

*Honor the Image of God:*

רבנים למען זכויות האדם - צפון אמריקה

RABBIS FOR  
HUMAN  
RIGHTS  
NORTH AMERICA

Do Justice and Right

333 Seventh Avenue, 13<sup>th</sup> Floor

New York, New York 10001

[www.rhr-na.org](http://www.rhr-na.org)

212-845-5201

# Introduction

In 2004, people around the world were shocked by the images of torture and humiliation from the American prison at Abu Ghraib. Since then, it has become clear that these acts were not the work of individual torturers, but part of a profound shift in American policy on lawful interrogations and the rights of detainees held during the war on terror. What was once unthinkable--that Americans would use torture as an interrogation technique and justify its use under convoluted readings of American and international law--became policy. The authorizations for torture went up to the highest levels of government. Even now, with torture once again prohibited by the Executive Branch, the philosophy that allows the President to circumvent the rule of law and the Constitution in the name of American safety during the War on Terror remains in effect. Since 9/11, not only has American policy on torture shifted significantly, but the moral conversation has as well. Ordinary citizens, concerned about their safety and influenced by depictions of torture in the popular media as a successful interrogation technique, have begun to see harsh tactics as justified in some or all circumstances. The questions raised by American use of torture remain: how can we as a society ensure our own safety while upholding the values we cherish?

As a response to revelations of American use of torture, Rabbis for Human Rights-North America launched a coordinated Jewish response, *Honor the Image of God: Stop Torture Now, A Jewish Campaign Against Torture*. As historical victims of torture, the Jewish community has a special responsibility to insist that torture is never morally or legally justified. More than 800 rabbis signed the Rabbinic Letter Against Torture, which read in part:

*We want to express our moral concerns about the human situation – concerns that stem from the heart of America's values, the essence of democracy, and the soul of Jewish tradition.*

*We understand that the most fundamental ethical principle, which results from our belief in God as Creator of the world and Parent of all humanity, is that every human being is seen as reflecting the Image of God. Torture shatters and defiles God's Image.*

*The purpose of torture is to remove a person's pride, humiliate that person, or make his or her life so painful that the person does or says whatever the interrogator wants. Torture 'works' by attempting to deprive a human being of will, spirit, and personal dignity. The humanity of the perpetrators, as well as the victims, is inevitably compromised by the use of torture.*

*Jewish tradition calls for humane treatment even of one's adversaries.*

As part of the Jewish response, Rabbi Melissa Weintraub, then RHR-NA's Director of Education and Outreach, wrote a series of four articles laying out the Jewish argument against the use of torture. The articles addressed four themes:

- The Jewish historical experience as victims of torture.
- The question of the Ticking Time Bomb and the halachic case of the *rodef*, the pursuer.
- The Jewish prohibition against self-incrimination.
- The importance of *k'vod habriot*, human dignity, in the Jewish tradition.

The complete articles can be found, in both full and abridged versions, at:

<http://www.rhr-na.org/resource/jewish-values-and-torture>. We continue to be grateful to Rabbi Weintraub for her masterful work, which continues to serve as the basis for our continued work against U.S.-sponsored torture and indefinite detention, and our call for accountability for those who authorized torture.

The following curriculum, written by Rabbi Rebecca Rosenthal, takes these articles and adapts them for use in a classroom setting. These interactive lessons are appropriate for high school, college, and adult education settings, and can be used in a sequence or as stand alone lessons. The curriculum also includes an introductory lesson on the Jewish obligation to speak out for others. The experiential nature of these lessons is meant to go beyond traditional text studies to allow participants to engage with key moral questions and wrestle with what steps we are willing as Jews and Americans to be taken in our name in order to stay safe. We recommend that you read Rabbi Weintraub's articles prior to teaching the curriculum and have copies of the articles available for those who wish to delve further into these ethical questions.

In 2009, the National Religious Campaign Against Torture (NRCAT) produced a 20 minute film featuring religious leaders and torture survivors addressing the ethical and moral basis for a prohibition against torture. Rabbis for Human Rights-North America produced the Jewish discussion guide for this film, which can be used as a stand-alone program or in conjunction with the other sessions. The guide, and information for ordering the video, can be found at the end of the curriculum.

For updates on the Jewish Campaign Against Torture, please visit [www.rhr-na.org](http://www.rhr-na.org).

Steven Gerber  
Executive Director

Rabbi Rachel Kahn-Troster  
Director of Education and Outreach

Supported in part by a grant from the Foundation to Promote Open Society.

## Introductory Lesson (20-30 minutes)

This lesson can be done in two ways:

1. An introduction to any of the other three lessons, to give learners a background into the issues of Judaism and torture
2. A stand alone lesson

If time is a concern, choose 1 text to use.

### Overarching Question:

As Jews, who are we responsible for? Why?

### Activity

First, we will use Hillel's famous quotation from Pirkei Avot 1:14 to guide the discussion.

הוּא הָיָה אוֹמֵר, אִם אֵין אָנִי לִי, מִי לִי. וּכְשֶׁאֲנִי לְעַצְמִי, מֶה אָנִי. וְאִם לֹא עֲכָשְׁיוּ, אֵימָתִי

He [Hillel] used to say: If I am not for myself, who will be for me? If I am only for myself, what am I? And if not now when?

