

Repentance

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In his article about repentance in *Contemporary Jewish Religious Thought* (edited by Arthur Cohen and Paul Mendes-Flohr [New York: Free Press, 1988], pp. 785–794), Ehud Luz points out that the numerous biblical references to *t’shuvah* (“repentance”) are almost exclusively directed to the community of Israel as a whole rather than to the individual. The sages of post-biblical times, however, were more concerned with *t’shuvah* of the individual. And, in the intervening centuries, both concepts of repentance—*t’shuvah* as a communal challenge and as an individual’s personal responsibility—have become indispensable parts of the larger picture. Here, however, I wish to discuss in particular the path of *t’shuvah* for today’s Conservative Jewish individual, and specifically to draw my ideas from the masterful exposition of the topic in Maimonides’s law code, the section of the *Mishneh Torah* called Hilkhot T’shuvah. (Most of the texts presented in this chapter appear in the translation of Philip Birnbaum, who published his collection of texts from the *Mishneh Torah* under the title *Maimonides’ Mishneh Torah* [New York: Hebrew Publishing Company, 1944].)

T'shuvah

The Hebrew word *t'shuvah* is related to the word meaning “to turn” or “to return.” Indeed, the expression “to return in *t'shuvah*” is part of the vocabulary of modern Hebrew. But Professor Luz makes a distinction between two different types of “returning” current in our times. One tends to emphasize the restorative aspect of *t'shuvah* as a return to Judaism’s traditional teachings and way of life. A person who makes this kind of return typically relinquishes many of the customs and values of the secular world. He or she will at the same time accept the authority of rabbinic leaders and their beliefs. There is, however, another kind of *t'shuvah*, one more in tune with the definition of the philosopher Franz Rosenzweig, who suggested a form of “returning” to Judaism that would integrate the values of Western humanism with the rituals and moral positions of the Jewish faith. Rosenzweig, who died in 1929, serves even today as a model for modern educated Jews seeking a way to return to their religious tradition without abandoning all that is positive in modern culture. As such, Conservative Judaism teaches that returning to God in repentance does not and should not require abandoning or rejecting the secular world.

The Confession of Sin

Maimonides begins his exposition of the traditions of repentance by insisting that the inner urge toward *t'shuvah* be given vocal expression. “How does one confess?” he asks rhetorically, then answers with the simple idea that one must say aloud, “I regret my acts and am ashamed of them” (*MT* Hilkhot T'shuvah 1:1). Mention is made of sacrificial offerings intended as ritual demonstrations of the desire to undo one’s own sins, but Maimonides notes that only repentance and the catharsis of Yom Kippur are left to us today as vehicles for self-motivated return to the service of God.

The sincere recitation of liturgical confessions constitutes our method of asking God for forgiveness today. We realize that we may not have committed all the sins enumerated in the standard text, but we join with the congregation in reciting the full litany nevertheless, deriving security from the presence of other worshipers also attempting to approach God in penitential prayer. In any congregation, we know, there are those (such as ourselves) who have transgressed. But we console ourselves by admitting that there must also be a majority of good people with whom we can associate and from whose example we can learn to do better. By confessing our sins as a community, we seek the strength to repent as individuals.

Nor must we suppose that people either do or do not have the inner fortitude to repent for past transgressions and that those who do not are simply out of luck. That kind of inner resolve, our tradition teaches, is itself one of God's gifts and, at that, one for which we pray daily. Indeed, in the daily *Amidah*, a prayer that tradition dictates be recited three times daily on every weekday of the year, the fifth benediction includes a plea that God "help us fully to repent all our misdeeds" and then concludes by acknowledging God not only as the One to whom one *may* direct one's penitence, but as the One who specifically "desires the repentance of sinners."

Sins against God and Sins against People

It is generally accepted that Yom Kippur effects atonement only for sins against the ritual strictures of Scripture (*MT Hilkhot T'shuvah* 2:9), but that sins committed against a fellow human being must be dealt with in another way. The sinner, for example, must compensate the victim in the case of robbery or injury, but mere payment is not enough. One must also try to appease the wronged party and ask formally and earnestly for that individual's forgiveness.

