

A thick, light-colored rope is knotted into a noose. The rope is made of multiple strands and has a textured, fibrous appearance. The noose is centered vertically and horizontally against a solid black background. The text is overlaid on the middle of the rope.

The Death Penalty: What Asia can learn from Judaism

A Tsunami of Conscience

Since the 1970's, a tsunami of conscience has been sweeping the globe. It is ideological in nature, and unlike those emanating from the ocean, its purpose is to save lives. Capital punishment, once considered a fair and just retribution for serious crimes, is gradually being expunged in civil societies throughout the world.

This wave, which has subsumed Europe, is hitting the shores of Asia. Executions in Taiwan have greatly decreased, and Korea is edging toward abolishment. Singapore, once the world's highest per capita executor, has shifted gears. Turkey has spearheaded the Islamic world's movement against execution. The industrialized nations of the world have reached a commonality that the death penalty is arbitrary, imperfect, ugly and costly.

A Cross-Cultural Comparison

Why do we execute? Through many years of cross cultural research on the death penalty, I have observed various motives across various regions. East Asian societies, woven of Confucianist fabric, strongly adhere to free choice and individual responsibility. Life is not a matter of fate, and those who commit serious crimes damage the harmony of the tribe. Morality dictates that they should be punished severely.

The similarities between Confucianism and Judaism are quite striking. Judaism's fundamental belief is that the individual is endowed with free will. Man is endowed with both good and bad tendencies, and it our duty to behave correctly. But such choices can be difficult, even perplexing. Therefore, we are required to study *halacha* (Jewish law) in order to act justly.

The strong attachment to free will is not universal. My Irish and Filipino friends believe in spending and living for today. Life exists in the moment-- you never know what tomorrow may bring. What a contrast to the Confucian and Jewish traditions of saving carefully to shelter against tomorrow's storm!

Why is the death penalty being eradicated throughout Europe? The European-Christian Tradition recognizes that all people are not born on a level playing field, wealth and fate are never distributed evenly. Multiply this ideology with Europe's bloody history of war, and the product is a strong revulsion with the machinery of death.

China and Japan: Two Anomalies?

Though the tsunami of abolitionism has influenced countries as large as India, and as small as Singapore, it seems to have little affect upon China. China is the world's premier executor. The exact number of executions each year has always been kept secret. What is not a secret: the economic benefits derived from capital punishment. Even small locales in China derive huge revenues

from the sale of organs harvested from the executed which are sold for high prices on the world market.

Japan is also an anomaly. After a period of no executions in the early 90's, it resumed capital punishment at a small but steady pace. Suddenly, executions catapulted dramatically. From December 2006 until January 2008, in the short span of 25 months, it became the industrialized world's premier executor with 32 hangings, eliminating 24% of its death row. The tide slowed only after one of the leading daily newspapers criticized the Minister of Justice as the "grim reaper."

Execution: A Political Statement?

Whether pro or con, criminologists all agree that death penalty is a political punishment--both at the local and international level. One international imbroglio flared in Asia. In 1999, the EU pleaded to stop the execution of Philippine national Leo Echagaray. The German Ambassador, Franz Gottleman, urged an editor of an influential newspaper to take a vocal stance against the execution. The following morning's



editorial: "Get Out Gottleman! We don't want throwbacks to the master race!"

Japan's fantastic escalation of executions was politically motivated. In 2006, a high power delegation from the EU toured Japan promoting abolition. Delegates from various countries exchanged opinions with Japanese academics, jurists, and reporters. Abolition is a prerequisite for admission to the EU which sincerely believes that what works well for Europe will certainly improve societies elsewhere.

Not so the Japanese Ministry of Justice. The ministry's main responsibility is to make sure Japan stays Japanese. It polices immigration by erecting barriers to refugees, oversees the criminal courts and prisons affairs, and of course, decides whom gets hung on the gallows. In response to the visit of the EU and their message of abolition, it sent an unequivocal and brazen Xmas greeting. Four prisoners were hung on the morning of December 25, 2006.

Judaism: Life is Sacred.

Does Judaism condone the death penalty and retribution against criminals? On the surface, the Torah appears to favor the death penalty. But the Rabbinic masters have taught otherwise. According to the Talmud, "A court that sentences one person to death every 7 years is a bloody court." Another commentary ups the ante by a factor of ten: "A court that sentenced one convict to death every 70 years was a bloody court. (*Makkot* 1:10)"

Israel stands out as a salient example of restorative justice. Commit a single murder in some parts of the USA, and you may very well be sentenced to death or life without parole. In the European Union, life without parole is considered so cruel and severe that it is forbidden



The Torah's major concern is with protecting the sanctity of human life. Interestingly enough, the Israeli courts have embraced this principle. In its 62 year history, only one defendant has been executed: former Nazi concentration camp director Adolf Eichman.

with the exception of the criminally insane. Death by execution and death by incarceration are not differentiated.

Israel recognizes that even the cruelest murderers can be rehabilitated. Witness the release of Japanese Red Army member Kozo Okamoto in 1985. Twelve years earlier, on May 30, 1972, Okamoto and two other terrorists opened fire at Lod Airport killing 26 people. Of the three terrorists, only Okamoto survived.

At the time of the incident in 1972, most countries would have tried and executed him with alacrity. Sentenced to life imprisonment, Okamoto was released with others in a prisoner swap in 1985. The Israeli's were not pressured into the release. They could have facilitated the swap and kept Okamoto. Why was he released? The military authorities no longer considered the one time terrorist a threat. Let the USA take note!

A Righteous Last Word

Immediately before execution, the accused in Japan are allowed a final

statement. Of the four Xmas day executions, one offered an unforgettable memorial. Yoshio Fujinami, committed some heinous murders while under the influence of drugs and alcohol in the late 1970's. After 27 years in jail, the 75 year old, whose legs had atrophied after being confined to a pint size cage, had to be wheeled to the gallows .

In his final colloquy, Fujinami mentioned another executee, Shuji Kimura, who was executed in December 1995. Kimura hoped to be the last execution in Japanese history. Fujinami proffered the same:

"Shuji Kimura hoped to be the last prisoner executed, and with my turn coming, and I hope that I am the last. Today, I hope that I am the only execution. I pray that my life will attach to a peaceful 21st century, constructed in a culture of goodness. *Shalom*."

Kozo Okamoto, a terrorist who succeeded in murder was unconditionally freed by Israel and is alive and well in Lebanon. Whether he is committed to peace or terror is anybody's guess. Yoshio Fujinami's final moments, and perhaps his evening years were committed to peace. Yet he was executed. Let us hope that Fujinami's final word-*Shalom*- fills the world, the heavens above, and the criminal courts below. ✡

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