

After The Marathon Bombing
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Jack is a little boy almost five years old. He is my great nephew.

Last month he learned in school about community helpers. Public servants like police and firefighters. Because Jack lives in a rural area, the teacher included beekeepers in the category of community helpers.

When the marathon bombs exploded, Jack's mother, Christine, made every effort to keep that news from Jack. She monitored the TV and radio carefully. For a couple of days, Jack did not learn what had happened.

But then Jack heard the news two days after the attack when Christine didn't realize she had left him in a room with the radio on.

When she returned to him, Jack's eyes were wide with anxiety. He had urgent questions. How could three people be killed? Why did someone do this?

Christine wisely comforted him by steering the conversation to the help that the first responders provided. She told Jack that many community helpers had rushed to assist the injured.

Jack remembered his teacher's lesson about community helpers. He said, "So the police were there?"

"Yes," his mother answered, "the police were there."

"And the firefighters?"

"Yes, and the firefighters. "

Jack thought for a moment, then said, "But . . . probably not the beekeepers."

This wise young mother had turned the moment of the fear of a little boy into an opportunity for them both to feel and express their gratitude for all the community helpers.

I have felt a jumble of emotions about the marathon bombers, as I imagine most of us have. My first reaction was astonishment and disbelief. Almost immediately I felt anxious concern for all the injured, then deep sadness upon learning that the bombers had killed three people and intentionally and grievously wounded many, many others, that so many people lost their feet and legs. I then felt rage that I am sure we shared, deep anger at the people who committed this mayhem and murder. And I worried whether the perpetrators or

possible accomplices might be planning more attacks. Finally I was relieved when the second bomber was captured.

I felt at virtually the same time a great many emotions: disbelief, anxiety, sadness, rage, more anxiety, then relief.

The great Hebrew poet Yehuda Amichai captures the essence of that confusion of simultaneous feelings in his poem called "Adam B'Chayav Eyn Lo Zman." It starts this way:

Adam b'chayav eyn lo zman

sh'yihyeh lo zman lakol.

A man doesn't have time in his life

to have time for everything.

He doesn't have seasons enough to have

a season for every purpose. Ecclesiastes

Was wrong about that.

A man needs to love and to hate at the same moment,

to laugh and cry with the same eyes,

with the same hands to throw stones and to gather them,

to make love in war and war in love.

And to hate and forgive and remember and forget,

to arrange and confuse, to eat and to digest

what history

takes years and years to do.

At 7:03 on Friday morning just eight days ago, our telephone rang. It was the recorded voice of the Newton Mayor, Setti Warren. He said that the police required everyone in Newton to "shelter in place." Remain in your homes. Do not go onto the streets. Do not go to work. Do not use public transportation, which is being closed down.

For the next fourteen hours just about all we did was watch or listen to the news to follow the astounding manhunt that resulted finally on Friday night with the capture of Dzhokhar Tsarnaev.

Now perhaps, just perhaps, we can let down our guard a little. The indications so far are that the bombers acted alone and not as part of a larger conspiracy.

In this time of reflection, as we recall and consider the many events and emotions we have experienced, I pose two questions:

Where was God in all that happened? And how does Judaism instruct us about how our society should now deal with Dzhokhar Tsarnaev?

First of all, the God question.

My guide for navigating a question like this remains Rabbi Harold Kushner. I reread the conclusion of his most recent book, entitled The Book of Job: When Bad Things Happened to a Good Person. This is what he says.

God could have created a perfect world. God could have created a clockwork world. In such a world nothing horrible or terrifying, nothing like the marathon bombing, would ever happen.

But such a world would be a world without moral choice. Such a world would have no place for goodness.

Humans must be free. Freedom to be complete must include the freedom to reject good and to prefer evil. If not, we would not be choosing goodness any more than the sun chooses to rise each morning in the East.

Our world instead is a world of challenge and response. According to Genesis, ours is a world in which humanity eats the fruit of the Tree of Knowledge of Good and Evil. It is a world in which we must make hundreds of daily decisions to choose between right and wrong. It is a world in which we learn from mistakes when we get something wrong and therefore can grow.

This is also therefore a world with no shortage of problems, to say the very least. Yet this world is blessed with great minds and great souls to solve those problems. In our world humans have the power of choice. We can choose to invent things, to discover cures, to create great works of art that sometimes can come to life only out of great pain.

Rabbi Kushner teaches that God did not abandon this world when God finished making it. God is always here, comforting, inspiring, strengthening. God is that divine power source from which people draw strength to overcome sorrow, to fight injustice, to heal the wounds of body and soul.

We find God, he says, in the miracle of human resilience in the face of the world's imperfections and even the world's cruelty. People manage to survive tragedy. That divine force motivates doctors to search for cures, and friends and family and even strangers to hug us and dry our tears when we are stricken. That divine spark in humans, as we are created in the image of God, inspires people to become police officers and firefighters and nurses and doctors. That divine force inspires the first responders to run toward the bombs and not only because their jobs require them to do that. That divine force inspires bystanders also to run toward the bombs, drawn there by an inner

moral sense and by the need to assist others in preference to their own self-preservation. They have no duty to do that other than the duty that flows from being human in a world where choice is possible.