A second guiding text comes from the creation of human beings from the first chapter of Genesis (1:27) at the beginning of the Torah:

וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם

And God created the person in God's image; in the image of God, God created him, male and female, God created them.

### Hevruta Study Part One/Getting to Know You (5 minutes)

- Divide the group into pairs, preferably with someone they don't know
- Introduce your self – what brought you to this group tonight?
- Ask them to answer the question, who are you responsible for in your life? Why?  
Have each pair write the answers to these questions on a large piece of paper or board at the front of the room. One column should be who they are responsible for and the second column should be the why.

### Hevruta Study Part Two (10 minutes)

- Ask everyone to switch partners and introduce themselves again
- Ask them to look at the Hillel text with questions (provided) and ask them to discuss the questions

### Hevruta Study Part Three (10 minutes)

- Ask everyone to switch partners and introduce themselves again.
- Ask them to look at the Genesis text with questions (provided) and ask them to discuss the questions.

### Group Discussion (5 minutes)

- Bring the groups back together to share what they discussed, focusing especially on issues of responsibility to those outside of ourselves and our own community.

### Supplies

- Copies of the text

# The Question of Responsibility

Pirkei Avot 1:14

הוא הִיָּה אוֹמֵר

אִם אֵין אָנִי לִי, מִי לִי

וּכְשֶׁאֲנִי לְעַצְמִי, מָה אָנִי.

וְאִם לֹא עַכְשָׁיו, אֵימָתִי

He [Hillel] used to say:

If I am not for myself, who will be for me?

If I am only for myself, what am I?

And if not now when?

## Questions to Consider

- What is the significance of the order of Hillel's statements?
- What do you think Hillel is saying about the responsibility of Jews to other Jews? To non-Jews?
- Do you agree with Hillel? Why or why not?

Genesis 1:27

וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם

And God created the person in God's image; in the image of God, God created him, male and female, God created them.

## Questions to Consider

- What does it mean to be created in the image of God?
- Do our obligations to others change if we view each person as being in the likeness of God?
- What does this concept mean for the responsibility of Jews toward other Jews? Towards non-Jews?

# Lesson 1: Heart of a Stranger: Jewish Historical Memory of Torture

## Overarching Questions:

How do we come to understand the heart of the stranger? How do we build empathy, especially for those we may have never met?

## Activity #1

### Introductory Lesson (20 minutes)

- Do the introductory lesson based on the Hillel/Pireki Avot text and the Genesis 1:27 text.

## Activity #2

### Sympathy vs. Empathy (5 minutes)

- Ask the group – what is sympathy? Can you share a time when you had sympathy for someone?  
Definition – Harmony or agreement of feeling
- Ask the group – what is empathy? Can you share a time when you had empathy for someone?  
Definition -- the intellectual identification with or vicarious experiencing of the feelings, thoughts, or attitudes of another.
- Ask the group – what is the difference between sympathy and empathy? Ask them to keep this in mind throughout the next exercise.

## Activity #3

### Final Word Protocol (30-60 minutes, depending on group size)

*Adapted from* The Power of Protocols: An Educator's Guide to Better Practice, Joseph McDonald, et al.

## Note:

This protocol can be done in two ways. The group can either use the entire article entitled Heart of a Stranger by Rabbi Melissa Weintraub, or they can use the selected texts that accompany this lesson. The article can be found here:

<http://www.rhr-na.org/torture/heartofastranger.html>

## Purpose:

The purpose of this protocol is to allow for in depth exploration of texts and to allow everyone to share their viewpoint and perspective.

## Steps:

1. Introduction and selection. The facilitator introduces the whole protocol, providing copies of the steps involved. The facilitator will serve as time keeper for the entire room. If you are reading the whole article, ask the participants to read the article and identify a short passage that has particular meaning to them and that they would like to discuss.
2. Arrangement. The whole group breaks into groups of three (if your group is large, you can have up to six participants in the group, but it will take longer). Each person in the circle is given a number. If you are using the quotations (provided), assign each person in the group one of the quotations.
3. Presentation. Presenter number one presents the passage he or she has identified or reads the quotation that he or she has been assigned, reading aloud and having people follow along in their copies. The presenter speaks for 3 uninterrupted minutes.
4. Reflecting back. Each listener in turn as 1 interrupted minute to “reflect back” on what the presenter has said. This is about exploring the presenter’s interpretation of the passage, not adding your own thoughts.

5. Final word. The round ends with a 1 minute uninterrupted time for the presenter to react to what has been said.
6. Repeat steps 3-5 until everyone has had a chance to present.
7. Written reflection. Each person writes for 5 minutes about what they learned about the text and what new insights and understandings were gained.

#### **Activity #4**

##### **Group Reflection (10 minutes)**

- Ask for volunteers to reflect on what they learned
- What skills are necessary to understand the heart of the stranger? Sympathy? Empathy? What about to understand victims of torture?

#### **Activity #5**

##### **Conclusion (5 minutes)**

- This can be done either written or aloud -- Did anything change for you as a result of this exercise?
- If is this one in a series of lessons, write down the answers to this question to be shared at a later time.

#### **Supplies**

- Copies of the text (either the entire article or the selections)
- Copies of the steps for the protocol
- Stopwatch
- Paper
- Pencils
- Large paper and markers or blackboard and chalk

# Heart of a Stranger: Jewish Historical Memory of Torture

## Text #1

Exodus 23:9

וְגֵר לֹא תִלְקָח וְאַתָּם יָדַעְתֶּם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם:

You shall not oppress a stranger, for you know the heart of the stranger, having yourselves been strangers in the land of Egypt.

