center fixed the new "Centaur" booster engine and the "Atlas" rocket that carried it, and a year later the first Atlas-Centaur launch took place. The new design was used for the upper stage of Apollo's rocket and became "America's workhorse in space." Silverstein was then Director of Space Flight Programs and the Apollo journey to the moon was his baby, so to speak. "Apollo" was the name he chose for it.

But you can argue that Silverstein's greatest contribution to manned space flight took place nine years before Apollo 11 and four days before Kennedy asked the nation to put a man on the moon. Vice President Johnson, worried about getting space funding through congress, asked NASA administrator James Webb to come up with something big to get people excited. Webb asked Silverstein.

"We can go to the moon," said Silverstein. Webb asked how long that would take. Silverstein took a minute to do some calculations, and told him "we can do it by the end of the decade."

Wednesday, February 15

The Signal-to-Noise War

By Alex Joffe

A "signal-to-noise" ratio compares the power of a transmitted signal to that of the accompanying background noise. In the war of words between Israel and Iran the noise-to-signal ratio is so high that it is an almost overwhelming task to decipher what's going on.

In international conflicts, the lines between strategic communication, propaganda, and information warfare are never bright. In this conflict, they are especially murky. Almost daily we hear Iran threatening to exterminate Israel; we hear Israeli and Western politicians and analysts debate the how and when of attacking Iranian nuclear facilities. Multiple messages are simultaneously transmitted to multiple recipients,

some obvious, others not.

On the surface, Israel is signaling to the West, the Gulf, and Iran that it is serious but prefers not—or is not able—to conduct a military strike alone. American policy makers, media, and think tank hangers-on, in saying that Iran's nuclear program is advancing and Israel might act, are warning both Israel and Iran. For its part, Iran, facing economic crisis caused by external sanctions and internal mismanagement, is increasing its bellicose threats, attacking Israel and American interests around the world, and seeking—not very successfully—to gain pan-Muslim support with its theological justifications for exterminating all Jews.

At a deeper level, the messages reflect cultures. Every Israeli, from taxi drivers and privates on up, is a strategic expert and certified loudmouth. Israel's apparent information warfare strategy counts on this fact, which increases the quantity of information Iran must process and the noise-to-signal ratio. True, Ehud Barak and Benjamin Netanyanu have the ultimate say; but Iran must also monitor the press, Facebook, Twitter, and other social media for information about the attitudes of Israeli decision makers and the public.

Which information is most reliable or telling? Why does former Mossad chief Meir Dagan oppose striking Iran while Strategic Affairs Minister and Vice Prime Minister Moshe Ya'alon warns that Iran is developing its capacity to attack America? What do foreign diplomats really know when they discuss evacuating their nationals from Israel? Which Israeli conscript is unintentionally relaying operational information about exercises, leaves, and deployments? Making all the chatter more confusing are calls from authoritative chatterers, like Ehud Barak, to tone it down.

Israeli culture—blunt, annoyingly diffuse, and cacophonous in the best of times—may be serving a strategic purpose. It has successfully created the perception of a country on the brink, in the late stages of calculation before doing something crazy that could bring the world crashing down. All strategic equations are known and publicly discussed, from F-15 refueling capabilities to the concrete-penetrating capacity of a GBU-28 bomb to Hezbollah missile numbers to the effect of closing the Straits of Hormuz on world oil prices. The discussion pressures the international community—and confuses Iran.

Meanwhile, the Iranian leadership proceeds from a closed, theological world view, characterized by both a general Islamic sense of triumphalism and global revolutionary aspirations and specific Shi'ite traits including messianism and a sense of persecution. The regime's paranoid world view is intensified by economic sanctions and pressures, mysterious airplane crashes and pipeline explosions, assassinations of scientists and Revolutionary Guard officers, discontent in the streets, and contempt from the world and even fellow Muslims. There are also cultural predispositions—toward secretiveness and suspicion sometimes masked by obsequiousness toward power, willingness to lie, loathing of compromise and weakness, and a deep-seated need for national honor and respect. Thus, the regime processes and transmits information in ways fundamentally different from those of other states.

How well, then, can the leadership understand relationships among the United States, Europe, Israel, and the United Nations, or even the country it dominates? An ancient commercial culture like Iran's must understand that it is being deliberately bombarded with conflicting signals. But the current strategy against Iran is an information Stuxnet, a virus that clogs its cognitive systems and makes them spin out of control. One index of this confusion is the intensification of cultural purges—the banning of Barbie dolls and the *Simpsons*—in an effort to wall Iran off from impurity and restore Islamic values to an Iranian people so de-Islamified that their birth rate is lower than that of France.

Thus, a low-cost information warfare strategy has usefully increased Iranian paranoia, intensified debates between information collectors and analysts and their masters, deepened bitter factional divides, and spurred costly and destructive counterintelligence operations that have led to purges, dissent, and repression. Iranian threats, which have become shriller and cruder, must be taken seriously; but they express weakness as much as strength. At the same time, the information warfare is gradually pushing Western states towards unity around a clearer narrative of Iranian hostile intentions.

