

# The Prophetic Voice

## Hebrew Scripture and Public Life

MINICOURSE



SACRED TEXTS  
SHARED CIVIC LIFE



*With Benjamin Sax, Ph.D.,  
ICJS Jewish scholar*

WEDNESDAYS

APRIL 15, 22, AND 29, 2026

7:00–8:30 PM ET ONLINE

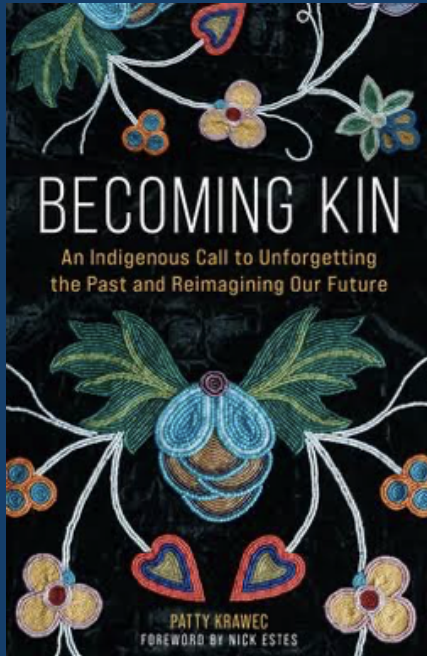


# Today's Agenda



1. Summary
2. A Jewish View of Justice
3. The Death Penalty in Jewish Tradition and Practice
4. Are There Times When Murder is Justified? The Case of the Rodef
5. The Death Penalty, Sodom and Gomorrah, and Living with Violence
6. Plenary

# Patty Krawec

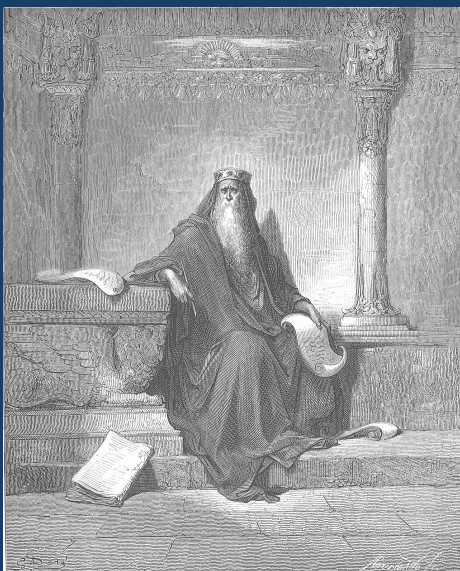


“We are related, and all of our creation stories make that point one way or another. So, the question has never been *whether* we are related but *how* we live out these relationships with the land, and with other-than-human relatives, and with each other.” (146)



# A Jewish View of Justice

# Grounding in Core Texts



שכל המאבד נפש אחת מישראל, מעלה  
עליו הכתוב כאלו אבד עולם מלא

Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world.  
(Mishnah Sanhedrin 4:5)

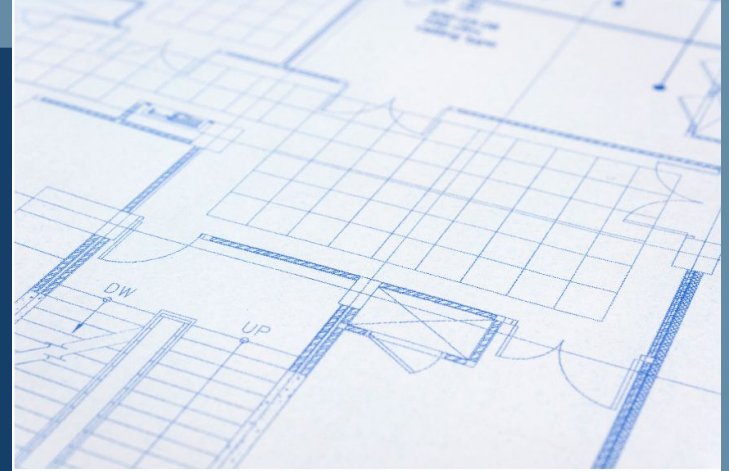
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לא-תלך רכיל בעמיך לא תעמד על-  
דם רעך אני יי

Do not deal basely with members of your people. Do not profit by the blood of your fellow:  
I am G-d. (Leviticus 19:16)