Approaching the equation from the other direction, Maimonides teaches us that, when approached for forgiveness by someone who has done us wrong, we should forgive wholeheartedly and neither bear a grudge nor show cruelty by a refusal to accept the apology (*MT Hilkhot T'shuvah* 2:10). Indeed, the Torah's commandment at Leviticus 19:18 not to bear a grudge could easily be imagined to apply specifically to situations like this.

The custom has also evolved of approaching those with whom we have had some disagreement and asking for their forgiveness before the *Kol Nidrei* service, and this practice should be encouraged. It is understood as almost self-evident that we cannot dare approach God for divine pardon before pacifying those fellow human beings whom we have even possibly wronged.

Of particular interest is the case of Jews who stand aloof from the community, as discussed by Maimonides at *MT Hilkhot T'shuvah* 3:11. Such people separate themselves from the Jewish people, take no interest in its distress, and decline to share in its festivals and its fasts. Such people according to Maimonides are an affront to their people and to God, and they have no share in the World to Come. But even they have the potential to return to God in repentance, regardless of how far removed they may be from any sense of personal involvement in the destiny of the Jewish people. What Maimonides would have made of those in our modern communities who neither fast nor participate even marginally in the rituals of Judaism but are nevertheless very

involved in communal life is hard to say. Such people feel very strong ties to their own Jewishness by virtue of their commitment to the community and, no doubt, would bristle mightily at the suggestion that ritual observance is the only yardstick by which to measure Jewish commitment. We can respect such people for their efforts and for their emotional involvement in communal life. But we cannot reject Maimonides's teaching that a Jew who lives contrary to the commandments of the Torah is still called upon to repent. Such people, therefore, should not be condemned or dismissed; instead of continuing to live lives informed by a strong sense of Jewish identity yet not engaged with traditional Jewish ritual and observance, they should be encouraged to consider *t'shuvah* in the Rosenzweigian sense.

Inadvertent Offenses

Repentance applies to all sins, even those barely noticed when committed. It is for this reason, in fact, that tradition endorses the concept of a litany of sin and a general Day of Atonement intended to cover all forgotten and overlooked indiscretions. According to Jewish tradition, for example, people who accept as a gift part of a meal that is insufficient to satisfy its owner are guilty of at least a form of robbery, because they are in effect taking for themselves what should rightfully belong to another (*MT Hilkhot T'shuvah* 4:4). Yet which of us would know that at the moment? Similarly, gazing at members of the opposite sex lustfully and speaking highly of ourselves at the expense of others are forms of degradation that are forbidden, but regularly committed by most of us almost inadvertently. In a similar category are certain obnoxious activities like gossip and slander, which are generally committed so automatically as almost never to call attention to themselves. All these and similar misdeeds do not preclude repentance, but simply make it more difficult to attain. If a person is sincerely remorseful and repents wholeheartedly, then such an individual will, to use the traditional formulation, surely have a share in the World to Come.

Free Will

Free will is granted to all people. With their intelligence and reason, humans are always presumed to know what is good and what is evil. Indeed, the Bible recounts the story of Adam and Eve eating from the fruit of the Tree of Knowledge of Good and Evil to teach that this ability is part of the common heritage of all humanity. Adam and Eve could have remained childlike in their

innocence, but the consequence of their sin is that all people today are deemed able to know the difference between acceptable and wicked behavior.

Thus, every human being, with no exception, has the capability of becoming a righteous individual or a wicked sinner. In fact, Maimonides regards the doctrine of free will as the great pillar of the Torah upon which the divine commandments all rest. He writes that one should not believe the absurd statements of those fools, Jews and non-Jews alike, who imagine that a child's future character, good or bad, is determined by God as early on as that person's conception (*MT Hilkhoh T'shuvah* 5:2). This would be tantamount to saying that the individual is compelled by fate to follow a certain line of conduct, an idea wholly inimical to the lessons of Scripture. According to the Torah, one's conduct is entirely in one's own hands and cannot be influenced by external factors. (At *MT Hilkhoh T'shuvah* 6:3, Maimonides even goes so far as to interpret the biblical references to God "hardening" Pharaoh's heart as punishment for past sins rather than as an inexorable decree that Pharaoh be an evil person.)

