

Kill Them!

by: Rabbi Jeremy Rosen

I have always been disturbed by the number of times the Bible declares "He, She or It, shall be put to death." It doesn't matter the severity of the crime. Being brought up in a liberal western society and having discovered how many innocent men and women have been wrongly put to death by judicial systems, I cannot accept the very idea of capital punishment. Let's leave Nazis out of this. Death was too easy for them.

Seeing the way the Bible seemingly loosely throws capital punishment around makes me feel very uneasy.

I used to justify the Bible in different ways. For instance, punishments in the Bible were there to give priorities. Imagine a visitor from space landing on earth with no cultural or moral background. How would it be able to differentiate between a serious crime and a minor one? Between jay walking or dropping litter as opposed to stealing from a store or killing someone? Or the difference between accidental homicide and intentional murder? Laws of other countries are often confusing for new comers from different cultural worlds. Why should honor killings, female circumcision, forced marriages, beating one's wife or wanting to kill Jews not be allowed if they are tolerated or even encouraged elsewhere?

Seeing what the punishments were would be the easiest way of working out what mattered more.

I used to argue that, in the Bible, circumstantial evidence was not acceptable. Unlike our modern so-called "enlightened countries" and legal systems, the Torah required two actual adult witnesses who were not related. And even if you could find such witnesses, you would need another two unrelated witnesses who could testify that the perpetrator had been warned in advance and told what the punishment would be. Only then could the judges convict and apply the death penalty.

Imagine you and a friend saw a fellow with a scimitar rush into a house yelling that he was going to kill someone. You heard a scream and a few minutes later, out he came brandishing a bloody sword. You rushed in and saw a decapitated body minus a head in a pool of fresh blood. Jewish Law would not be able to pass a death penalty without two independent people being

present to witness and two others to testify about warning. Only a suicidal maniac could ever be sentenced to death. Although the authorities could still impose other punishments or decide that he was a danger to society and he ought to be sent to a city of refuge.

It is true that later Rabbinic law invented another form of death by the sword as a punishment in order for a king to deal with traitors or threats. But that was not in the Bible. Still, seeing the bare text without context never sat easily.

Great rabbis agreed with me (or I with them). The Mishna in Makot (1:10) says "A Sanhedrin that put a man to death in seventy years is called murderous. Rabbi Eliezer ben Azariah said once in seventy years. Rabbi Tarfon and Rabbi Akivah said that if they had been on the Sanhedrin, they would never have passed a death sentence." That's pretty progressive. So much for Bloody Mary Tudor! Though there was a more conservative point of view from the big boss at the time, Rabbi Shimon Ben Gamliel, who said that removing the death penalty would only encourage more murders.

And given that for two thousand years under Christianity and Islam, Jewish courts had no right to execute anyone even if all conditions were met, I think we have every reason to feel proud of ourselves. Even so, I still felt bad.

Until an article in the Economist of May 4th2019 finally salved my conscience.

Two books were reviewed. The first, "The Goodness Paradox" by Richard Wrangham, examined why it was that chimpanzees on one side of the Congo river had evolved to be so aggressive and murderous – even with each other. Whereas bonobos on the other side were peace loving. One of his theories was that the chimps lived in a wild, bad environment with nasty gorillas for neighbors. They had to learn to be violent to survive. And the violence in their genes affected their own social relations.

Whereas the bonobos lived in a less threatening environment. They were able to evolve more peacefully. Aha!, I thought. That's it. The Israelites lived right in the middle of all these violent civilizations: the Canaanites, the Philistines, the Egyptians, the Hittites, the Arameans, the Assyrians, the Babylonians and the Persians not to mention the later arrival of the Greeks and the Romans. They had to be tough, quarrelsome and aggressive to survive. Though I think I'd rather put my money on God rather than the chimpanzees.

But it did make me feel a lot better.

The second book was "Blueprint" by Nicholas Christakis. In it he described how two shipwrecks on different sides of the same island 300 miles south of New Zealand in 1864 produced very different outcomes. The *Invercauld* had 19 survivors of the wreck and only three of those survivors made it to safety. The *Grafton*, on the other hand, had only five survivors but they all made it to safety.

Christakis discovered that the Captain of the *Invercauld* was a selfish brute who instilled the idea that every man should fend for himself. The Captain of the *Grafton*, on the other hand, encouraged them to stick together and co-operate. This "social suite" helped them survive. He argues that it isn't just what we learn from others but that our genes can evolve to push us towards being better human beings if we are encouraged to share.

He also argues that certain types of aggression in humans and animals can be instrumental in getting societies to live together in harmony. This may involve rooting out the nasty, non-co-operative miscreants and sending a signal that bad behavior will be punished.

Societies, he claims, need to threaten dire punishments for non-co-operative behavior in order to achieve a peaceful state – particularly if everyone else around is violent. Be good to your neighbors otherwise they may gang up against you or refuse to help fight off the baddies.

There are a lot of contradictions here – and much speculation. As with many such theories, it is only a theory. Even so, it rings true to me. If God wanted the Jews to survive then, like Johnny Cash's "A Boy Named Sue", they'd have to be tough and learn to co-operate. The gory punishments – death for this and death for that – were a way of telling them that if they wanted to live in a peaceful society they had better get their act together or disappear like the other bullies in the yard.