

‘Tzedek, Tzedek Tirdof!’—Justice, Justice Thou Shalt Pursue

I stand firmly with Stephen Flatow in his fight against releasing terrorists from Israeli prisons.



By Amy Neustein, Ph.D.

Interestingly, the command of *Tzedek, Tzedek Tirdof* (Justice, Justice Thou Shalt Pursue) does not appear until Devarim, the very last book of the Torah, which begins shortly before the death of Moshe Rabbeinu and consists of his final speeches in leading the Israelites. In essence, in recognizing that the commandment to seek justice appeared in Moshe Rabbeinu’s peroration, it is clear that the fight for justice must be driven by a passion and fervor that is as strong as the exhortations of Moshe Rabbeinu in his final speeches that comprise the book of Devarim.

I can’t think of a better example of a proponent of *Tzedek, Tzedek Tirdof* than Stephen M. Flatow, who has become a modern-day embodiment of this most important principle. Following the murder of his then 20-year-old daughter, Alisa, who was killed in the 1995 Kfar Darom terrorist attack while studying in Israel, Flatow devoted himself tirelessly to seeking justice for his daughter and all other

terror victims. His quest for justice led to the life imprisonment of his daughter’s murderers. Similarly, his efforts to protect Am Yisrael from the fate that befell his daughter have led him to share his story at major forums around the world and before legislative committees. Successfully winning a lawsuit against the Islamic Republic of Iran for the murder of his daughter, Flatow’s work did not stop there. Between the covers of his book, “A Father’s Story: My Fight for Justice Against Iranian Terror,” one can palpate the amazing fervor of his conviction in seeking justice for all victims of suicide attacks. Most certainly, he has inspired many to follow in his footsteps.

But, earlier this month when Netanyahu was strong-armed into accepting a U.S.-brokered deal requiring the release of terrorists from Israeli prisons, many of whom were serving life sentences for suicide bombings, Flatow must have received a major jolt. It wouldn’t take much for him to be concerned that perhaps all of his work to pursue justice, as commanded by Moshe Rabbeinu, would suddenly be undermined by the disastrous ceasefire hostage release/prisoner exchange deal. In writing a poignant

editorial last week for *The Jewish Link*, “I Knew This Day Would Come,” Flatow described the effects of this terrible deal. He explained that terrorists “are smiling more than usual because of the potential of being included in the list of those soon-to-be released prisoners.”

Unfortunately, Flatow knew the drill all too well: “This is not my first experience coping with Israel’s determination to release prisoners. Twice before in the last 25 years when prisoner releases were being carried out, I eagerly sought the list of prisoners being released. And when I did get it, I carefully combed the list of Arabic names transliterated into Hebrew looking for the names of Nidal Moustafa Bouri, Ahmed Douad Abu Dachi, Maram Ibrahim Salameh, and Al Halim Saheb Omar Balbasi, each serving life sentences for the Kfar Darom bombing.”

The most obvious reason for protesting the release of terrorists from Israeli prisons is that suicide bombers, including those who play a role in assisting the terrorists in their murder plot, must understand that their actions will provoke harsh consequences. It is agreed that there is no better form of deterrence than swift and just punishment. By releasing prisoners, particularly those with blood on their hands, a dangerous message is being sent, allowing murderers to act with impunity. But there is perhaps another reason, beyond the practical implications of deterrence, to justify the refusal to release prisoners in a hostage-ceasefire deal. That reason addresses the profound psycho-social effects on the Jewish community in freeing terrorists.

To understand these effects better, let me draw an analogy to the customs of mourning and, in particular, how the bereaved are comforted. To wit, at a shiva call our salutation begins with “*Hamakom Yenachem etchem*”—May the Omnipresent comfort you. Specifically, the word “place” (*hamakom*) is used to refer to Hashem so as to imply His omnipresence—Hashem is present everywhere. The reason for this is that at a time of great loss, our physical/spiritual place is empty; we feel a tremendous void for the loss of a loved one. Thus, our tradition consoles us by invoking images of Hashem’s omnipresence.

That concept of the empty space to be filled with consolation and comfort applies to family members of fatal terrorist attacks just as much as to mourners who’ve lost loved ones to natural causes. With regard to the former however, the empty space haunting the surviving family members of fatal terrorist attacks is addressed, in some respect, when justice has prevailed. By confining a terrorist to prison, they can no longer harm another member of our community. In essence, by placing the murderer in a confined place, this allows peace of mind for the

victim’s family members. All in all, by circumscribing the source of our grief to clearly defined parameters—the terrorist has been punished and is serving a life sentence in prison—we are, by some measure, consoled. This is one reason for the command *Tzedek, Tzedek Tirdof*, as it has salutary effects for the victim and/or family members in addition to helping the community writ large.

However, when families of terror victims learn that the terrorist murderer can soon be released from prison and allowed to roam freely, they feel completely upended. This is so because the physical place where their nemesis had been confined will soon no longer be in effect. Consolation as we see from our shiva traditions metaphorically envisage Hashem as a “place” (*Hamakom*) to enable mourners to receive comfort. But because the concept of place is so important for healing, once the terrorist has been confined to a specific place—a prison from which they cannot escape—we are very much consoled. The families of terror victims sorely need the comfort of knowing their nemesis has been confined to a specific place from which they can never be let out. If Israel continues to release prisoners, there will never be a place of comfort for families of terror victims, both now and in the future.

A flood of emotions—angst, fear, trepidation—has washed over much of Israel’s society upon learning of the prisoner exchange as part of the hostage release/ceasefire deal. Flatow understood these emotions quite well, and wasted no time in speaking out about the perils to the community in releasing prisoners. He urged an examination of the precedent-setting effects of releasing prisoners, which can easily create a cycle of continued hostage-taking in exchange for prisoner-release. He is not alone in his circumspection about prisoner release provisions worked into the ceasefire deal. Many thought leaders and legal scholars share his concerns.

The Torah commands that justice shall be pursued. It is mentioned twice—*Tzedek, Tzedek*—because this is not a suggestion but an imperative. It serves both the safety and the psychological health of the community to know that the murderers have been confined to a specific place and will never get out. I stand with Stephen Flatow in decrying the release of terrorist murders from Israeli prisons. The community deserves to be protected.

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