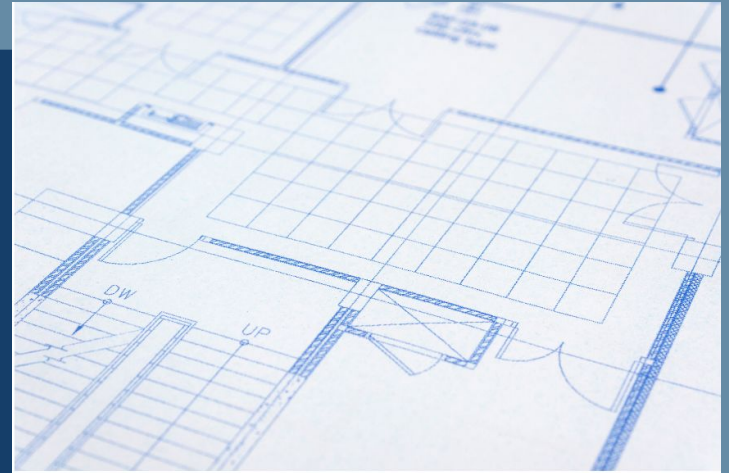
# Torah as a Blueprint for Justice

- Torah is not a privatized religion but a **social vision**, not ascetic distancing from the world, but a **deep engagement** with, and enmeshment in, the messy realities of living together day in and day out.
- Jewish tradition is about **learning to live with others**.
- The Torah's vision extends to economics and politics too.



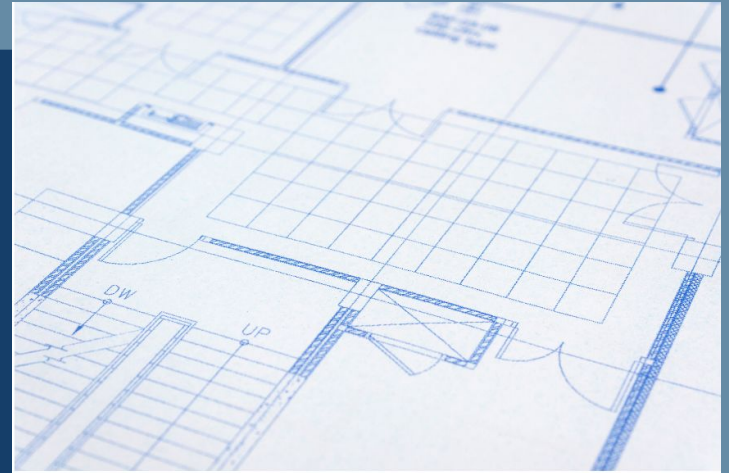
# Torah as a Blueprint for Justice

- The Israelites are called to build a society in which:
  - the weak are protected from those who would prey on them,
  - poverty is robbed of its tyrannical power,
  - the people see one another, across lines of wealth, prestige, and status, as family.



# Torah as a Blueprint for Justice

- Israel's fidelity to Torah will be measured, in large part, by the kind of society, and by the kinds of social relationships, it creates.
- Ultimately the character of Israel's life is intended to **reflect the character of the G-d it worships.**





# To be Human is to be Accountable

“[T]o be human is to be accountable. In contrast to other animals, the Mishnah teaches, human beings are always held responsible for our actions.”

- Rabbi Abraham Joshua Heschel, commenting on Mishnah Bava Kamma 2:2

# Humanity and Accountability



- The meaning of human freedom is not that we can decide whether or not we are responsible for others; the meaning of human freedom is that we can decide **whether or not to live up to that responsibility.**
- To be a part of Jewish tradition is to **argue for justice and plead for mercy.** If, following Abraham's example, Jews are asked to argue with God, how much more so are we called to speak up in the face of human injustice.
- According to Jewish ethics, then, in a society where some are oppressed, **all are implicated.** There are no innocent bystanders.

# Pirkei Avot

## 2:16



“[Rabbi Tarfon] used to say: It is not your duty to finish the work, but neither are you at liberty to neglect it; If you have studied much Torah, you shall be given much reward.”

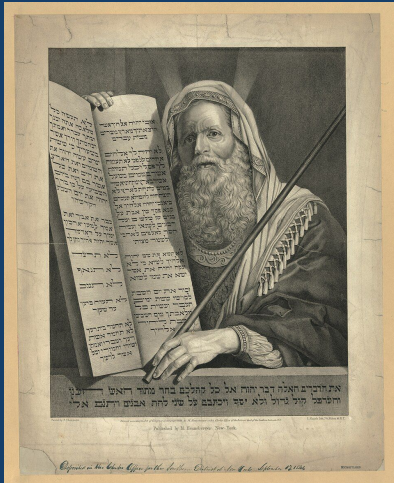
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1. We can and must improve ourselves, but we cannot perfect ourselves.
2. We can and must improve the world, but we cannot perfect it.
3. That's part of what it means to wait for the messiah, rather than pretend that we are the Messiah.