No one can be forced to be good or bad. Indeed, if one were compelled to act according to the decree of fate, then there would be neither freedom nor choice at all, and the zeal or recalcitrance one shows in obeying the commands of the Torah would thus reflect neither well nor poorly on the individual in question. It would also be useless to study or attempt to acquire a skill, since no one could ever attain anything other than what had been previously ordained; destiny would be unavoidable. Modern Jews should fully embrace the notion that we are in full command over all our actions at all times, that we always have the choice to act morally or immorally, and that this choice is completely unrelated to the extraneous details of someone's education, upbringing, culture, or talents. The meaning of *t'shuvah* for moderns derives directly from this set of ideas: in the freedom to embrace good lies the freedom to desist from embracing evil, and the act of turning away from the path of iniquity and sin is precisely how modern Jews should define repentance.

The Ten Days of Repentance

Blowing the *shofar* on Rosh Hashanah, says Maimonides, awakens us from our slumber and asks that we remember our Creator (*MT Hilkhoh T'shuvah* 3:10). Furthermore, all people should regard themselves throughout the year as though they were half innocent and half guilty. If one commits even one additional sin, therefore, the scale of guilt is then tilted toward evil and one has

fully to bear the responsibility of those actions. It is a worthy custom to give charity and perform good deeds between Rosh Hashanah and Yom Kippur to a far larger extent than during the rest of the year. The special S'lihot prayers, described in this volume in the chapter on the festivals, are recited from before Rosh Hashanah until Yom Kippur in order to stimulate the desire to return to God in full repentance. Indeed, the prolonged process called traditionally by the Hebrew name *heshbon ha-nefesh*, literally “an accounting of the soul,” that precedes and continues into the High Holiday season is intended to help us own up to the ways in which we have sinned, so as to make us able to address our shortcomings and transgressions directly and specifically during the days leading up to Yom Kippur as well as on Yom Kippur itself.

The Tashlikh ceremony, usually performed on the first day of Rosh Hashanah, involves going to a body of water and, by tossing some crumbs into the water, symbolically casting away one's sins. It is true there was a time when many rabbis derided this ceremony as simplistic and potentially misleading and that the Vilna Gaon himself was of the opinion that the time spent at Tashlikh could be far better spent studying Torah. However, moderns do not need to set it aside: because it is an exercise in symbolism, not magic, the ceremony has the ability to encourage us to see *t'shuvah* as something attainable, as something no more complicated than emptying our pockets of crumbs. The practice of symbolically transferring one's sins to a live chicken which is then slaughtered is favored by some hasidic sects. As mentioned by Alan Lucas in his discussion of the High Holidays, there is also a version of the ceremony that involves the symbolic transfer of one's sins to coins which are then given to charity. Because of the inherent cruelty to the animals involved in the original version of the ceremony, it makes far more sense to opt for the version of the ceremony featuring the giving of *tz'dakah* (for which a liturgical setting is provided in *Mahzor Lev Shalem*) or on the recitation of S'lihot and/or participation in Tashlikh to grant physical reality to the desire to repent.

The days between Rosh Hashanah and Yom Kippur are also the traditional time of the year to study those classic works that have been composed over the centuries that are specifically intended to awaken in us the desire to renounce sin and live godly lives. Of these, the best known are probably the *M'sillat Y'sharim* (“The Path of the Just”) by Rabbi Moses Ḥayyim Luzzatto (1707–1746) and available now in a new English translation by Rabbi Ira Stone (Philadelphia: The Jewish Publication Society, 2010), the *Sha'arei T'shuvah* (“The Gates of Repentance”) by Rabbi Yonah Gerondi (d. 1263) and available in the English translation of Shraga Silverstein (Nanuet, NY,

and Jerusalem: Feldheim, 1967), and the *Tomer D'vorah* (“The Palm Tree of Deborah”) by Rabbi Moses Cordevero (1522–1570) currently available in several English translations including one by Rabbi Louis Jacobs (London: Valentine, Mitchell, 1960).