Rabbi Kushner concludes his book with these words. God said to Job, "It will not be a perfect world. But it will be a world marked by great natural beauty, inspiring human creativity, and astonishing human resilience. And I, God, will be with you in all of those times."

Job replies, "I repudiate my past accusations, my doubts, even my anger. I have experienced the reality of God. I know that I am not alone, and, vulnerable mortal that I am, I am comforted."

That is a theology with which I agree. Yet I also recognize that I did not personally lose a loved one or a foot or a leg and I don't personally know anyone who did. For those who did, the time for comforting words about the nature of God has probably not yet arrived.

To help them, what we can do is respond by showing up to comfort anyone we know who was afflicted. We can assist the many we do not know by providing them with financial help. We can do this through the fund that Governor Patrick and Mayor Menino started in the days immediately after the attack.

That fund is called "The One Fund Boston, Inc." You can find it on the web by Googling "onefund." The fund has raised more than \$24,000,000. Go to that site and contribute what you can. When we do that, we also are inspired by that divine force that is the way God works in this world.

Now for my second question: What can we learn from Jewish traditions and values about how our society should now deal with Dzhokhar Tsarnaev?

My first answer is found in Chapter 16 of Deuteronomy, which says, "Tzedek, tzedek tirdof." "Justice, justice shall you pursue."

Why does it say "justice" twice? The repetition teaches us that we are obliged to pursue the goal of justice and to do so through means that are just.

Our government chose to accuse Tsarnaev as a criminal defendant in our courts and to try him there by jury trial. He will be presumed innocent unless and until he is proven guilty beyond a reasonable doubt by competent and admissible evidence.

One United States Senator criticized that approach. He claimed that the government should declare Tsarnaev to be an enemy combatant so that he could be denied a lawyer and could be questioned freely for as long as the government chose.

I personally agree strongly with the government's decision. That is also the decision that Deuteronomy requires: "Tzedek, tzedek tirdof."

The government will need at some point to make another decision on which Jewish law and tradition also have a view. Should the government seek the death penalty?

The government has charged Tsarnaev in federal court with committing two crimes: the use of a weapon of mass destruction and malicious destruction of property resulting in death. The maximum penalty for these crimes is death. If Tsarnaev is found guilty, should the government put him to death?

Our Torah portion today would suggest that the answer is "Yes, he should be executed." The language is plain and is even repeated. Chapter 24, verse 17, says, "If anyone kills any human being, he shall be put to death." A few verses later, verse 21 says, "one who kills a human being shall be put to death."

This was the law of the ancient Israelites. But this is not the law of our Judaism. Our Judaism is rabbinic Judaism. The rabbis of the Talmud adopted rules that severely limited the ability of the courts to impose capital punishment. These rules were so strict that, as a practical matter, an execution almost never could happen. So the answer of rabbinic Judaism, of our Judaism, is "No, do not execute him."

Here are some of the rabbinic restrictions that apply in capital cases.

At least two witnesses who are not related to each other must testify that they personally saw the accused commit the offense.

The witnesses must also testify that they warned him ahead of time that what he planned to do is a criminal act punishable by death, and they must testify that he heard and understood them.

If the testimony of one witness is inconsistent with the testimony of another witness, even in small details, then the court cannot decide to believe one and disbelieve the other but must instead disregard the testimony of both witnesses.

The crime must be proved to have been committed by the accused of his own free will and without any assistance from any others.

Between the time of a guilty verdict and the time of execution, if the convict or any member of the public has favorable evidence that was not yet heard, the convict returns to court and the trial resumes.

These restrictions made capital punishment extremely rare. If the rabbinic court, the Sanhedrin, condemned more than one person to death in seven years, the Mishnah calls that Sanhedrin "murderous." Some sages of that period went even further. Rabbi Eleazar ben Azariah said that a court was

murderous if it executed more than one person in seventy years. Rabbi Tryphon and Rabbi Akiva declared their complete opposition to capital punishment. They said, "If we had belonged to the Sanhedrin during the time of Judea's independence, no man would ever have been executed." They would always have found some legal grounds by which to make a sentence of death impossible

We naturally hate the crime of the bombers. We may hate the bombers. But the tradition of justice in Judaism provides us with clear direction for what to think about how society should treat Dzhokhar Tsarnaev. He is presumed innocent until he pleads guilty or is proven guilty beyond a reasonable doubt in a court of law. If he is found guilty, he should of course be punished by a long prison sentence, but he should not be executed.

I hope in the coming days and weeks we and those most harmed by this atrocity will begin to emerge from our pain and sadness.

For this let us say, Amen.