## Text #2

Sefer Ha-Hinukh 431

*You were strangers in the land of Egypt* reminds us that we have experienced the great suffering that one in a foreign land feels. By remembering the pain which we ourselves have undergone, from which God, in His mercy, delivered us, our compassion will be stirred up towards every man in his plight.

## Text #3

Rabbi Melissa Weintraub

While we cannot draw equivalences between our suffering – its unique depths and horrors – and the suffering of any other people, past or present, we can, in remembering our humiliations, weave empathy from pain. We know, from the inside, what it can mean to be abandoned to powerful governments with lofty aspirations. We know what it can mean to be dehumanized, blamed, and punished collectively for the misdeeds, real or imagined, of the few.

## Lesson #2 – But Does Torture Save Lives?

### Activity #1

#### Introductory Lesson

- If you have not done this at another point, you should do the introductory lesson based on Genesis 1:17 and the teaching of Hillel in Pireki Avot 1:14 before doing the rest of this activity.

### Activity #2

#### Provocative Prompts Protocol (20-30 minutes, depending on the size of the group and the intensity of the discussion)

*Adapted from* The Power of Protocols: An Educator's Guide to Better Practice, Joseph McDonald, et al.

#### Purpose:

The purpose of this protocol is to infuse the conversation with contrasting viewpoints and to help a learning group shape and reexamine their own perspectives and attitudes on a particular topic.

#### Steps

1. Write each of the prompts on a large piece of paper and hang it around the room
2. Members of the group go around and write their reactions – agreements, disagreements, thoughts – on the paper
3. Divide the group into groups of 4 and give each group one of the large pieces of paper
4. Group members read what is on the paper and the reactions and take turns reacting both to the original quotation and what others have said about it
5. Bring groups back together to share their thoughts – what do these texts tell us about torture? Did any of them change your views? Were you surprised by anything?

#### Prompts

- “I am convinced that more Americans are dying and will die if we keep the Gitmo prison open than if we shut it down.” – Thomas Friedman, New York Times
- The Torah decreed, ‘If he comes to kill you, kill him first. – Sanhedrin 72a
- Even as one who came before Raba and said to him, “the governor of my town has ordered me, “Go and kill so and so; if not, I will kill you.” Raba answered him, “Let him [the governor] rather kill you than you should commit murder; why do you think your blood is redder? Perhaps his blood is redder.” – Sanhedrin, 74a
- If a Jew is seen striking his fellow man and the latter cannot be saved without beating the striker, even to death, the striker may be beaten to keep him from a prohibition.– Piskei haRosh, Baba Kama 3:13
- If a group of people were told by non-Jews: Give us one of you that we may kill him, or else we will kill you all - they should all be killed rather than deliver to them a single Jewish soul. – Tosefta Terumot 7:20
- God commanded us that when we lay siege to a city that we leave one of the sides [of the city] without a siege so as to give them [the people being besieged] a place to flee to. It is from this commandment that we learn to deal with compassion even with our enemies even at times of war. – Rambam, Hasahot Ha-Rambam L’Sefer Ha-Mitzvot, Positive Commandment 5

## **Lesson #2, Activity #3**

### **The Ticking Time Bomb and the Rodef Group Discussion (30 minutes)**

- Bring the group back together and give out the Ticking Bomb worksheet (provided)
- Someone reads the scenario and questions aloud
- Give time for the group to react to the situation and to discuss with one another what they think (can be done in pairs if you have a very large group)
- Read the texts about the Rodef (the person who comes to kill you). Based on these texts, what does Judaism say about the ticking bomb situation?
- Put the conditions for the Rodef defense up on the board – does the ticking time bomb fit this criteria? What about those captured during a war? What about those being held on suspicion of terrorist activities?

## **Activity #4**

### **Conclusion (5 minutes)**

- This can be done either written or aloud -- Did anything change for you as a result of this exercise?
- If is this one in a series of lessons, write down the answers to this question to be shared at a later time.

## **Supplies**

- Prompts written on large paper
- Markers and pens for the whole group
- Ticking bomb worksheet
- Blackboard and chalk or large piece of paper and markers
- Paper and pens for reflection and note taking

## The Ticking Time Bomb

A captured fanatic has set a hidden nuclear device in the heart of a major metropolis, set to go off within hours. The authorities are certain that the prisoner in their hands is the perpetrator whose knowledge could avert the catastrophe and spare thousands of innocents, even a whole nation, and the non-violent devices of their most expert interrogators have not yielded enough information to locate and deactivate the bomb.

- Should the interrogators be allowed to use torture?
- Would you answer the same way for all suspected terrorists?
- What are the factors in this situation that might inform your answer?

### The Rodef

#### **Exodus 22:2-3**

If a thief is found breaking in [to a house at night] and is struck so that he dies, there shall be no bloodguilt for him, but if the sun has risen on him, there shall be bloodguilt for him.

