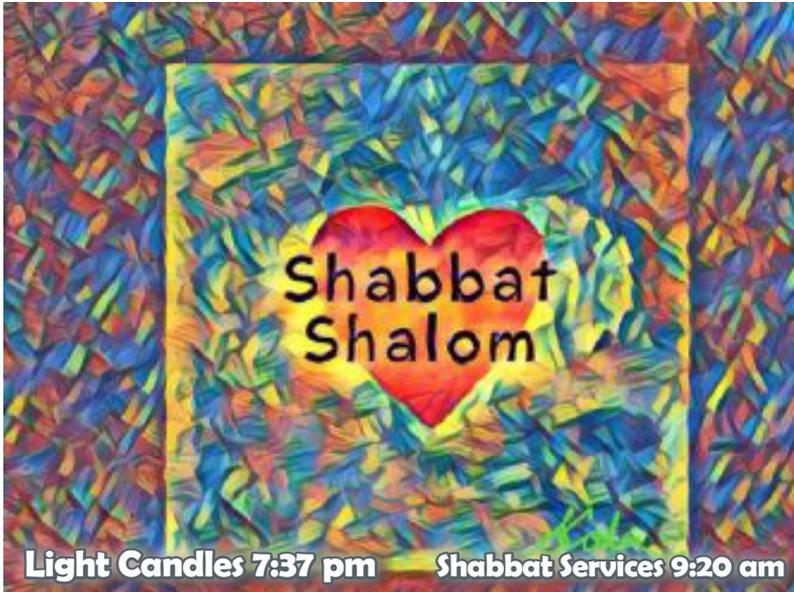




Carnegie Shul Chatter

August 29, 2019



A Difficult Issue

This week the United States Department of Justice decided to seek the death penalty for the murderer who killed eleven innocent people praying at the Tree of Life Synagogue in Squirrel Hill.

Earlier, two of the congregations who conduct their services at Tree of Life, New Light Congregation and Dor Hadash Congregation, had asked the Department of Justice not to seek the death penalty but to seek a plea deal instead of a capital punishment trial, saying that a trial would make their congregants re-live those terrible moments that occurred last October 27 over and over again, something they hoped to avoid.

So what does Judaism have to say about the death penalty?

Below are three articles for you to consider. The first two are from *myjewishlearning.com*. The third is from *deathpenaltyinfo.org* and expresses the view of the Rabbinic arm of Conservative Judaism in the United States.

Changes Coming

The attack on Tree of Life last October has prompted a need for greater security at synagogues everywhere. Here in Pittsburgh, the Jewish Federation, in the wake of the shooting, has helped synagogues prepare security plans and has contributed to the funding of the implementation of those plans.

Here at the Carnegie Shul we will soon begin to make security changes of our own, including a new entry system through the doors on Chestnut Street. We will also see armed security guards at our doors for the High Holidays.

Among the changes that will soon be implemented are new galvanized steel doors at the social hall entrance and an electronic numeric keypad on the Chestnut Street door. The cost of these changes is nearly \$4000, all paid for by a grant from the Federation.

Look for additional information on these changes as they are implemented during the coming weeks.

The Death Penalty and Conservative Judaism

Beware of selective Bible-passage quoting

By Rabbi Lewis Warshauer

In the closing days of his administration in 2003, outgoing Illinois Governor George Ryan pardoned or commuted the sentences of all prisoners on the state's death row. The governor's action sparked a renewed debate about the death penalty in the United States. For Jews, this debate presents the opportunity to review and clarify the stance of Jewish law on capital punishment not only for our own information but in light of public policy discussions now underway.



One might think that the Jewish view of capital punishment is governed by one of the verses in this week's Torah portion, "He who fatally strikes a man shall be put to death" (Exodus 21:12). However, it is not that simple. In Jewish law, one cannot form a defense simply by taking one's pick of biblical verses and ignoring others.

What Christians Believe

A good example of why we cannot do this is a panel that was sponsored in June 2001 by the Pew Forum on Religion and Public Life. On this panel, a Catholic, a Jew, an African-American Protestant, and a Southern Baptist presented their different religions' and denominations' views on the death penalty. Each spokesperson arrived at this position by citing distinct sources that supported his denomination's viewpoint.

