

however, Banner demonstrates that it still stirs deep ambivalence in Americans on both sides of the political divide. Despite widespread support for the killing of capital offenders, for example, a persistent revulsion toward the actual act of execution has led governments to banish the gas chamber and the electric chair, making the process of killing quieter, more "sanitary," and requiring less human involvement. The elaborate technological procedures currently used by most prisons for lethal injections allow everyone participating in the process to feel that "the ultimate responsibility for killing a fellow human being always lay with someone else" (299). A wide cross-section of Americans is also unnerved by the increasing number of innocent people who have been

condemned to death by the judicial system. Revelations of these cases, according to Banner, may be the factor that could once again turn public opinion against capital punishment. Yet, there seems to be an unfortunate public resignation, echoed in recent decisions by the Supreme Court, that it is impossible to ever totally banish racism and arbitrariness from the legal system. The one thing that does clearly emerge from recent discussions of the death penalty is the degree to which Americans are lacking solutions to the fundamental challenges presented by crime, racism, and human nature itself.

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Death Penalty Disconnect: American Jews and Their Communal Organizations

Lawrence Rubin

ational Jewish organizations and the Jewish grassroots differ sharply in their attitudes toward capital punishment. Jewish organizations have consistently spoken out against the death penalty, whereas American Jews — like Americans generally — have regularly supported it. Across this fault line, one finds Jewish organizations placing a priority on social policy considerations with long-term consequences for Jewish security in American society. The grassroots, on the other hand, focus not on policy but on personal safety, i.e., the immediate security of Jews on American streets.

When a divided U.S. Supreme Court, in Furman v. Georgia (1972), declared the death penalty unconstitutional, the court's finding was endorsed by the National Jewish Community Relations Advisory Council, the organized community's public affairs umbrella. In its authoritative Joint Program Plan (1973–74), the NJCRAC (now the Jewish Council for Public Affairs, JCPA) recommended that "Jewish community relations agencies make known their opposition to capital punishment."

Even as the *Joint Program Plan* went to press, a Harris poll revealed that Americans backed the

death penalty by 59 percent to 31 percent. Support for capital punishment remains high, with a 2001 Harris poll reporting belief in it by a 67 percent to 26 percent margin. American Jewish attitudes toward the death penalty mirror, occasionally with exquisite precision, those of other Americans. The 2000 Annual Survey of American Jewish Opinion, for example, sponsored by the American Jewish Committee, revealed that Jews favor the death penalty by the exact same 67–26 percent margin that Harris found a year later. Also in 2001, a national survey sponsored by Amos: The National Jewish Partnership for Social Justice found that American Jews, while professing a strong commitment to social justice, rejected a moratorium on capital punishment by 55 percent to 45 percent. Yet even as Amos poll respondents said no to the moratorium, the JCPA's national conference was adopting a resolution endorsing it.

The complexities inherent in the disconnect are illustrated by a 1985 public opinion poll undertaken by the Philadelphia Jewish Community Relations Council. The JCRC asked a representative sample of federation-affiliated Jews whether they agreed that the death penalty should be abolished. Sixty-seven percent said no, the death penalty should *not* be abolished, and an overwhelming majority asserted strong



feelings about it. By contrast, the JCRC board marginally agreed that the death penalty should be done away with. Sensing a weakening of the anti-death penalty consensus, the JCRC agreed to reconsider its position. Yet after serious and thoughtful discussion, the agency overwhelmingly reaffirmed a 1972 anticapital punishment position.

The Philadelphia situation suggests how and why organizations continue to oppose the death penalty even in the face of both popular support for it and also some restiveness among their own leadership. First, the Jewish community's organizational leaders tend to be more politically and religiously liberal than the Jewish population at large. Thus, they are more likely to support positions generally thought to be liberal.

Second, mainstream organizations appear to have reached a consensus that the death penalty provides no proven societal benefit. Indeed, debate on the issue has regularly concluded, like the U.S. Supreme Court in *Furman*, that the death penalty is often imposed discriminatorily, does not deter crime, and violates the Constitutional prohibition against cruel and unusual punishment.

Finally, leaders frequently resolve their ambivalence about the death penalty by noting that opposition to capital punishment is important to many of the ethnic, racial, and religious bodies with which the organized Jewish community often makes common cause. Hence, the argument goes, if it does not violate a basic principle or interest, endorsing the view of a coalition partner is potentially beneficial to subsequent coalitional efforts.

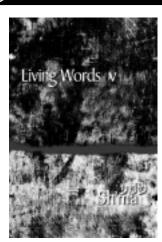
Conversely, the Jewish grassroots, like Americans generally, appear to evaluate the death penalty through the prism of experience. It is noteworthy that support for the death penalty did not always represent the popular view. In 1965, Harris reports, opposition to the death penalty outstripped support for it by 47 percent to 38 percent. However, in 1969, a scant four years later, the percentages virtually flip-flopped, with belief in the death penalty exceeding opposition to it by 48 percent to 38 percent. The 1960s may have been the decade of peace and love to some, but it was also the decade of major urban riots and profound, sometimes lethal, unrest. A fearful populace values the prospect of personal safety over arguments appealing to higher principles.

In an age of foreboding — fearful of terrorist attacks, unconventional weaponry, and the threats facing Israel — it is unlikely that the Jewish public would countenance efforts to limit a potent weapon in the criminal justice arsenal. Moreover, leadership has learned over the years that, when an unpopular though principled position is taken, often the most practical thing to do is to avoid headlining it.

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