וְגַר לֹא תִלְחֹץ וְאַתֶּם יִדְעֶתֶם אֶת־נַפְשׁ הַגֵּר כִּי־גָרִים הָיִיתֶם בְּאֶרֶץ מִצְרָיִם  
אִם הִמָּצָא תִמָּצָא בְיָדוֹ הַגֵּנֵבָה מְשׁוּר עַד חֲמוֹר עַד שְׁנֵי חֳמָיִם שְׁנַיִם יִשְׁלַם

#### **Sandedrin 72a**

Raba said: what is the reason for the law of breaking in? Because it is certain that no man is inactive where his property is concerned; therefore the thief must have reasoned, "If I go there he [the owner of the property] will oppose me and prevent me; but if he does I will kill him." Hence the Torah decreed, "If he comes to kill you, kill him first."

אמר רבא: מאי טעמא דמחלתת - חזקה אין אדם מעמיד עצמו על ממונו. והאי מימר אמר: אי אזילנא - קאי לאפאי ולא שביק לי, ואי קאי לאפאי - קטלינא ליה. והתורה אמרה: אם בא להורגך - השכם להורגו

#### **Rambam Hilchot Rotzeach 1:14**

If one person sees another drowning in the seas, or being attached by bandits, or being attacked by wild animals, and although able to rescue him either alone or by hiring others, does not rescue him...he transgresses...the injunction, "Neither shall you stand idly by the blood of your neighbor."

כל היכול להציל ולא הציל עובר על +ויקרא י"ט ט"ז+ לא תעמוד על דם רעך, וכן הרואה את חבירו טובע בים או ליסטים באים עליו או חיה רעה באה עליו ויכול להצילו הוא בעצמו או שישכור אחרים להצילו ולא הציל, או ששמע גוים או מוסרים מחשבים עליו רעה או טומנין לו פח ולא גלה אוזן חבירו והודיעו, או שידע בגוי או באנס שהוא קובל על חבירו ויכול לפייסו בגלל חבירו ולהסיר מה שבלבו ולא פייסו, וכל כיוצא בדברים אלו, העושה אותם עובר על לא תעמוד על דם רעך

### Conditions on the Rodef

1. Force must be intended to save a particular victim from imminent death
  - a. Spontaneity rather than premeditation
  - b. Present need rather than response to prior or future attack
  - c. Some say that the pursuer must understand the implications of his crime and be warned
2. Rodef does not justify harm to third-party innocents
  - a. The many have no priority over the innocent individual
3. The rodef must be thwarted with minimum possible harm, proportional to the threat he poses

# Lesson #3 – The Bar Against Self-Incrimination

## Activity #1

### Introductory Lesson

- If you have not done this at another point, you should do the introductory lesson based on Genesis 1:27 and the teaching of Hillel in Pireki Avot 1:14 before doing the rest of this activity.

## Activity #2

### The Roots of Anti Self-Incrimination Laws (15 minutes)

- Either with the whole group, or in smaller groups, read the Fifth Amendment and its roots, as well as the Talmud's discussion of self-incrimination (provided)
- Answer the question – why do you think the Fifth Amendment was included in the Constitution? Why do you think the Talmud included laws about self-incrimination? What are the similarities and differences between the two laws?
- If you were writing a law against self-incrimination, would it look more like the Talmud or American law? Why? Is there something you would include that both these laws lack?

## Activity#3

### Terror and Self-Incrimination Debate (30 minutes)

- Divide the group into two for a debate
- Read the case of Faisal Shazad (aka the Times Square Bomber) through two New York Times Articles (provided) and an interview with Attorney General Eric Holder on Meet the Press (provided)
- Using the Talmud, the Constitution and these articles (and anything else you have learned through the other lessons if you have done them), engage in a debate around the question – should terrorism suspects be afforded the same rights as other suspects? Should they retain the right against self-incrimination? Does it make a difference if the suspect is a citizen of the United States?

### Debate Debrief (10 minutes)

- Was it a challenge to argue either side of the debate?
- What do you really think?
- If you were an advisor to the President, who was contemplating broadening the exceptions to Miranda, how would you advise him or her? Why?

## Activity #4

### Conclusion (5 minutes)

- This can be done either written or aloud -- Did anything change for you as a result of this exercise?
- If is this one in a series of lessons, write down the answers to this question to be shared at a later time.

### Supplies:

- Roots of Self Incrimination laws source sheet
- Articles for debate
- Paper
- Pencils or pens

# The Roots of Anti Self-Incrimination Laws

## American Law

### The Fifth Amendment to the Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; **nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### Background of the Fifth Amendment

#### Source: Wikipedia

The right was created in reaction to the excesses of the Courts of Star Chamber and High Commission—British courts of equity that operated from 1487-1641. These courts utilized the inquisitorial method of truth-seeking as opposed to the prosecutorial, meaning that prosecutors did not bear the burden of proving a case, but that sufficient "proof" came from browbeating confessions out of the accused.

The legal shift from widespread use of torture and forced confession dates to turmoil of the late 16th and early 17th century in England. Anyone refusing to take the oath *ex officio mero* (confessions or swearing of innocence, usually before hearing any charges) was taken for guilty. Suspected Puritans were pressed to take the oath and then reveal names of other Puritans. Coercion and torture were commonly used to compel "cooperation." Puritans, who were at the time fleeing to the New World, began a practice of refusing to cooperate with interrogations. In the most famous case John Lilburne refused to take the oath in 1637. His case and his call for "freeborn rights" were rallying points for reforms against forced oaths, forced self-incrimination, and other kinds of coercion. Oliver Cromwell's revolution overturned the practice and incorporated protections, in response to a popular group of English citizens known as the Levellers. The Levellers presented *The Humble Petition of Many Thousands* to Parliament in 1647 with 13 demands, third of which was the right against self-incrimination in criminal cases. These protections were brought to America by Puritans, and were later incorporated into the United States Constitution through the Bill of Rights.