The Catholic spokesman emphasized the development in his Church's thinking—a development away from capital punishment. He did not quote Bible, nor mention religious law per se. He did, however, cite three sources: the catechism of the Church, the statements of the current Pope, and the statements and advocacy of the US Catholic Bishops. The Church's position, he said, is that while the state has the right to impose capital punishment, it should forego that right for a variety of reasons.

The Southern Baptist spokesman, Barrett Duke, stated that his denomination favors capital punishment because the Bible supports it. He cited as his key verse: "Whoever sheds the blood of man, by man shall his blood be shed" (Genesis 9:6). Mr. Duke notably chose not to quote a different verse from the Bible: "A person shall be put to death only on the testimony of two or more witnesses. He must not be put to death on the testimony of a single witness. Let the hand of the witnesses be the first to put him to death" (Deuteronomy 17:6-7), because it would not have served his case to do so.

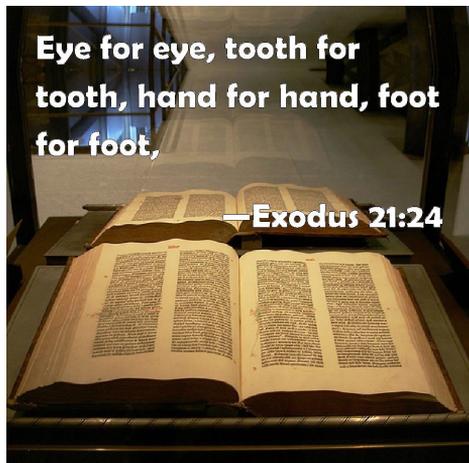
WHOSO SHEDDETH MAN'S
BLOOD, BY MAN SHALL
HIS BLOOD BE SHED:
FOR IN THE IMAGE OF
GOD MADE HE MAN.
- GENESIS 9:6

The African-American spokesman, Joseph Lowery, a minister and former associate of Martin Luther King Jr., used primarily secular points to argue against the death penalty. He quoted a verse from the Bible "an eye for an eye, a tooth for a tooth" (Exodus 21:24, this week's parashah), saying that Dr. King had denounced that verse.

The Jewish spokesman, Nathan Diament, an attorney by training who works for the Orthodox Union, quoted extensively from the Talmud, showing that Jewish law employs procedural safeguards to limit false convictions in capital cases. As discussed in great detail in the Talmudic tractate of Sanhedrin (particularly chapters 4 and 5), these safeguards include the requirement that two witnesses be present at trials and that judges interrogate witnesses

thoroughly. Mr. Diament finished by saying that since sufficient questions have been raised about the accuracy and fairness of jurisprudence in capital cases throughout the United States, there ought to be a moratorium on the death penalty while these issues are examined. He said that because the death penalty, when properly applied, implements justice for society, it should not be abolished outright.

Conservative Movement's Views



In 1960, the Conservative Movement's Committee on Jewish Law and Standards approved a paper by Rabbi Ben Zion Bokser that advocated abolition of the death penalty. We as Conservative Jews should raise this issue again today as a contribution to the public policy debate. More than that, it would be a chance for us to demonstrate our emphasis on the legal tradition in Judaism — a careful, thoughtful, subtle tradition developed over many centuries and still evolving. It is a tradition that avoids both vague pronouncements on one hand and selective Bible quotation on the other. Many people have been executed on the testimony of one person alone or, worse, in the absence of eyewitness testimony. Although Jewish criminal law is no longer applicable in any jurisdiction, its methods and lessons have much to recommend.

I would advocate for abolition, on the grounds that the capital punishment system in too many states in America is so broken that it cannot be fixed. It is not just a question of procedural safeguards. The criminal justice system in the United States is driven by prosecutors whose main goal is to obtain convictions. Judges are being sidelined. The Jewish legal system, however, is judge-driven. The judge is supposed to be interested in obtaining justice, not in securing the conviction of the defendant. These are not always the same thing.

Because execution is irrevocable, inequities for the meantime have to be tolerated. Capital punishment should be abolished until the system can be overhauled. Only then can it correctly be called a justice system.

Provided by the Jewish Theological Seminary, a Conservative rabbinical seminary and university of Jewish studies.

The Death Penalty in Jewish Tradition

Capital punishment: allowed in the Torah and Talmud, but rarely carried out by Jewish courts

By MJL

The Torah prescribes death as punishment for a number of serious sins — among them murder, idol worship and desecrating the Sabbath — as well as several seemingly less serious ones, like serially disobeying one's parents. In practice, however, death sentences were rarely carried out by Jewish courts.

