

A Yom Kippur Reflection on the Death Penalty

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Why, on Yom Kippur, the holiest day of the year, does our tradition hit us with the one-two punch of the unlikely prophetic combination of Isaiah and Jonah?

Isaiah fits perfectly with the feel of the day. Weighing in at 66 chapters, Isaiah is the heavyweight of the Major Prophets; everybody's favorite. He describes the world as it *could* be, the world we want to see. His exhortations to clothe the naked, feed the hungry and free the oppressed are, for many of us, at the very core of what it means to be a Jew. His vision of a justice-pursuing Israel reborn in compassion and righteousness, shining like a beacon for the world is the very essence of the Prophetic Tradition that inspires us with a sense of Jewish mission and obligation.

And then there's Jonah. In many ways, he is the anti-Isaiah. He is a lightweight of a Minor Prophet. He is fearful, reluctant and vain. Where Isaiah burns with the fire of his prophesy, Jonah runs away from his. His Book is four chapters long. So why is Jonah paired with Isaiah on Yom Kippur? If Isaiah is telling us that pursuing justice is what it really means to be a Jew, what is Jonah telling us? What are we meant to take away from this Haftarah?

Taken together, Isaiah and Jonah remind us of the essential core of Jewish obligation. If Isaiah is about the centrality of *tzedek*, justice, in Judaism, then Jonah is about two other central concepts: the first is the universalism inherent in Jewish tradition and thought, and the second is the notion of *tshuvah*: the idea that every human being, no matter how bad their behavior, is capable of change.

Universalism. Jonah stands for the proposition that all peoples are equally loved and valued by God. God does not require that the Ninevites accept God or convert to Judaism: just that they repent and change their ways. Jonah's disregard for the fate of Ninevites results in his rebuke by God: how dare you care so much about a plant and not value the lives of thousands of human beings. This rebuke was sometimes cited by Christian theologians as evidence of Jewish self-interest, clannishness and narrow-mindedness. But historical, theological anti-Semitism ought not to obscure the point of the story for us now: We are obligated to feel a sense of responsibility for everybody. Even people we don't know. Even people we don't like.

The Jewish ethical system is predicated on the idea that every human life is unique and inestimably precious. Each person is created *b'tselem elohim*- in the image of God. In every individual resides the spark of the divine. As Jews then, and in fact as human beings, we are responsible for other human beings. The people around us, yes, but also the people in Darfur, in Kashmir in Jerusalem, and in South Central LA.

This is, of course, easier said than done, and Jonah is a good example of this. He could care less about what happens to the 120,000 non-Jews of Nineveh. He doesn't feel responsible for them, and he doesn't want to do what God asks him to do for them. But God sends Jonah to Nineveh city, and when Jonah complains that God has spared the city, God responds that the inhabitants of Nineveh are God's children, and that they are precious. The Book of Jonah is, in fact, radically ecumenical; God cares not only about the people of Nineveh, but about the animals there, too.

Of course, we're all Jonah sometimes. We're all tempted to circumscribe the circles of our compassion: family, community, the Jewish people, the country, the world. How can we feel a sense of obligation for all of this? It is overwhelming. Impossible. And yet, Judaism says we must. Yes, we should and must look out for ourselves and our own— but this is not enough. We have to find the balance Hillel describes when he says *Im ein ani li, mi li? Uch sh'ani latsmi, ma ani?* “If I am not for myself, who will be for me? But if I am only for myself, what am I?” We have to find a way to live on that knife's edge: Every human life is precious. All of us are equal.

In an outline for a sermon on Jonah, MLK describes the universalism of the Book of Jonah like this: “There is no class system. Aunt Jane is just as significant as the PhD. The person who lives in the alley is just as worthwhile to God as the richest person in the community”

Tshuvah. The other great lesson of Jonah is *t'shuvah*. Scholars write that the power of Nineveh's repentance so impressed the rabbis that this is the reason that they chose the Book of Jonah to be read in shul during one of the central moments of the Jewish calendrical cycle. The wicked city repents, and God accepts their *t'shuvah*. It is the difference between life and death.

This is, of course, the promise of the High Holidays, and of humanity: like the people of Nineveh, we can change, we can be better than we are. Even the most wicked cannot be defined solely by their worst acts. Even they are created *b'tselem elohim*. The divine spark always contains within it the potential for change.

Jonah refuses to accept that the people of Nineveh are his brothers and sisters; he dismisses their humanity and thus their capacity for *t'shuvah*. Jonah is so stuck on the letter of the law – in this case, his prophesy – that he cannot accept that the letter of the law is just a vehicle for its spirit. The point of the prophesy is not that Nineveh *should* be overthrown in 40 days; it is that Nineveh must repent. But blind adherence to procedure at the expense of substance is not, as we shall see, unique to Jonah.

Jonah also refuses to accept the role that God intends for him: to be an agent of positive change, a force for *t'shuvah*. This is what God expected of Jonah, and it is what Judaism expects of us. Yes, that we refrain from evil and do good, but also that we help others do so as well. Gandhi said that we must be the change we seek in the world. This too is our obligation.

So what does it mean to feel a sense of obligation to all people, and to be a force for *t'shuvah* in the world?

I want to tell you, briefly, the story of Stan “Tookie” Williams. For the past 24 years, Williams, who is 51 years old, has lived on death row in San Quentin Prison near San Francisco. Williams grew up in South-Central Los Angeles. As broken a community as you can find in this country. In 1971, at the age of 17, he co-founded the Crips, which quickly became the city’s, and then the Nation’s, most notorious street gang. In 1979 Williams was charged with four murders, crimes he says he didn’t commit. Two years later, he was convicted and sent to San Quentin. Serious questions about the testimony and evidence that convicted him remain. And Williams alleges that his trial was unfairly moved from LA to Torrance, where all African-Americans in the jury pool were dismissed and the case was heard by an all-white jury.