## Jewish Law

### The Talmud

From where is this law derived? — From what our Rabbis taught: The fathers shall not be put to death for [on account of] the children. What does this teach? Is it that fathers shall not be executed for sins committed by their children and vice versa? But is it not already explicitly stated [in the Torah], Every man shall be put to death for his own sin? Hence, Fathers shall not be put to death on account of children, must mean, fathers shall not be put to death on the testimony of their sons [or any other relatives] and similarly, and sons shall not be put to death on account of fathers, means, nor sons on the testimony of their fathers [or any other relative]. (BT Sanhedrin 27b)

מנהגי מילי? - דתנו רבנן: +דברים כ"ד+ לא יומתו אבות על בנים, מה תלמוד לומר? אם ללמד שלא ימותו אבות בעון בנים ובנים בעון אבות - הרי כבר נאמר +דברים כ"ד+ איש בחטאו יומתו. אלא, לא יומתו אבות על בנים - בעדות בנים, ובנים לא יומתו על אבות - בעדות אבות

R. Joseph again said: If a man says that so and so committed sodomy with him against his will, he himself with another witness may combine to testify to the crime. If, however, he admits that he acceded to the act, he is a wicked man [and therefore disqualified from acting as a witness] since the Torah says: *put not your hand with the wicked to be an unrighteous witness*. **Rava said: Every man is considered a relative to him self, and no one may incriminate himself.** (BT Sanhedrin 9b)

ואמר רב יוסף: פלוני רבעו לאונסו - הוא ואחר מצטרפין להרגו. לרצונו - רשע הוא, והתורה אמרה אל תשת רשע עד. רבא אמר: אדם קרוב אצל עצמו, ואין אדם משים עצמו רשע.

### **The Codes**

It is a scriptural decree that the court shall not put a man to death or flog him on his own admission [of guilt]. This is done only on the evidence of two witnesses (Rambam, Hilkhot Sanhedrin 18:6)

גזירת הכתוב היא שאין ממיתין בית דין ולא מלקין את האדם בהודאת פיו אלא על פי שנים עדים

### **The Case of Faisal Shahzad**

#### **Source: The New York Times**

A crude car bomb made from gasoline, propane, firecrackers and alarm clocks was discovered in a smoking Nissan Pathfinder in the heart of Times Square on May 1, 2010, prompting the evacuation of thousands of tourists and theatergoers on a warm and busy night. Although the device had apparently started to detonate, there was no explosion. Just before midnight on May 3 — 53 hours later — a naturalized U.S. citizen from Pakistan, Faisal Shahzad, was pulled from a Dubai-bound airliner at John F. Kennedy International Airport and arrested in connection with the incident.

The following morning, a law enforcement official said that Mr. Shahzad had made statements implicating himself and saying he had acted alone. But hours after he was taken into custody, Pakistani officials arrested a number of suspects in connection with the car bomb; both countries are trying to determine the origins and scope of the plot. The Pakistanis said that two of the men held said they had been in contact with Mr. Shahzad during a five-month visit he paid to the country that ended in February 2010. One was taken into custody in Karachi just after morning prayers at a mosque known for its links with the militant group Jaish-e-Muhammad.

American officials said on May 5 that it was very likely that the Pakistani Taliban played a role in the failed plot. Evidence was mounting that the group helped inspire and train Mr. Shahzad. In a video on May 2, the group claimed responsibility for the attempted bombing.

On May 13, Attorney General Eric H. Holder Jr. said three Pakistani men taken into custody during a series of raids across the Northeast may have provided money to Mr. Shahzad. But it was unclear if they knew that the funds were going to be used for an act of terrorism.

#### **Articles for Debate**

<http://www.nytimes.com/2010/05/13/opinion/13wachtler.html>

<http://www.nytimes.com/2010/05/10/us/politics/10holder.html>

**Excerpt from Meet the Press: Interview of Attorney General Eric Holder by David Gregory (May 9, 2010)**

MR. GREGORY: You issued a Miranda warning to Shahzad, the right to remain silent, at which point a lot of defendants, suspects could get a lawyer. You did that after eight hours and after you had already gotten him talking. There's criticism about injecting the possibility that a suspect will not provide intelligence if you give them that Miranda warning. Take me through that process of what the balancing test is before Miranda is actually issued.

MR. HOLDER: Well, I wouldn't say that we talked to him for eight hours without giving his Miranda warnings, but aside from that what you do is you use the public safety exception that the Supreme Court has defined to make sure that there are no immediate threats.

MR. GREGORY: The quote/unquote "ticking time bomb" scenario.

MR. HOLDER: Ticking time bomb. And then you make the determination whether or not it is appropriate, whether you think that giving Miranda warnings to that person is going to stop the flow of information or whether the flow of information will continue, and you make the determination. In this particular case, is it more important for us to get intelligence from this person, or is it more important for us to build the case? One of the things that we have certainly seen is that the giving of Miranda warnings has not stopped these terror suspects from talking to us. They have continued to talk even though we have given them a Miranda warning.