A famous passage states that a religious court that executed someone once in 70 years was considered destructive. That gap between principle and practice is often cited as evidence that Judaism is deeply uncomfortable with capital punishment, so much so that the rabbis of the Sanhedrin erected significant legal bulwarks to make it exceedingly rare. Others argue that the Torah's explicit judgment that certain crimes merit a sentence of death is irrefutable proof that capital punishment is consistent with Jewish tradition.

murder but cannot be convicted on account of some technicality, the killer is to be fed bread and water until he aches and then fed barley until his stomach ruptures. A similar punishment is prescribed by the Talmud for repeat offenders. Elsewhere, Maimonides writes that a king may execute killers even without clear proof or a warning for the sake of public order, and may even leave their bodies hanging for days to instill fear in the hearts of the wicked. The Talmud endorses a similar position, saying that in certain extreme circumstances courts may impose a death penalty even if the standard legal requirements are not met. The Shulchan Aruch later codified that ruling, saying that punishments of death could be imposed without clear testimony at times of rampant sinfulness.

Furthering this line of thought is the fact that the Talmud discusses in detail the various types of executions, which some take as evidence that the mechanics of carrying out a death sentence were of more than theoretical concern. Four methods of execution are discussed in the Talmud: stoning, burning, beheading and strangulation.

The Death Penalty in Israel

The death penalty has been carried out only twice in Israel's history. The most famous instance was the case of Adolf Eichmann, the senior SS officer and leading architect of the Holocaust who was executed by hanging in 1962 after a trial that captivated the world. The other case was shortly after Israel's establishment in 1948, when an army officer, Meir Tobianski, was executed for treason after a court martial in which he had no legal representation. Tobianski was posthumously exonerated and reburied in a military ceremony with full honors. Several other death sentences have been handed down over the years but none carried out.

Current Israeli law allows for the death penalty only in limited circumstances. These include crimes related to the Holocaust and treason committed by a soldier during wartime. The Israeli Knesset voted in 1954 to abolish the death penalty for murder. Technically, Palestinian terrorism is liable for capital punishment under Israeli law, but Israel has never executed a Palestinian terrorist convicted at trial. (Israel's military, like the U.S. military and others, has carried out targeted assassinations of terrorist suspects, a policy validated by Israel's Supreme Court in 2006.)

In recent years, right-wing lawmakers have been pushing for this to change. In 2015, they overwhelmingly voted down a bill introduced by the right-wing Israel Beiteinu party that would have made it easier for judges to impose a death sentence on terrorists. In 2017, Prime Minister Benjamin Netanyahu called for the death penalty in "severe cases," a call he issued after visiting the family of three Israelis stabbed to death by a Palestinian in their home in the West Bank settlement of Halamish.

Contemporary Jewish Views on Capital Punishment

The American Jewish Committee, which conducts regular surveys of American Jewish opinion, last asked about the death penalty in 2000. At the time, 67 percent of Jews surveyed favored the death penalty for convicted murderers and 26 percent opposed — numbers comparable to the nationwide figures for that period. More recent data from Gallup found that only 54 percent of Jews believe the death penalty is "morally acceptable," fewer than Catholics (61), Protestants (66) and Mormons (79). A 2014 survey by the Public Religion Research Institute found that 33 percent of Jews preferred the death penalty for someone convicted of murder, compared to 54 percent of Jews who preferred life in prison.



Democrats are also less likely than Republicans to support the death penalty according to Gallup, and the 2016 Democratic party platform called for its abolition while the Republican platform called the constitutionality of capital punishment “firmly settled.” American Jews favor the Democratic party by large margins. According to pollsters, overall American support for the death penalty for convicted murderers has been steadily declining for decades, with the Pew Research Center reporting in 2016 that support for capital punishment had fallen to a 40-year low at 49 percent.

Among both the secular and religious leadership of American Jewry, there is widespread opposition to capital punishment. The Reform and Conservative movements have long been in favor of abolishing capital punishment, while the Orthodox Union, in 2004, expressed support for a moratorium “pending the implementation of appropriate reforms” — among them, steps to address issues of fairness in the judicial system, in particular allegations of racial bias in administering the death penalty. The American Jewish Committee and the Jewish Council for Public Affairs have been longstanding opponents of the death penalty.