# The Death Penalty in Jewish Tradition & Practice

# Death Penalty: Principle, Not Practice



- The harshness of the death penalty indicated the seriousness of the crime.
- Jewish philosophers argue that the whole point of corporal punishment was to serve as a reminder to the community of the severe nature of certain acts.
- This is why, in Jewish law, the death penalty is **more of a principle than a practice.**

# Death Penalty: Principle, Not Practice



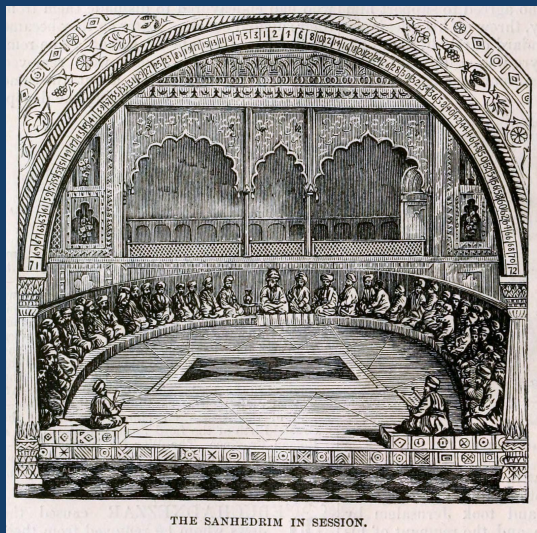
- The numerous references to the death penalty in the Torah underscore the severity of the sin, rather than the expectation of death.
- This is bolstered by the standards of proof required for application of the death penalty, which were extremely stringent.

# Mishnah Makkot 1:10

נהדרין נוהגת בארץ ובחוצה לארץ. סנהדרין ההורגת אחד  
 בשבוע נקראת חבלנית. רבי אלעזר בן עזריה אומר, אחד  
 לשבעים שנה

The mitzva to establish a Sanhedrin with the authority to administer capital punishments is in effect both in *Eretz Yisrael* and outside *Eretz Yisrael*. A Sanhedrin that executes a transgressor **once in seven years** is characterized as a destructive tribunal. Rabbi Elazar ben Azarya says: This categorization applies to a Sanhedrin that executes a transgressor **once in seventy years**.

# Mishnah Sanhedrin 1:4



דיני נפשות בעשרים ושלשה

Cases of Capital law are decided by 23 judges.

The Math:

- It takes 10 judges to convict a person.
- It takes 10 judges to acquit a person.
- Add 3 more to allow for a majority decision.

# Mishnah Makkot 1:10

רבי טרפון ורבי עקיבא אומרים, אלו היינו בסנהדרין לא נהרג  
 אדם מעולם. רבן שמעון בן גמליאל אומר, אף הן מרבין שופכי  
 דמים בישראל

Rabbi Tarfon and Rabbi Akiva say: If we had been members of the Sanhedrin, we would have conducted trials in a manner whereby no person would have ever been executed. Rabban Shimon ben Gamliel says: In adopting that approach, they too would increase the number of murderers among the Jewish people. **The death penalty would lose its deterrent value**, as all potential murderers would know that no one is ever executed.”

The image shows a vast landscape of eroded, layered rock formations, likely a badlands or mesa region. The rock is light brown and tan, with distinct horizontal strata. The sky is blue with scattered white clouds. The overall scene is a wide, open landscape with a sense of depth and scale.

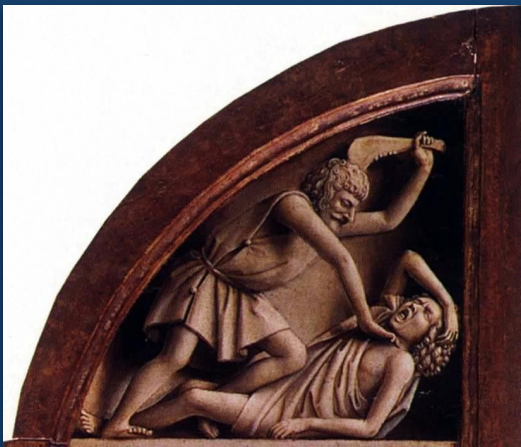
# The Case of the Rodef

ואלו הן שמצילין אותן בנפשן: הרוזף אחר חבירו להרגו,  
 ואחר הזכר, ואחר הנערה המאורסה. אבל הרוזף אחר בהמה,  
 והמחלל את השבת, ועובד עבודה זרה – אין מצילין אותן  
 בנפשן

“And these are the people whom one must save with their lives [meaning, killing the wrongdoer]: one who pursues his fellow to kill him; one who pursues a man or woman [to rape them]; but one who pursues an animal, desecrates the Sabbath, or commits idolatry are not saved with their lives.” (BT Sanhedrin 73a)

# דין הרודף

## Law of the Pursuer



“And these are the people whom one must save with their lives: one who pursue his fellow to kill him; one who pursues a man or woman [to rape them]; but one who pursues an animal, desecrates the Sabbath, or commits idolatry are not saved with their lives.”  
(BT Sanhedrin 73a)

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1. How do you identify a *rodef*? What does it mean to be in imminent danger?
2. What happens if you kill a *rodef* and there was a way to stop with without killing them?
3. When is murder not murder?