MR. GREGORY: Is that still the case here with Shahzad?

MR. HOLDER: It's clearly the case. He was given his Miranda warnings after the public safety exception questioning was finished, and he has talked to us and he continues to talk to us.

MR. GREGORY: But would you like interrogators to have more flexibility?

MR. HOLDER: I think we have to look at the rules that we have and look at the situation that we now confront. The public safety exception was really based on a robbery that occurred back in the '80s and something to do with a supermarket. We're now dealing with international terrorists, and I think that we have to think about perhaps modifying the rules that interrogators have and somehow coming up with something that is flexible and is more consistent with the threat that we now face.

MR. GREGORY: So let me, let me unpack that a little bit. What you'd like to see happen is that Congress would pass a law that would say to judges, "Hey, look, in this environment if we extract information that could be valuable intelligence about another terror plot, about who they're involved in, whether they're connected to the Pakistani Taliban, we want to get all that without them lawyering up and still be able to use that against them in the court of law." And you need more flexibility to do that, you think.

MR. HOLDER: Yeah. We certainly need more flexibility, and we want the public safety exception to be consistent with the public safety concerns that we now have in the 21st century as opposed to the public safety concerns that we had back in the 1980s.

MR. GREGORY: So that's news. I mean, that's an important development. Would you work with Congress to try to get that new law passed?

MR. HOLDER: Yeah. We want to work with Congress to come up with a way in which we make our public safety exception more flexible and, again, more consistent with the threat that we face. And yes, this is, in fact, big news. This is a proposal that we're going to be making and that we want to work with Congress about.

MR. GREGORY: So a new priority for the administration.

MR. HOLDER: It is a new priority.

MR. GREGORY: Will Shahzad be tried in civilian court?

MR. HOLDER: We will see. I suspect that he will. We have developed information that I think we can use in a civilian court. It's not even sure at this point whether or not there'll even have to be a trial.

MR. GREGORY: OK. But if there is a trial, it's not a decision you've made 100 percent yet.

MR. HOLDER: No. But I suspect he'd be in the civilian court.

# Lesson #4 – Human Dignity in Jewish Sources

## Activity #1

### Introductory Lesson

- If you have not done this at another point, you should do the introductory lesson based on Genesis 1:27 and the teaching of Hillel in Pireki Avot 1:14 before doing the rest of this activity.

## Activity #2

### Paper Midrash (10 minutes)

- Using only construction paper and glue, create a picture of “shame”
- Share the pictures with the group, explaining what you made

## Activity #3

### Text Study Jigsaw (30 minutes)

- Divide the group into groups of 4 and assign each group one of the four texts (provided) (groups can be studying the same texts if there are more than 4 groups, you can use fewer texts if you have fewer than 16 people)
- Each group studies their text and answers the accompanying questions
- After 10-15 minutes, reconfigure the group so that there is at least one person who studied each text in the new groups
- Each person takes turns teaching the text they did in their original group to their new group
- Using all four texts, answer the questions – what does Judaism say about human dignity? Are there any exceptions to this? Why do you think Judaism pays so much attention to make sure that people are not shamed?

## Activity #4

### Group Discussion (15 minutes)

- Bring the group back together to share some of their insights from their discussions
- Thinking about the Abu Ghraib prison scandal – how do these texts speak to our reactions to that?

## Activity #5

### Conclusion (10 minutes)

- This can be done either written or aloud -- Did anything change for you as a result of this exercise?
- If this is the last in a series of lessons – look over what you have written over the course of these lessons. Has your thinking evolved? How? Ask for volunteers to share with the group

## Supplies

- Construction paper
- Glue
- Copies of texts and questions for Jigsaw

# K'vod Ha-Briot: Human Dignity

## Text #1

Anyone who shames his fellow in public, it is as if he spilled blood. He who publicly puts his neighbor to shame has no portion in the world to come. It is better for a man to throw himself into a fiery furnace than to put his fellow to shame publicly. (Baba Metziah 58b)

Question: Why is shame compared to murder?

## Text #2

We are to honor others regardless of whether they demonstrate self-respect; our obligation to treat others with dignity is not conditional on what sort of person stands before us (M. Bab Kama 8:6)

Question: Why are we obligated to show honor to someone who does not honor themselves?

## Text #3

*Kvod ha-briot* [human dignity] is very highly prized; there is no principle that is more highly prized. The Rabbis laid down a cardinal rule: great is human dignity, which overrides any negative, rabbinic commandment, permitting its violation even by an active measure...the Torah [moreover] widens [the applicability of] the [overriding] principle of *kvod ha-briot* even to commandments written in the Torah, for example, in cases of *shev ve'al taaseh* [abstaining from action]. According to the *Steinsaltz Reference Guide*, "*shev ve'al taaseh*" (lit. sit and do nothing) is used to refer to 1) Biblical laws that require us to refrain from an action 2) Refraining from any action in any context. In particular, this can refer to overriding a positive commandment of the Torah to avoid a transgression. 3) In cases when contradictory factors are in force, *shev ve'al taaseh* is often advised because the consequences of refraining from action are less severe than when the commandment is actively transgressed. (Meiri, Bet Habehirah, Berakhot 19b).

Question: Why do the rabbis allow the violation of negative, rabbinic commandments (and some say Torah commandments) if they violate human dignity?