Misdeeds for Which There Can Be No Practical Repentance

Writing in the *Mishneh Torah* at Hilkhot T’shuvah 4:3, Maimonides notes that some misdeeds by their nature preclude the possibility of repentance. Generally, these are sins that are committed against another person without it being possible after the fact to identify the wronged party, thus also not to pay compensation or to ask for pardon. In this category, Maimonides mentions one who curses the entire people and not an individual, one who shares stolen property with a thief, one who finds lost property and does not publicize it in order to return it to its rightful owner, one who despoils the poor (including orphans and widows), and one who takes bribes to subvert the course of justice.

Moderns should ponder this list thoughtfully. Maimonides is not contradicting his theory that all people can repent of all sins, but simply noting that the basic requirement for repentance involves making restitution and peace with the wronged party, and that there are instances in which this is so impractical as to be effectively impossible. Thus the belief that the gates of repentance are always open has to be tempered with the sobering reality that there are times when it will not be simple, or perhaps not even possible, to identify the aggrieved party, or all the aggrieved parties, at all. It is through the contemplation of this aspect of reality that the urgency of prayer on Yom Kippur will gain its fullest force for many.

The Power of Repentance

To achieve true repentance, one must not only focus on deeds done, but also on the negative and destructive emotions like anger, hatred, envy, greed, and gluttony that lead people to transgress. When people become addicted to such emotions, they find it hard to get rid of them, and this is so despite the prophet’s simple instruction to the wicked and the guilty among us that they simply give up their evil ways and their wicked thoughts (Isaiah 55:7). Still, true and sincere penitents are loved by the Creator as if they had never sinned, a remark that echoes throughout rabbinic literature. (“Did not Reish Lakish once say,” the Talmud asks rhetorically at *BT Yoma* 86b, “that the greatness

of repentance lies specifically in its ability to take willful acts of disobedience and transform them into merit?”) Furthermore, the reward is great for those who have tasted sin and nevertheless suppress the evil impulse: “Where repentant sinners stand,” our sages teach, “even the [ever] righteous are unable to stand” (*BT B’rakhot* 34b). This implies that the merit of those who repent is superior to that of those who never sinned, for the former had to exert greater effort in suppressing their impulse to turn away from God’s law.

Forgiving and Forgetting

Those who repent should be exceedingly humble in their behavior (*MT* *Hilkhot T’shuvah* 7:8). If ignorant people insult them by reminding them of their past deeds, they should pay such people no attention. As long as they regret their former lifestyle, their merit is not to be questioned. Modern Jews should take this to heart. We have in our congregations many who have become observant later in life, as well as many who have converted to Judaism. It is of the greatest importance that their decision to turn or return to the ways of Torah be respected by not repeatedly being mentioned aloud. To remind penitents of their past can be very hurtful and we should rather delight in their decision to become observant or to join the Jewish people.

Forgiving the Unforgivable

Is there such thing as vicarious forgiveness? Simon Wiesenthal spent many months in German death camps and experienced torture and indescribable horror at the hands of the Nazis firsthand. Eventually, a dying SS man begged forgiveness for his crimes from Wiesenthal. Wiesenthal reports that he actually felt a tinge of compassion for the man, but chose instead to say nothing and instead walked quietly out of the room. (The author tells the full story in *The Sunflower*, originally published by Schocken Books in 1976 and then in an expanded edition in 1998.) Did he behave properly? Surely, that is not a question for others to answer, but the bottom line has to be that even if Wiesenthal *had* forgiven the man, he could only have done so for crimes committed against himself. The murdered are not in a position to forgive, and neither is any living person other than the wronged party. Indeed, the only way in which a murderer can reasonably seek forgiveness is through repentance itself, the process whereby the sinner bypasses the world and pleads his or her case directly before God. When we are asked to forgive sins committed by other people against deceased third parties, the fact that those third parties are dead and thus unable to forgive does not grant us the right to speak on their behalf.