Why The Rabbinic Arm Of Conservative Judaism In The United States Totally Opposes Capital Punishment

Rabbi Julie Schonfeld, Chair, Social Action Committee Of The Rabbinical Assembly

I am delighted to be here to discuss this important subject.

I will start by reading to you the resolution adopted by the Rabbinical Assembly in 1996:

Whereas, the Torah teaches that all human beings are created in God’s image; Whereas, Jewish tradition upholds the sanctity of life; Whereas both

in concept and practice Rabbinic leaders in many different historical periods have found capital punishment repugnant; Whereas, no evidence has been [marshaled] to indicate with any persuasiveness that capital punishment serves as a deterrent to crime; Whereas, legal studies have shown that as many as 300 people in this century have been wrongly convicted of capital crime; Therefore, be it resolved that The Rabbinical Assembly oppose the adoption of death penalty laws and urge their abolition in states that have already adopted them; That the Rabbinical Assembly urge the enactment of laws that mandate that some capital crimes be punishable by life imprisonment without parole; That the Rabbinical Assembly offer support and speak out on behalf of the victims of violent crime and their families; That the Rabbinical Assembly encourage its members to send this resolution to their appropriate elected officials.



What can we learn from the Rabbinical Assembly’s resolution on capital punishment? First, it is an object lesson on the Conservative point of view, at least in our Social Action Committee, regarding how we apply Jewish tradition to contemporary issues. My colleagues and I believe there is ample precedent in Jewish tradition to support our opposition to capital punishment and our view that the death penalty is a pressing issue in contemporary society that compels us to speak. Clearly, from Dr. Sperling’s talk, we see that there have been times during which Judaism was not completely opposed to capital punishment. Therefore, how was the Rabbinical Assembly able to state with confidence that we speak in the name of a Jewish tradition that opposes capital punishment?

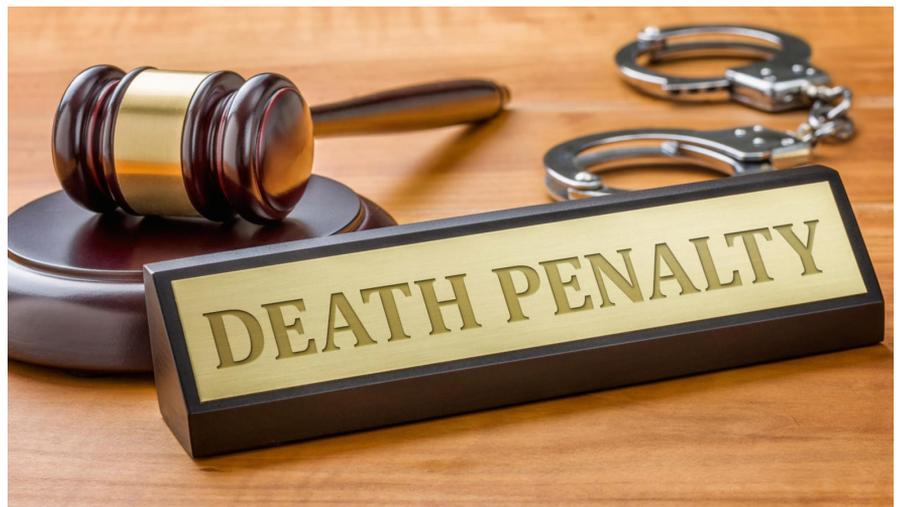
As the Bible permitted capital punishment under certain circumstances, the Jewish people found themselves during the early Rabbinic period, while the Temple was still in existence, with the notion that capital punishment was possible. Yet, although there were crimes for which one could be exposed to the death penalty, there also was a detailed set of restrictions that made it absolutely impossible to impose that penalty. Our ancestors, acknowledging that there are some crimes so heinous that the human conscience cannot bear to let them go unpunished, instituted statutes demanding capital punishment. At the very same time, however, an unequivocal commitment to the sanctity of life made it impossible to mete out capital punishment.

During the time of the Temple, the great Sanhedrin was the highest court of the people. A Sanhedrin of twenty-three judges was required for a capital case, compared with a Sanhedrin of three judges that was required for simpler matters. The judges who heard capital cases had to meet an exhaustive set of criteria in order to assure that they could not be swayed from pursuing the cause of justice as a result of public opinion, graft, or any other improper reason. Additionally, a second group of twenty-three judges listened to the evidence presented, they were obligated to report any error made to the detriment of the defendant. On the other hand, they were not obligated to report an error made to the advantage of the defendant.