## Text #4

Whatever [the judge] does should be for the sake of Heaven, and human dignity should be light in his eyes, since it overrides a Rabbinic prohibition...He [the judge] should be careful not to do anything to injure their dignity. His sole concern should be to enhance the glory of God, for whoever dishonors the Torah is himself dishonored by men, and whoever honors the Torah is himself honored by men. To honor the Torah means to follow its statutes and laws. (Rambam, Hilkhot Sanhedrin 24:10).

Question: What does this text teach us about human dignity for criminals?

## Session 5:

# Ending U.S.-Sponsored Torture Forever: A film from the National Religious Campaign Against Torture (NRCAT)

From [www.nrcat.org](http://www.nrcat.org):

**Your congregation is encouraged to show the 20-minute video [Ending U.S.-Sponsored Torture Forever](#) and use a corresponding discussion guide to help educate people in your congregation and community on this issue.**

**[Register now](#) to show the film in your congregation!**

**[View the 20-minute video online.](#)**

**[Order the DVD](#) (\$5.00).**

The video is also available as an .m4v file,  
which can be watched on the free [QuickTime player](#).

**Download the [video file directly](#) or via the [iTunes store](#) (228 MB).**

**[Download one of the 6 Discussion Guides.](#)**

(Evangelical Christian, Mainline Protestant, Catholic, Muslim, Jewish, Unitarian Universalist)

Since its founding in 2006, NRCAT has sought to increase the number of people who believe that torture is always wrong with no exceptions. In light of the results of a [2009 poll](#) by the Pew Research Center's Forum on Religion and Public Life, NRCAT is asking congregations to show the video [Ending U.S.-Sponsored Torture Forever](#) to help increase the number of people of faith who believe that torture is always wrong.

[Use these helpful tips](#) to reach out to another congregation in your town, region, or faith group and encourage them to show the video.

### **More Information for Facilitators**

The DVD includes a one-session and a two-session option for video screening and discussion. The discussion guides provide a suggested time breakdown for sessions of one hour or less. If you can schedule a longer session, the group will be able to go deeper with the discussion.

This resource is particularly suited for an adult discussion within a congregation, but it could also be used with older youth or college groups and in ecumenical or interfaith settings.

- **We urge congregations to consider using one of the [discussion guides](#) which contain detailed information and resources for facilitators.** Discussion guides have been prepared for: Catholics, Evangelical Christians, Jews, Mainline Protestants, Muslims, and Unitarian Universalists.
- NRCAT asks that the facilitators complete an [online registration form](#), so that we can provide further information and support, as well as track participation across the country.
- We ask that facilitators make copies of [NRCAT's statement on a "Commission of Inquiry"](#) and urge those who participate in the discussion to consider endorsing it.
- We also encourage facilitators to have a copy of the [definition of torture](#) included in Article I of the U.N Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- This DVD project is intended to help us reach new audiences, and you can help us achieve that by promoting the video to other congregations in your area.

If you have questions about this project, please contact John Humphries at 860-216-7972  
or [jhumphries@nrcat.org](mailto:jhumphries@nrcat.org).

## Ending U.S.-Sponsored Torture Forever DVD Discussion Guide for Jewish Communities

### Introduction

Since 2002, the United States government has engaged in torture and cruel, inhuman and degrading treatment. These practices are illegal under U.S. law and considered immoral within most, if not all, faith traditions. This discussion guide was prepared by the National Religious Campaign Against Torture (NRCAT) to facilitate discussion of the video “Ending U.S.-Sponsored Torture Forever.” **You can view and download the video, order a copy of it on DVD for \$5.00, and access all the resources and links mentioned in this discussion guide at: [www.nrcat.org/300](http://www.nrcat.org/300).**

The video describes the torture practices of the U.S. government since 9/11, portrays the lasting effects on the survivors of torture around the world, and offers perspectives from a variety of faiths. Most faiths affirm that torture is a moral issue and that torture is always wrong.

Six different versions of this discussion guide have been prepared to address the needs of different faith groups: Catholics, evangelical Christians, Jews, mainline Protestants, Muslims, and Unitarian Universalists. To download any of these versions, go to: [www.nrcat.org/DVDguide](http://www.nrcat.org/DVDguide).

NRCAT is also suggesting that you make copies of its statement on a Commission of Inquiry ([www.nrcat.org/COIpetition](http://www.nrcat.org/COIpetition)) and ask that participants in the session consider endorsing the statement.

### Suggestions for Using this DVD

This DVD is useful for a variety of settings within your synagogue. It can be used for an adult education class of approximately one hour, or a Hebrew High school class. Because the film does not contain many graphic images, with the right framing it would be suitable for a pre-Bar/Bat Mitzvah ethics discussion. For those synagogues that show films on Shabbat, the DVD can be used for a Friday night discussion or a Shabbat lunch and learn. The film is also appropriate for an interfaith community or campus program.

### Preparing for the Discussion

We suggest that facilitators preview the video and read through the discussion guide to decide how you would like to present the material. Think through your own feelings and responses, so you are not surprised during the discussion. Feel free to add your own thoughts, questions, and prayers! The video includes religious voices of various faiths – all stating that torture is wrong. However, there may be a variety of opinions expressed during the discussion, and openness and honesty should be encouraged.

Here is a quick preparation checklist:

- Register your participation in the project at [www.nrcat.org/300](http://www.nrcat.org/300).
- Advertise early and often within and outside the congregation. Announce it in worship. Consider a press release.