Yet granting others forgiveness in a global way is a moral imperative. We can, for example, admire the Truth and Reconciliation proceedings held in South Africa in the mid-1990s, which were planned to create a context for the wronged of a nation to forgive those who were responsible for their misfortune. Archbishop Desmond Tutu's words go straight to the heart of the matter: "Without forgiveness there can be no future and without memory there can be no healing." (Many South African rabbis were critical of his stance at the time, however.) The modern Jewish attitude was succinctly stated by Abraham Joshua Heschel, whom I cite as quoted by Simon Wiesenthal in *The Sunflower*, ed. 1998, pp. 130–131: "No one can forgive crimes committed against other people. It is therefore preposterous to assume that anybody alive can extend forgiveness for the suffering of any one of the six million people who perished."

That should be our attitude as well. Forgiveness can only be extended for wrongs personally suffered. Other instances of sinful behavior, no matter how extreme, can only be dealt with through the medium of intense, introspective repentance founded on faith in a forgiving God and in the ability of even the worst sinner to turn back to the ways of decency and goodness. We may thus make a reasonable distinction between encouraging others to repent of their sins by talking about God's endless capacity to forgive, but without going so far as actually to forgive someone for actions taken against others. In the end, only the aggressed-against party can forgive the aggressor.

Context Is Everything

It may be difficult to ask others to forgive you. Some of the affected parties may be far away or impossible to locate. Others may have died. Rabbi Ovadiah Yosef, spiritual leader of Sephardic Jewry in Israel, offers some suggestions in his *Hilkhot Erev Yom Ha-kippurim* 82:8:9, where he states that although one should always directly contact a person one has wronged and ask for forgiveness, this is not always possible (Ovadiah Yosef, *Sefer Yalkut Yoseif: Piskei Halakhot Be'inyanei Haggei U-mo'adei Ha-shanah* [Jerusalem: Y'shivat Hazon Ovadiah, 1984], p. 81). If the offended person is out of town, a letter can be written. For moderns, a telephone call or e-mail will often suffice to get things started. If the offended person has died, tradition dictates that a *minyán* should be assembled at the grave and prayers for forgiveness and even posthumous reconciliation intoned—a powerful, moving ceremony that moderns have abandoned to their own detriment.

In the event that someone refuses to forgive, one should not desist but continue to ask for pardon up to three times. However, if the offended per-

son is one's rabbi, one should try even one thousand times (Maimonides, *MT Hilkhot T'shuvah* 2:9).

The Kol Nidrei prayer, discussed by Rabbi Alan Lucas at length elsewhere in this volume, should also to be mentioned in this context. For observant Jews, the recitation of Kol Nidrei, an Aramaic formula recited at sunset on the eve of the Day of Atonement, becomes the threshold to the holiest day of the year. The prayer says that all vows and oaths that we may swear or pledge, and that we may inadvertently violate, should be annulled and made void and of no effect. For anti-Semites, however, Kol Nidrei was taken merely to constitute evidence that Jews are duplicitous and two-faced. As a stand-alone statement divorced of its historical context, the prayer does seem to suggest that there is no such thing as a promise or oral contract that cannot be broken in Judaism. In fact, however, context is everything and the prayer refers only to personal vows: those made by individuals in relation to their own conscience or to God, not interpersonal ones made by an individual to another person. In fact, if one wishes to free oneself from a vow made to a second party, the process is extremely complicated and involves appearing before a religious court and formally seeking release from one's vow-bound relationship.

In *A Jewish Theology* (London: Darton, Longman & Todd, 1973; p. 259), Rabbi Louis Jacobs makes a summation that should be our guide today:

... it can be seen that the teachings regarding sin and repentance as these appear in the sources strike on the whole a balance between childish irresponsibility for which saying sorry is enough and morbid guilt for which nothing one does to repair the wrong is enough. The need to find peace in one's soul by shedding the guilt load by constructive means, thus making good the harm that has been done, [and effecting the] renewal of one's personal life [and] reconciliation with God and with one's fellows: these, far from being infantile, are tests of a mature personality.

Special emphasis is given to these themes in the Jewish tradition on the Day of Atonement and the days preceding it, the Ten Days of Penitence. It remains to be said that repentance is not a seasonal matter; yet there is point in setting aside a special period in which the Prayers and the ritual can succeed in reminding man [sic] at the beginning of the New Year to lead a new life in the presence of God. 