# The Death Penalty and Living with Violence



## Baltimore City of DOJ Consent Decree to Reform the Baltimore City Police Department (April 7, 2017)

- Fostering community trust
- Implementing community-oriented policing
- Preventing unlawful stops and arrests
- Ending discriminating practices and excessive force
- Improving public and officer safety
- Enhancing accountability
- Updating technology

- The investigation uncovered:
  - Baltimore Police Department **indirectly encourages foot pursuit** tactics by assessing officers by number of arrests they make.
  - Past Baltimore City officials have **added pressure to engage in pursuit**, in efforts to reduce violent crime in the city.



- The investigation uncovered:
  - Baltimore Police Department trains officers on “characteristics of an armed person,” while acknowledging that **80% of individuals showing said characteristics will be unarmed.**
  - “BPD officers nevertheless frequently engage in foot pursuits and use force on individuals based solely on factors such as ‘wearing loose clothing.’”





## “Investigation of the Baltimore Police Department,” U.S. Department of Justice, Civil Rights Division, August 10, 2016

- Two court cases highlight that a suspect’s possession of a firearm is not enough to justify deadly force.
  - *Tennessee v. Garner* (1985)
  - *Cooper v. Sheehan* (2013)
- “[T]he mere possession of a firearm by a suspect is not enough to permit the use of deadly force. Thus, an officer does not possess the unfettered authority to shoot a member of the public simply because that person is carrying a weapon.”



## The Case of Andrew

“Investigation of the Baltimore Police Department,” U.S. Department of Justice, Civil Rights Division, August 10, 2016

(Emphasis Added)

“[I]n a 2014 incident, a uniformed officer patrolling in an area allegedly known for drug trafficking and violence turned on his lights and sirens to respond to a call for service regarding ‘a silent alarm at a nearby block.’ As he did so, he noticed Andrew, ‘an unknown black male observe [his] marked uniform presence and flee on foot.’”

“The officer noted that Andrew was ‘holding his left side’ which the officer believed to be ‘a characteristic of an armed person.’”

# The Case of Andrew



“The officer abandoned the call for service that he had been responding to and **instead pursued Andrew, an unknown individual, alone, on foot.** Andrew entered a residential home from the back porch and locked the door behind him.”

“The officer, ‘[b]elieving that he might be armed, and fearing that the house he entered might not have been his, and also fearing that any evidence or contraband/weapons he may have on him would be destroyed/concealed,’ **‘forced entry into the house, damaging the door in the process.’”**

# The Case of Andrew



“If Andrew *had* been armed, the officer’s choice of tactics—forcing entry without backup—could have resulted in the officer being shot. Andrew ran to the front door where the officer caught up to him and attempted to make an arrest—the officer did not specify the crime for which he was attempting to make the arrest.”

“While the two were ‘struggl[ing]’ at the front door, a pit bull charged at them from inside the house.”

# The Case of Andrew



“The officer withdrew his service weapon ‘fearing’ that he would ‘have to shoot the dog.’ Eventually, to avoid the dog, the officer let Andrew run out the front door and continued to pursue on foot.”

“The officer then decided to tase Andrew because he believed Andrew ‘was involved in illegal activity,’ suspected he ‘had entered an unknown house,’ ‘might be armed,’ and ‘had already resisted all attempts to apprehend him.’”

# The Case of Andrew



“The officer tased Andrew two times, as the first deployment was not effective. After taking him into custody, **the officer discovered that Andrew was not armed, had no contraband, and was eventually determined, at a later, unknown time, to have an open warrant.**”

“The reason for the officer’s force listed in his use of force report was that the ‘suspect refused to comply.’”

# The Case of Andrew



The investigation concluded in this case:

- “This officer **repeatedly used unsafe tactics** that endangered himself, the individual he pursued, and a homeowner, and damaged a homeowner’s property.”
  
- “The officer’s use of force against Andrew was **highly questionable, if not clearly unreasonable**, particularly given the officer’s own training on the likelihood that the individual was armed.”

Who is the  
Rodef in this  
Scenario?



# Questions for Breakout Rooms

- How might the Gemara interpret people who carry guns? **Is an armed person a potential Rodef?**
- Is the conversation different when you include **armed police officers?** Why or why not?
- What can one assume about someone who is armed? **How do we know when our lives are endangered?**