The strategy is not without its price: It has reinforced the drive to move the Iranian nuclear program underground, literally. Moreover, like Stuxnet, targeted killings, or even a bombing campaign, it can only slow the program; it would take a regime change to stop it. Meanwhile, the room for miscalculation, especially on the Iranian side, is vast. There is also room for miscalculation on the other side. It is far from clear that the United States fully understands its Israeli ally, as shown by recent administration hysteria over a low-level local planning board's approval of Jewish neighborhoods in Jerusalem that won't be built for years, if at all.

But a recent, largely overlooked statement by President Obama suggests that that the two countries share a larger view. "I don't think Israel has made a decision," he said. "I think they, like us, believe that Iran has to stand down on its nuclear weapons program. . . . Until they do, I think Israel rightly is going to be very concerned, and we are as well." Whether this means the two countries' public disagreements are part of a single strategy is another confusing question for Iran to fret over.

Thursday, February 16

The Anatomy of Life and Death

By Armin Rosen

In 2010 the *New York Review of Books* published a now-famous essay by former *New Republic* editor Peter Beinart, who argued that liberal Zionism was on the decline in Israel and that the "American Jewish establishment," led by tribalist organizations like the American Israel Public Affairs Committee and the Anti-Defamation League, was partly to blame. Since then, his thesis—that Israel is caught in a self-destructive spiral, and only American diplomatic pressure and enlightened American Jewish activism can break it—has hardened into conventional wisdom.

The "pro-Israel, pro-peace" organization J Street, acting on this wisdom, has raised funds for Israel's critics in the U.S. Congress and set up meetings on Capitol Hill for Richard Goldstone, author of a controversial UN report

that accused Israel of war crimes in Gaza. J Street president Jeremy Ben-Ami chastises the Jewish state and mainstream Jewish leadership for being insufficiently concerned about Israel's moral and political corruption. "The level of thuggish violence originating on the West Bank continues to grow," he wrote in a typical statement last year, "in an atmosphere in which parliamentary actions and rabbinic statements are clouding the country's and our people's commitment to Jewish and democratic values. Where," he wondered, "is the voice of our communal leadership here in the United States to set this right?"

But J Street is not alone. *New York Times* columnist Thomas Friedman opined that the applause for Prime Minister Benjamin Netanyahu's address to Congress last year was "bought and paid for by the Israel lobby." Adam Kirsch recently wrote for *Tablet* that John J. Mearshimer and Steven M. Walt's *The Israel Lobby and U.S. Foreign Policy*, though it was widely denounced at the time of its publication, has scored a victory by making the phrase "Israel lobby" part of our language. Public discourse has undergone a poisonous shift that belittles Israeli democracy and mischaracterizes the work of pro-Israel groups in the United States.

It is a relief, therefore, to read veteran Israeli journalist Hirsch Goodman's new book, *The Anatomy of Israel's Survival* (Public Affairs). Goodman is no apologist for Israel, but his book makes what has become a novel argument: Why not recognize that Israel is a complex, dynamic, and democratic country and, well, sort of leave it alone?

Goodman leans left in his diagnosis of Israel's problems. He thinks Israel bears responsibility for perpetuating a century-old conflict with the Arab world. Large, influential Israeli political constituencies tend towards illiberalism and support policies that threaten to undermine the country's international standing and leave it "living in a self-imposed ghetto of security fences, watchtowers, and armed patrols." He says West Bank settlements "waste resources, they complicate any prospect of peace, they compromise Israel as a democracy, and they give ammunition to Israel's enemies."

Even more urgently, he sees Israel buckling under the weight of "morally debilitating and destructive" internal contradictions. "If I were to draw a gun and shoot a Palestinian throwing a stone on my street in Jerusalem," Goodman explains, "I would be locked up for a long time. If I did so in Kiryat Arba or Jewish Hebron, I would be a hero."

Yet Goodman believes Israel's talented citizenry and nearly-unbreakable sense of national purpose are capable of facing down these challenges. Its military is strong

enough to meet threats from Hamas, Hezbollah, and even Iran; its scientists have built things like "a nano-drone the size of a butterfly powered by solar energy" and pioneered technology that provides "a young major in an intelligence base near Tel Aviv with more information about what is going on in [Iran] at any given time than is known to the Iranian president himself." Those in the next generation of Israeli leadership "have fought their wars, and they know what the country needs for its future."

Moreover, Goodman says, Israel's civic spirit is inclusive and pervasive enough to incorporate both Haredim and the country's Arab citizens. "No one is asking Haredim to stop being Haredi, Israeli Arabs from being Arabs, or the Bedouin from being Bedouin," he writes. "The goal," instead, is a society "that is proud to be heterogeneous and tolerant, Jewish and universal."

For this reason, Goodman inveighs against the obsession of Israeli government and pro-Israel groups with the country's so-called "de-legitimization." Israelis know that their country's existence is real, legal and permanent, and the fact that Israel's legitimacy is even an acceptable topic of discussion is deeply insulting to Goodman. To join in the de-legitimization debate is to lower Israel to the level of its most racist critics while distracting from its more urgent public diplomacy imperatives. "Instead of apologizing for the past," he says, those who speak for Israel "should be conditioning the world for the future;" they should be "making sure the world understands now that if there is another war in Gaza or Lebanon, or both, the consequences will be ugly."

