

In a civilized society, people need to know that they are protected within the society in which they live. When a person kills another human being, it is the duty of the society — in order to protect itself — to take the life of the perpetrator. This is deterrence, not revenge.

When we view capital punishment as revenge, we hear the humane human being crying out against injustice to society — that society not stoop to the level of the killer. We tend to look for “justice” in everyday life. But, in fact we are living in a compromised state — not in a state of absolute justice. In our everyday life the compromises are the true justice.

I suggest we look not for justice but for compromise. This is the only way where a moral world can exist.

But if law and order do not prevail, the killer will know he is protected and havoc will prevail.

Yitzhak Frankenthal's son Arik was abducted and murdered by Hamas terrorists when he was nineteen years old. That year Yitzhak liquidated his business and invested all his energies and assets into the Parents' Circle, which has united hundreds of Israeli and Palestinian bereaved parents committed to promoting reconciliation, peace, and democracy.

Until recently, I have been an unconditional opponent of the death penalty. My position derives from my commitment to uphold the fundamental commandment, “Thou shalt not kill.” These transcendent laws require a universal public and private moral code. When societies subscribe to the same morality and value human life equally, then capital punishment is not justice, but rather, as Rabbi Blumenfeld fittingly describes, “legalized revenge.” My opposition to the death penalty has been questioned by a growing recognition that some of my neighbors do not adhere to the same moral code that is the basis for the commandment, “love thy neighbor as thyself.” Such people are the suicide bombers who targeted civilians working in the World Trade Center and walking on Israel's sidewalks. Capital punishment for these transgressors is not revenge but rather defense. In these specific instances capital punishment is justice, an attempt to reestablish the moral standard that perpetuates the Levitical order, the most fundamental commandment.

Zoe Tananbaum recently graduated with honors from Harvard College and wrote a senior thesis entitled “Reel Death: Disturbing Visions and the Illegality of Televised Executions.”

We cannot pretend that Torah and Jewish tradition never affirmed the death penalty. Nor can we presume that they equated an individual's pursuit of holiness, addressed in this passage, with communal jurisprudence.

What we can venture to say, however, is that they struggled — as do we — with the impossibility of implementing capital punishment without error or perversion of justice. They wrestled with the morality of taking God's power over death into human hands.

It is Rabbi Akiva who also said, along with Rabbi Tarfon: “Were we members of the Sanhedrin, no person would ever be put to death.” They were responding to the assertion that if a court effects an execution once in seven years (or seventy years, according to Rabbi Eliezer), it is branded a destructive tribunal (*Makkot 7a*). Standards of evidence were made so high as to virtually eliminate capital judgments.

And yet, vengeance still permeates our justice system (or we would take the idea of rehabilitation a lot more seriously). So do racism, classism, and human error. We creep toward the pursuit of justice and the sanctification of our own souls.

Rabbi Rachel S. Mikva is the spiritual leader of Community Synagogue in Rye, NY.

“Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself.” Leviticus 19:18

What is the death penalty? It is the quintessential expression of legalized revenge. It is a measured public form of retribution, which is meant to deflect any unbridled act of private vengeance. We have become accustomed to calling the snuffing out of a human life by state execution “justice.” But the word is no more than a euphemism for what it really is — “revenge.”

It was Rabbi Akiva who declared that the very familiar verse, “You shall love your neighbor as yourself” is a fundamental rule in the Torah. Most people are not aware that the first part of that verse states, “You shall not take vengeance.” It too is fundamental. Maybe even more fundamental because of the behavioral challenge it imposes. It mitigates against a seemingly ineradicable human impulse to “even the score.”

We are all familiar with the phrase often quoted at funerals, “The Lord has given and the Lord has taken away...” (Job 1:2). The first part of the verse conveys a profound truth — that human life is the precious gift of God. So too, the latter part of the verse offers us significant spiritual guidance. It cautions us that it is not the role of humans to take away human life. This applies even to suicide. It certainly applies to capital punishment. In this regard, we believe that only “the Lord (can) take (life) away” because “vengeance belongs to God” (Ps. 94:1).

Frankly, I am comfortable with that thought, especially when we witness how capital “justice” is sometimes applied in our time — here and abroad.

Rabbi David L. Blumenfeld is an executive with the United Synagogue for Conservative Judaism. He is a central figure in the best-seller nonfiction book “Revenge, A Story of Hope” written by his daughter, Laura Blumenfeld.

Some days I wake up asking myself, who am I to take another man's life? By nightfall, though, I have seen pictures of Nazi guards at Auschwitz and heard the name Osama bin Laden. Then I clench my fists and evoke God's message “to take revenge for the Israelites against the Midianites” (*Numbers 31:1*). Judaism is more nuanced than two contrasting biblical verses.

In tractate *Makkot* we hear Rabbi Blumenfeld's voice expressed by Rabbis Tarfon and Akiva. Yet, the Mishna closes with Rabban Shimon b. Gamaliel claiming that “their [R. Tarfon and R. Akiva's] actions would have thereby increased the shedders of blood.”

All feelings, including hatred, have both positive and negative applications. Stifling and ignoring those feelings only cause more pain and death. Uncontrolled feelings of vengeance are the harbingers of revenge. At the same time, well-deliberated and carefully applied revenge is unapologetic justice. Taking into account the broad gamut of human sensibilities, sensitivities, and needs prevents us from saying life is only in God's hands. We must accept the responsibility that comes with living in a humanly empowered yet flawed world where law is not in heaven.

Eliyahu E. Stern is a rabbinical student at Yeshiva University.

*NiSh'ma is the Hebrew word for “let us hear.”