But even if Williams is, as he claims, innocent of the crimes for which he was convicted, let’s be clear: he was, at the time of his arrest, a dangerous criminal who had done more than his share of bad things.

But this is where Williams’ story gets really interesting. In prison, Williams began to rehabilitate himself. He publicly left the Crips. He then apologized for creating the gang and perpetrating, in his words, “black on black genocide.”

This was no ordinary prison conversion. Williams devoted himself to fighting gangs. He spoke out. He wrote nine award-winning children’s books to steer kids away from gang-banging, which he describes as “banging on your own people.” He began meeting with young people from at-risk communities to tell them to stay away from gangs, and to describe for them the horrors of prison. He also started the Internet Project for Street Peace, which encourages gangs to stop fighting each other. He created a “Protocol for Peace,” a model agreement to end gang feuds, and last year, the Crips and the Bloods in Newark, NJ signed it, ushering in a truce that has remained in effect ever since.

This work led a three-judge panel of the U.S. 9th Circuit Court of Appeals to state, in 2002, that Williams’ anti-gang initiatives made him a strong candidate for clemency from the governor. This sentiment was supported by the Deputy Mayor of Newark, who, in a letter supporting clemency, cited a dramatic reduction in gang-related crime in his city following the signing of what is referred to as “Tookie’s Protocol for Peace.”

Since 2001 Stan “Tookie” Williams has been nominated for the Nobel Peace Prize five times. He has been nominated for the Nobel Prize for Literature four times. And his was too good a story not to be made into a TV movie: last year, Jamie Foxx played Williams in *Redemption: The Stan Tookie Williams Story*. Williams’ serves as an inspiration for a generation of vulnerable young people in our inner-cities, kids who are listening to him when he tells them not to throw away their lives like he did.

The results of Williams’ transformation in prison – of his repentance his *t'shuvah* – and the restitution he is making to the society that he damaged – are tangible. His work has,

quite literally, changed lives and saved lives. Stan William's today is not the person he was at 17. He is a living example of the power and potential of *t'shuvah*.

But not for long.

Two days ago, the United States Supreme Court declined to hear final death penalty appeals from three prisoners in California. That's the end of the line for a capital defendant. Yesterday, the three were given execution dates in December, January and February. Stan Tookie Williams was one of those appellants. He is set to die on December 13. Two months from today.

You may disagree with me about the death penalty, and that's fine. I believe that the capital punishment system in our State and in our country is so broken as to be beyond repair. And I think the issues Williams' case raises reflect this.

I could cite for you the example of Illinois, where a Republican Governor, a conservative Christian, an ardent supporter of capital punishment, ordered a halt to executions in his state after journalism students at Northwestern discovered that more people on Illinois' death row were innocent of the crimes for which they'd been sentenced to death than the number of people Illinois had executed since the death penalty was reinstated in the seventies.

I could tell you how the State of Georgia recently apologized for what it now acknowledges was the execution of an innocent person. I could tell you how the Supreme Court, as far back as 1987, acknowledged what we all know – that if you are poor or a person of color you are far more likely to get the death penalty than you are if you are white or a person of means. I could tell you that California's system of justice is as overburdened and flawed any other state, and that if we begin in December a Texas-style run of executions we, too, will risk killing innocent people. We, too, will create dual systems of capital justice: one for the poor and blacks and Latinos, and one for the rest of us.

And I could tell you that Judaism finds the kind of capital system we have abhorrent and unacceptable. That while the Torah lists dozens of capital crimes – including violating the Shabbat, witchcraft, and talking back to your parents – the rabbis of the Talmudic era erected procedural and evidentiary obstacles that essentially obviated the possibility that a Sanhedrin (a Jewish court) would ever hand down a death sentence. Those rabbis 2000 years ago were concerned about exactly the same things that concern us today – the risk of executing an innocent and the abomination of dual systems of justice for different classes of people. Better not to have a death penalty at all, they reasoned.

But let's forget about all this for a moment. Innocent or guilty, victim of a flawed trial or not, Stan Tookie Williams is set to die in 2 months time. A young criminal who evolved into something more, someone more than the sum of his crimes. Now a force for good in the world, keeping others from making the same mistakes he made. The letter of the law is clear in this case; his appeals have been exhausted. There is no where else to turn.

Unless the governor grants him clemency, he will die. The State of California will kill him in the name of the People of California. Which, of course, means that you and I will kill him.

So what do we do? I imagine I know what Jonah would do, faced with our dilemma. He would take a seat, and watch San Quentin to see if the judgment would be carried out. I think he would hope that it would be. This time, he probably won't be disappointed.

But what about us? The Book of Jonah tells us that all people are equal under God, and that we are all of us responsible for each other, even those we don't know. Even those we don't like. And the Book of Jonah tells us that even the wicked can make *t'shuvah*, and that when they do, God will renounce God's punishment. And that it is wrong to hope otherwise. And that our job as Jews is to be agents of *t'shuvah* in the world. And Isaiah tells us that we are also to serve as agents of justice. For us today, Nineveh, sits repenting in sack cloth and ashes in the death-house in San Quentin Prison on the San Francisco Bay. 60 Days more and Nineveh shall be overthrown. What will we do?

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<http://www.californiapeopleoffaith.org/Sermons/Daniel%20Sokatch.htm>