Goodman trusts that the nationalism of problem-solving, civic obligation, and national self-confidence will defeat the nationalism of settlement, occupation, and endless public relations trench warfare. But can it? His solution to the problem of integrating Israel's Arab citizens is required national service; given the deep social and historical rifts between Israel's Arab and Jewish communities, this idea is wishful thinking. Concerning peace, Goodman detects a "consensus towards conciliation" on both sides of the Green Line; but even if this is true, it is difficult to see how such a consensus can become policy while Hamas rules Gaza, the Palestinian Authority pushes for unilateral statehood, and the Israeli government takes no meaningful steps towards curtailing settlement activity.

Still, given the alternatives, Goodman doesn't need to be entirely convincing. After all, if Israel can't solve its problems, who else is going to solve them? The United States? An often-hostile international community? Jeremy Ben-Ami? Even if Goodman's "anatomy" sometimes seems delusional in its optimism, it is convincing in its argument that there is no alternative to an Israel capable of growing and progressing, of setting itself right. Despite his country's numerous missteps, flaws, and contradictions, Goodman is fully convinced that an Israel capable of such self-correction is the Israel he lives in. Given the nature of the country's would-be American saviors, he had better be right.

THE WEEKLY PORTION

Mishpatim: Love, Freedom, and the Law

Exodus 21:1–24:18

By David Hazony

And now, a little bit of law. Nestled between the two mega-memes of the Revelation at Sinai and the construction of the Tabernacle, we find a weekly reading that starts with "these are the statutes (*mishpatim*) that you will place before them." It goes on to provide us with the basics of the Torah's civil and criminal laws. Murder, theft, animals, slaves, and the integrity of the courts all get addressed, echoing many of the central themes of the Ten Commandments, which we heard last week.

It seems so innocuous, this legalistic interlude.

But then, as happens so often in the Torah, something goes awry. Our list of laws

begins not as you might expect, with killing or property (or property that kills, like the goring ox). Instead, the first statute relates to a case that is bizarre and obscure but which, we suspect, has implications for all the laws in the Torah.

So . . . you bought that Hebrew slave, right? Six years have passed and according to the rules, it's time to let him go. But there's trouble. During his stay with you, he's fallen in love with your Hebrew maidservant, and they went and had Hebrew servant-babies. As you're attempting to escort him from your property, he begins crying out. "I love my master! I love my wife and my children! I will not go out free!" (Exodus 21:5)

Trouble, yes. But the Torah offers a quick answer: The local rabbis order you to take him to the gate of your home, take your handy awl and *punch a hole in the man's ear*. Thus you mark him, not unlike the cows in your barn or a ticket in the hands of a bus driver, as your slave forever. Next case!

Oy. Where to begin? Of the million questions that the story conjures up, the most obvious one, I think, is this: Does it describe, in the Torah's own eyes, a positive or a negative turn of events?

For so many years, I've read this as a moral tale about the importance of valuing our own freedom. Law as lesson: One should never want to be a slave, because we were slaves in Egypt. If a man is willing to sacrifice his freedom, he deserves to be a slave forever. In like manner, the Israelites in the desert who longed for the fleshpots of Egypt ended up squandering their chance of freedom and dying in the desert. Lesson: You give up your autonomy, you have given up on your humanity as well, and are a slave forever.

Maybe it's having kids that has soured me on this reading.

The problem with the freedom-über-alles

reading is this: What about love? Are we to look at the slave's commitment to his wife and children, at the howl of a man forced to choose between his freedom and his own kin, as a frivolous thing, a distraction, a wrong? Is freedom the only thing that makes us human?

In other words, our original question may now be rephrased as follows: Does the slave fail to see the larger context, tossing aside his humanity for something as trivial as love? Or is his affirmation of love the only context worth seeing?

Is the awl in the ear a punishment for choosing slavery over freedom? Or is it just an unpleasant consequence of insisting on love, a choice the slave was right to make?

And whom, we must further ask, is the law trying to protect? The owner, from future claims from freed slaves bent on reclaiming their children? The slave, from being forced to abandon his family for an abstract freedom? The wife and kids, from losing their husband and father to imposed freedom? Or is it just meant to create a disincentive for slaves to avoid starting families before they're free?

The text doesn't say a word.

Now, add to the mess the fact that this is the case that *begins* the Torah's whole interpretation of law. It is almost as if, by introducing all of law with this case, the Torah is trying to show us just how inadequate law is in circumscribing the totality of life. By overriding the basic command to release the slave in the face of his passion, the Torah destroys and establishes law in the same breath. In that perverse instant, all of law stands on the edge of a knife. Can any rule really resolve such a situation?

Law is about real human beings. Without man, law is but logic; with man, it is often close to farce. Yet man without law is far worse than that. This, in many ways, is the deepest conundrum surrounding the institution of law to begin with. The infinite, confounding, boundless spirit of man confronts the chilly shackles of principle. The former makes religion meaningful, the latter makes society possible; one gives our lives content, the other gives them form.