#### **National Religious Campaign Against Torture 2 of 3 Revised 6/1/10**

- Determine who will participate in leadership and reading of questions/prayers.
- Test the DVD with the equipment (DVD player and TV) you will be using for the session.
- Make copies of NRCAT’s petition form calling for a Commission of Inquiry as one way for participants to join the effort to end U.S.-sponsored torture. You can download a copy from the NRCAT website at [www.nrcat.org/COIpetition](http://www.nrcat.org/COIpetition).
- Occasionally participants will ask for the definition of torture that is being used. A link to the definition from the Convention Against Torture, which is U.S. law, can be found at [www.nrcat.org/definition](http://www.nrcat.org/definition).

When promoting the screening within your synagogue or educational setting, be prepared both for questions about Israel and about introducing a political subject into the community. Remind people that torture is a non-partisan issue, with many Americans of all political persuasions opposed to the use of torture, and that the question of torture as a moral challenge to American society goes beyond political labels. Concern about torture in Israel is real, but should not prevent discussion of American use of torture.

Publicity materials (synagogue bulletin articles, email announcements, *bimah* announcements, etc.) should stress that the discussion will be open to people of all perspectives. The primary question should be “Why should the Jewish community care about ending torture?”

### **Additional Resources**

As a facilitator you may want to visit or encourage participants to visit [www.nrcat.org](http://www.nrcat.org), where we have a list of our member organizations, statements on torture from most of the major Jewish denominations, further worship and prayer resources, and ways that your congregation can become involved to end U.S.-sponsored torture. Many of these resources could be helpful both in your preparation for the class and in your community’s discernment about its response.

### **Session Outline**

#### **Welcome and introductions** (5 minutes)

Ask participants to introduce themselves. Then introduce the class and the video. Here is a sample introduction: “Everyone comes to this discussion session with many thoughts, feelings, and beliefs, some of which we may not even be aware. We may have conflicting views. The purpose of this discussion is for us to begin to discuss U.S. practices and to look at that policy through the eyes of faith. We will specifically be exploring a comparison between the reality that many Americans do think torture is justifiable in some situations and the Jewish perspective (based on the Torah, Jewish values, and the Jewish historical experience of torture) that would lead us to the conclusion that torture is always wrong.”

***Set a spiritual tone for the event.*** You might want to consider beginning with a prayer for people everywhere who have been victims of torture, such as the *Misheberach for Victims of Torture* found on the RHR-NA website. Raise the idea that Jews have been the historic victims of torture and that Judaism demands concern for the well-being of the stranger, since we were strangers in the land of Egypt. *Consider allowing a moment of silence after the film.*

**Video Screening** (20 minutes) **National Religious Campaign Against Torture 3 of 3** Revised 6/1/10

Insert DVD and select “For a single session” from the main menu. The video will begin screening immediately.

**Discussion** (20-30 minutes total)

Now we’ll discuss some of what Judaism says on the issue of torture.

*Sample questions*

- 1) Jewish tradition holds that all human beings are created in the image of God, and that to dishonor another human being is to dishonor God. The rabbis also teach that to humiliate another is akin to killing them. Are these compelling arguments against torture from a Jewish perspective? What other Jewish values do you think prohibit the use of torture?
- 2) Jewish tradition also teaches that to save a life is to save the whole world. Can this be used to justify torture or prohibit it? Would the Jewish view on torture be different in your mind if torture were actually effective?
- 3) In the first half of the film, interrogator Matthew Alexander describes the situation in Iraq when he arrived as “living the ticking time bomb scenario” and argues that rapport building techniques were much more effective in saving lives than any torture could be. Would this be an effective argument that torture does not serve as a form of *pikuach nefesh* (the saving of a life)? Would Jewish tradition argue that if we can achieve the same ends (saving a life) through less drastic measures, that is what we should try to do? (For more on this question, see Rabbi Ed Feld’s “Curriculum on Human Dignity, Self-Defense, and Judicial Process” at [www.rhr-na.org](http://www.rhr-na.org).)
- 4) Jews have historically been the victims of torture. Does that give us a special obligation to try to end it?
- 5) Would Jewish tradition support the argument that the war on terror requires a new way of looking at war and terrorists? Would Jewish tradition support the argument that we should be willing to use the moral compass as our enemies?
- 6) Torture scenarios assume that the victim has something to tell. But many victims of torture have been innocent bystanders. Is it acceptable in the Jewish tradition to harm innocent in the hopes of finding the guilty? How many innocent?

**Jewish Resources on Torture**

These resources might be useful to the facilitator in preparing for the discussion, or to distribute as handouts. They, along with other resources, can be found in the Campaign Against Torture section of the Rabbis for Human Rights-North America website ([www.rhr-na.org](http://www.rhr-na.org)).

[“Six Questions to Clarify Your Position,”](#) Rabbi Margaret Holub

[“Text Study: The Question of Self-Defense and the Ticking Time Bomb”](#) Rabbis Brian Walt and Jarah Greenfield  
[Curriculum on Human Dignity, Self-Defense, and Judicial Process](#), Rabbi Edward Feld

[Jewish Values and Torture](#), Rabbi Melissa Weintraub

[2008 Conference Transcript: Beyond Guantanamo](#), Tom Wilner and Gita Gutierrez