

A RIGHT TO LIFE

A commentary on *Parashat Sh'lach L'cha*
By Rabbi Lea Mühlstein

In his 2007 book “The Year of Living Biblically”, AJ Jacobs humorously describes his attempt to follow every single rule in the Bible as literally as possible for an entire year. It is on Day 64 that he attempts to tackle, what he calls, “the second item on my list of Most Perplexing Laws: Capital Punishment.” After his attempt at stoning an adulterer—which involved throwing pebbles at an elderly man—Jacobs concludes: “Even though mine was a Stoning Lite, barely fulfilling the letter of the law, I can’t deny: It felt good to chuck a rock at this nasty old man. It felt primal. It felt like I was getting vengeance on him. [...] I also knew that this was a morally stunted way to feel. Stoning is about as indefensible as you can get. It comes back to the old question: How can the Bible be so wise in some places and so barbaric in others?”

In *Parashat Sh'lach L'cha*, we read the following story (Numbers 15:32-36, adapted from the New JPS translation): “Once, when the Israelites were in the wilderness, they came upon a man gathering wood on the Sabbath day. Those who found him as he was gathering wood brought him before Moses, Aaron, and the whole community. He was placed in custody, for it had not been specified what should be done to him. Then the Eternal One said to Moses, “The man shall be put to death: the whole community shall pelt him with stones outside the camp.” So the whole community took him outside the camp and stoned him to death - as the Eternal One had commanded Moses.”

So with all the wonderful moral lessons we can learn from the gift of Shabbat also comes a teaching of cruel

punishment for breaking the rules. Of course, many readers will be familiar with the quote from Mishnah *Makkot* 1:10: “A Sanhedrin that puts a man to death once in seven years is called destructive. Rabbi Eliezer ben Azariah says: even once in seventy years.”

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Rabbi Louis Jacobs rightly acknowledges that all this material comes from a time when the right to impose the death penalty had been taken away from the Jewish courts by the Roman authorities. Yet whatever the initial reason, Judaism effectively abolished capital punishment in rabbinic times. The passage from the Mishnah was even referred to in the *Knesset* debate concerning the retention of the death penalty in the State of Israel, and it was eventually decided to abolish capital punishment entirely except for treason committed in time of war.

The Universal Declaration of Human Rights begins with the recognition of the inherent dignity of all members of the human family and affirms in Article 3 that “Everyone has the right to life, liberty and security of person.” According to Amnesty International, over two-thirds of the countries in the world – 139 – have now abolished the death penalty in law or practice. However, despite repeated calls by the UN and human rights charities to abolish the death penalty completely, the USA and other otherwise enlightened nations continue this ethically unacceptable legal practice.

The evolving Jewish attitude toward capital punishment can serve as a powerful example for those countries who continue to execute human beings in the name of the law. So when we read the story about the stoning of the man who collected wood on Shabbat, let us not be distracted by a literal reading of the text but instead reflect upon the work that we must still undertake to ensure that “the right to life” will be granted to all wherever they may live.