

Kol Nidre 5778

September 29, 2017

Michelle Jones is a 45 year old African-American woman who has just started a PhD program at New York University. She is the author of a respected study on mistreatment of women by an Indiana institutional system in the early 1800s. She is also a baby-killer. When she was a teenager she murdered her 4 year old disabled son. She beat him severely one day in 1992, and left him for dead. She found his body a few days later and buried him in the woods without informing anyone. Ms. Jones got out of prison after 20 years a few days before starting her doctorate. I use the term “baby killer” because it expresses the kind of revulsion people feel about a crime like hers. It is the horror that says, “Lock her up and throw away the key.” There can be no mitigating factors. But there are mitigating factors. After becoming pregnant by rape at 14, her mother beat her in the stomach with a board. The child was consequently disabled. Jones’ 50 year sentence was commuted to

20 because of her tremendous efforts at rehabilitation in jail.

Harvard University had been about to admit her to their PhD program, but then cancelled the admission. The leadership of the university says she “downplayed” the severity of her crime. In what I consider an admirably candid moment, a Harvard official told the New York Times Harvard was worried about criticism from conservative media outlets. It is easy to say Harvard should not bow to a public relations issue. But I am not as judgmental. She has something terrible in her past and Harvard has an obligation to consider the effect of negative press on its whole operation.

“Motherhood and apple pie.” Those are the wholesome values America likes to stand for. A woman who murders her children is an abomination. She must be somehow a different species from normal people, right? That’s what we want to think, but it is not necessarily how God thinks. The Torah in Deuteronomy says:

אַתֶּם נֹצְבִים הַיּוֹם בְּלִבְכֶם לִפְנֵי יְהוָה אֱלֹהֵיכֶם רְאִשֵׁיכֶם שְׁבִטֵיכֶם זַקְנֵיכֶם וְשִׁטְרֵיכֶם בְּלִ

אִישׁ יִשְׂרָאֵל: י טַפְכֶם וְנְשֵׁיכֶם וְגֵרְךָ אֲשֶׁר בְּקִרְבְּךָ מִחֲנֻכֶּךָ מִחֻטְבַּ עַצְיֶיךָ עַד שְׂאֵב מִיְמֶיךָ:
 לְעִבְרְךָ בְּבְרִית יְהוָה אֱלֹהֶיךָ

You stand this day, all of you, before the LORD your God—your tribal heads, your elders and your officials, all the men of Israel, ¹⁰your children, your wives, even the stranger within your camp, from woodchopper to waterdrawer—¹¹to enter into the covenant of the LORD your God, ¹

You can count ten different terms for those included in the brit between the Jewish people and God in this passage. The Netivot Shalom (the Slonimer Rebbe, d. 2000) notes that all classes of Israelites -- from high to low -- are mentioned here. In the Zohar, “You stand this day,” refers to yom ha-din, Rosh Hashanah. For the Slonimer, all Jews are not judged equally. A great personage is judged more severely than the average Jew, and the average Jew more severely than those of limited

¹ Jewish Publication Society. (1985). *Tanakh: The Holy Scriptures* (Dt 29:9–11). Philadelphia: Jewish Publication Society.

mental capacity. Furthermore, every individual could be in any of the ten groupings at any point in his or her life. There are times when you might be a “tribal head” or an “elder,” fully able to control yourself and understand the severity of your sin. But there are also times when you might be a “woodchopper” or a “waterdrawer.” You might be sinning under duress. You might be so troubled or confused you have limited ability to realize the consequences of your actions. (I realize this is probably a stereotype of the abilities of manual laborers, but it is still a powerful idea.)

Michelle Jones wrote of her son Brandon in her Harvard application: “I have made a commitment to myself and him that with the time I have left, I will live a redeemed life, one of service and value to others.” Some will pooh pooh this statement as cynical. “Well, maybe you should have redeemed your life when you were murdering him.” But there is ample evidence of the toll of abuse on mental health. Those who were abused tend to abuse. Teenagers’ judgment is not fully developed in general, let alone a teen rape victim. We humans have a

tremendous urge to punish a mom who murders her child in a way that shows our revulsion. That is not us. But the horrifying truth could be that Michelle Jones is us in another circumstance or under different conditions.

Note that the Slonimer still categorizes what we might have done under duress as sins. None of this is to say that Jones bore no responsibility at the time for what she did. But that does not mean she bears the same responsibility forever. The attorney who prosecuted her case make exactly this point:

Look, as a mother, I thought it was just an awful crime. But what Harvard did is highly inappropriate: I'm the prosecutor, not them. Michelle Jones served her time, and she served a long time, exactly what she deserved. A sentence is a sentence.

Saying someone deserves punishment is not the same as saying they deserve eternal punishment.

Does this mean anything in our own lives? First, it perhaps means rethinking compassion in cases we may not be inclined to have it. But it also suggests that things we have done wrong should not control our lives after having suffered the consequences. Don't get me wrong.

Thank God, almost none of us have committed a crime as bad as Michelle Jones'. But most of us have made mistakes or committed real sins that hurt ourselves or somebody else. We may have lived through the consequences: a lost friendship, a damaged relationship with child or spouse. The mishnah teaches that once we have done our best to ask forgiveness of God and man, Yom Kippur brings atonement. We do not have to keep punishing ourselves emotionally for our sin.

The Torah says, "an eye for an eye." There are many people who hear Michelle Jones' crime, and feel she should have been sentenced to death, or at least never get out of prison. But the Rabbis, in their insistence that the Torah means a commensurate monetary penalty, make a significant point. "An eye for an eye" is never really possible. Suppose the injurer's eye is larger than that of the injured? Then it is no

longer an exact punishment, as the Torah appears to demand. There is no real punishment equal to the crime of killing your child. In practice, though, someone who did so is still capable of good. Even a woman who killed her child may not be a monster. May Michelle Jones' scholarly work contribute to her redemption, and that of the world.

