

Jewish Sermon Notes on Torture

(by Rabbi Rachel Gartner)

-Judaism teaches that it is not within our rights as members of the human community to cause intentional suffering to any member of the human community, no matter how difficult we find them, no matter how understandable our outrage, or no matter how afraid we are:

- Bereshit Rabbah 24:7: R. Akiva taught: "Love your neighbor as yourself' (Leviticus 19:18) is the greatest principle, so that you must not say, "Since I have been put to shame, let my neighbor be put to shame, since I have been cursed, let my neighbor be cursed." R. Tanhuma taught: "If you do so, know whom you put to shame, for 'In the image of God did God make humanity'" (Genesis 1:27).

-Nor may we seek the death of even those who have harmed us:

Ezekiel 33:11

יא אָמַר אֲלֵיהֶם חַי-אֱנִי נְאֻם אֲדֹנָי יְהוִה, אִם-אֶחָפֵץ בְּמוֹת הָרָשָׁע, כִּי אִם-בְּשׁוּב רָשָׁע מִדְרָכּוֹ, וְחָיָה: שׁוּבוּ שׁוּבוּ מִדְרָכֵיכֶם הָרָעִים... } פ	11 Say to them: As I live, says God, I have no pleasure in the death of those who have strayed, only that they turn from their ways and live; turn, turn from your evil ways;
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-Brakhot 10a: Bruriah, when R. Meir seeks death of those who harass him says, "Do you think you can justify your [wish for their death] on the basis of the psalmist's words 'Let sins cease from the land?' Sinners don't have to die for sins to cease; it is sufficient that they stop sinning"

-Widely recognized as a form of psychological torture that can destroy peoples' minds and can kill their spirits, solitary confinement as it is practiced in America today is excessive and overly punitive and thus runs counter to religious views of justice, which focus on repentance and rehabilitation.

Relationship After Atonement

"By the authority of the Court on High and by authority of the court down here, by the permission of One Who Is Everywhere and by the permission of this congregation, we hold it lawful to pray with sinners."

Introduction to Kol Nidrei

1. [The convicted criminal] may be given forty lashes. Lest beating him more than these many lashes would degrade your brother in your eyes.

Devarim 25:3

2. Whenever a person sins and is lashed, he returns to his original state of acceptability, as implied by the verse: "And your brother will be degraded before your eyes." After he is lashed, he is [again] "your brother."

Rambam Mishneh Torah, Hilchot Sanhedrin 17: 7

3. ...[U]ntil the moment of punishment, a person may be referred to as “wicked.” But after punishment, he once again becomes our “brother.”

Sifrei Devarim, Ki Tetze 286.