

Torah Is Not as Bad as It Seems

Shabbat Ki Teitzei 5775

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What an awful Torah reading we heard moments ago! No, I'm not talking about the reader, but about the selection that I asked the father of our Bat Mitzvah to read on this sacred occasion. How could I ask a man, here to honor his daughter as she achieves a magnificent milestone in her religious life, to read a Scripture that prescribes stoning to death for an ill-behaved child? Of course, Hallie doesn't fit that description, so she has no cause for concern. But still.

Tonight's reading is one of the worst selections from the Torah. Or so it seems.

In biblical days, in the societies surrounding the Israelites, a man had total control over his minor children. Total. If he wanted to put his child to death, for any reason or for no reason at all, he didn't need anybody else's approval, and he could carry out the execution in private. The worst kind of murder, killing one's own child because of the young person's behavior, was perfectly legal in antiquity.

In that context, Torah isn't as bad as it seems. At first glance, Scripture seems to be prescribing an avenue for putting a young miscreant to death. Upon closer examination, though, that procedure would actually end the opportunity to murder one's own child legally.

First, the father can't act alone. Both the father and the mother must bring the child out to be killed. No provision is made for single parents, though single parenthood wasn't unusual in ancient days, given high maternal mortality. If there's no mother, the child can't be put to death legally. If there is a mother, she has to be involved. Mothers may be no less likely than fathers to want to carry out such a hideous deed. Torah's innovation is that the two have to consult with one another. Both have to agree that the child's behavior is so reprehensible and so beyond repair that they have no choice but to put the child to death.

How often would that happen? Our ancient rabbis think that the answer is "never."

Even if parents did agree to such a horrible punishment, the procedure becomes burdensome. They must bring the child to the city gate, the ancient version of the town square. Court was held at the gate. Even the conspiring couple couldn't put the child to death on their own. They had to state their case against their child publicly, casting aspersions on their own parenting.

How many parents would do that? Our ancient rabbis understood the answer: "None."

Still more roadblocks are erected. The parents are not authorized to stone the errant child to death. Instead, the sentence must be carried out publicly, by "people of the town."

How many local courts or communities would stone a child to death, whatever the testimony of the parents? Again, the sages answer: "None."

In short, this week's Torah reading gives the appearance of providing an avenue for parents to put a poorly behaved child to death; when in reality, it does just the opposite. Torah takes that absolute right away from the father, creating a procedure that would be impossible to fulfill.

We may well ask: "Why, then, doesn't the Torah simply tell us that we may not put our own child to death?" If the ways of the world are so horrible, why not simply outlaw them?

Restricting parents' rights so completely might not have been a reasonable option, too radical for the times. Instead, the Torah looks to accomplish the same result without appearing to do so.

I wonder if we might apply the same thinking to issues of our own day, even gun violence.

The facts are appalling. This week, *Forbes*, hardly a liberal journal, reported: "More than 32,000 people per year are killed by guns in the United States." That's about thirty for every 100,000 people. By comparison, five Canadians per 100,000 die from gun violence each year. The numbers in Germany and Great Britain are substantially lower than that. "More [Americans] now die by guns than by cars."

Americans love their guns. Hunting explains only a fraction of gun ownership. Countless Americans own gun because of the faulty assumption that one is safer with a gun in the house. Last year, a Gallup poll demonstrated that

“more than 60 percent [of Americans] thought a house with a gun was safer and only 30 percent believed it to be less safe.” Repeatedly, studies have shown that Americans are wrong. Homes with guns are more likely to be stricken with death-by-gun than homes without them.

Gun ownership has skyrocketed during the presidency of Barack Obama. Not long ago, the President joked, “I only have eighteen months to take away their guns.” Of course, he could not do so if he wished. Call it concern or call it paranoia, the idea that the President would strip Americans of their gun rights has led to the sale of untold numbers of firearms and ton upon ton of ammunition.

The problem is compounded by the National Rifle Association, once a beacon of gun safety and training, but now a radicalized and extremely powerful political force. How many congressional campaigns, of candidates from both parties, are fueled by NRA’s gun money?

In short, we can no more outlaw American gun ownership today than our biblical predecessors could completely remove child-killing from the books. Like the Torah, we need a more creative, more palatable, more incremental approach.

My colleague, Rabbi Joel Mosbacher, has taught me much about gun violence reduction. Rabbi Mosbacher is no disinterested party, having lost his own father to gun violence. Even with his personal experience, the Newtown school shooting spurred him to action

Rabbi Mosbacher is a leader of Do Not Stand Idly By, an effort to work with the firearms industry to change the debate and to save lives. Rabbi Mosbacher’s plan notes that some sixty per cent of gun deaths can be traced to firearms purchased in less than one per cent of American gun stores, retailers that flout existing laws, making it easy for outlaws to purchase guns with bad intentions. He seeks to persuade the industry to save lives by refusing to sell to those few “bad apples,” whose practices tarnish the entire industry – much of which, including Wal-Mart, is responsible.

Rabbi Mosbacher has also taught me that government entities – federal, state, and local – purchase some forty per cent of firearms sold in this country. Military, police, and the like, are collectively the largest customer of the firearms industry. Governments could use that purchasing power effectively, if they so choose, without limiting Americans’ cherished right to bear arms.

Rabbi Mosbacher told me about “smart gun” technology, which is entirely developed and ready for implementation. Guns could be equipped only to be fired if triggered by their owners’ fingerprints. Each gun could be activated with several fingerprints, if appropriate. If government entities would buy only smart guns, or would purchase armament only from companies that promote smart gun technology, then the firearms industry would have a strong business incentive to produce safer guns.

In short, gun violence, those 32,000 or more deaths per year, could be dramatically reduced, without adopting a single new law that would restrict law abiding citizens’ access to firearms.

Admittedly, I would favor stricter gun control laws. However, like the Torah, I recognize that changing the world requires identifying what is possible, and doing that.

I suspect that authors of Torah would have liked to outlaw the heinous practice of fathers murdering their children legally. Unable to do so, they found a way to end those murders without taking parents’ authority off the books. Today, of course, looking back, their solution seems crude, even horrible. How could they have created a process for killing misbehaving kids? Ultimately, of course, killing a disobedient child is illegal in every land where the Torah enjoys any significant following, Jewish or Christian.

Voltaire is generally credited with the aphorism, “The perfect is the enemy of the good.” When we think about stemming the scourge of gun violence in America, let us resist the temptation to press only for what some of us may imagine to be the ideal solution. Too many people are dying for us to continue tilting at those windmills. Instead, let us advocate for what is possible, for now. Let us save some lives, mindful that Talmud teaches that “one who saves one life is accounted as having saved the whole world.” The remedies Rabbi Mosbacher proposes would save many lives. Perhaps, once we get started, like the Torah and those ill-fated children, the momentum of our progress will be unstoppable.

Amen.