Another protection enjoyed by the defendant was a requirement that the evidence presented had to be direct evidence; there had to be two witnesses to the crime and circumstantial evidence was not permitted. That makes one start to think that fingerprint and DNA evidence, had it existed at the time, would not have been permitted. Instead, the two witnesses had to be present before the crime was committed; they had to see the potential murderer with a weapon in hand; they had to ask the potential murderer whether he was aware that he would be eligible for the death penalty if he were to commit the crime; the potential murderer had to respond that he was aware that he could be subjected to the death penalty; the witnesses then had to see the murderer commit the act.

Meeting these requirements did not necessarily guarantee the murderer would be punished by death, as the witnesses' testimony would be found invalid if there was any reason to suggest they might be biased. Moreover, the testimony was invalid if the witnesses would receive any benefit from giving their testimony. So, unlike our system, there were no "deals." The witnesses had to be warned at the time of testimony of the serious penalties for perjury, and they had to acknowledge that they are aware of these risks.

Despite all of these various aspects that would keep capital punishment from actually being meted out, no court would or could accept a capital case after the destruction of the Temple. Even where the secular authorities said that the Jewish courts could make the decision, they no longer agreed to hear such cases after the time of the Temple. As the above examples demonstrate, Jewish tradition has approached capital punishment in an interesting way. In some ways, our ancestors wanted to say that because of our comprehension of the infinite value of human life, capital punishment is not a possibility for the Jewish people. Paradoxically, our ancestors could not say that capital punishment was



not possible for the very reason that life is sacred, in addition to the horror that we feel in response to a murder.

The assertion of our tradition that murder desecrates God's own presence in our world could not enable us to erase the notion of capital crimes from our legal writings. So, there was a theoretical possibility of a capital punishment that could not possibly be carried out. That subtlety is not embodied in the Rabbinical Assembly's resolution. I do not think that we have tremendous confidence that should the American people have statutes on the books permitting capital punishment, our society would nevertheless refrain from using that power to mete out execution as a punishment. So, short of that possibility, we extract from the lessons of our ancestors the fact that clearly they did not want to carry out capital sentences. And it is on this basis that we speak unequivocally against capital punishment. Our resolution is public. It is on the books. The Rabbinical Assembly of the Conservative movement opposes capital punishment.

The Return of AJ!



Last year we welcomed Adam J. Edelman to be our High Holidays cantor, and what a wonderful cantor he was! We were all inspired by the passion that was so apparent in his davening. And, on top of that, he had a great voice!

We are delighted to announce that this year AJ will be back with us once again.

AJ is a 28 -year-old native of Boston, Massachusetts, and an MIT graduate, who also studied at Yeshivat Lev Hatorah in Israel. He is also a 2018 Israeli Olympian, four-time Israeli national champion, and former captain of Israel's Olympic bobsled/skeleton team.

But more importantly, he is an incredible chazzan and we are delighted that he will be with us again this year.

Yahrzeit Plaques

Commemorate a loved one by dedicating a yahrzeit plaque in his or her memory at the Carnegie Shul. These beautiful plaques, mounted on the sanctuary walls, are lit on the loved one's yahrzeit, Yom Kippur, and days when Yizkor is recited. The names are also read aloud from the Bimah during services on the Sabbath of the yahrzeit and on Yom Kippur. To purchase a plaque, for only \$175, please email Mike Roteman at mrmike7777@yahoo.com.



Sponsor a Kiddush



Please consider sponsoring a Kiddush in honor or in memory of a loved one, for only \$36. Your sponsorship will be announced from the bimah and in the weekly Chatter. To sponsor a Kiddush, email mrmike7777@yahoo.com.

South Hills

NOSH & KNOW



with Rabbi Danny Schiff

Jewish Federation of Greater Pittsburgh Foundation Scholar

Wednesday, September 11

Tuesday, September 17

Wednesday, September 25

11:30 AM - 1:00 PM

The Artsmiths of Pittsburgh

1635 McFarland Rd., Mt. Lebanon, 15216

\$36

for all three sessions

*Lunch provided,
Dietary laws
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“Twenty-First Century Love & Marriage”

Rabbi Schiff will explore the current state of Jewish love and marriage, and where it all might be headed.

Registration: southhillsjewishpittsburgh.org/nosh

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